



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 24, 2026

Charlotte Yuen
Planner
City of San Jose
200 E Santa Clara Street
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RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE SANTANA ROW MASTER PLAN UPDATE DATED FEBRUARY 13, 2026,
STATE CLEARINGHOUSE NUMBER [2013122059](#)

Dear Charlotte Yuen,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Santana Row Master Plan Update (Project). The proposed Project is comprised of five components: 1) modify the existing PD zoning for Santana Row to conform with the now-adopted Santana Row/Valley Fair Urban Village Plan which allows for additional office square footage, 2) establish the new conforming heights for existing Lots 1, 2B, and 10A of 150 feet (plus allowable mechanical screening parapet) consistent with the adopted Santana Row/Valley Fair Urban Village Plan, 3) merge existing Lots 1A, 1B, and 1C into a single parcel, 3) merge 524, 534, and 544 Dudley Avenue into a single parcel (Lot 17) with a maximum height limit of 162 feet, 4) remove 22 existing street parking spaces on both sides of Dudley Avenue to widen the Lot 17 sidewalk, and 5) addition of an approximately 0.54-acre parcel. DTSC recommends and requests consideration of the following comments:

1. The Project is within a site that DTSC has regulatory oversight over: [Town & Country Village Shopping Center Site](#). This Site has multiple Land Use Covenants (LUCs), dated 7/24/2004, which include the following restrictions:
 - a. activities prohibited which disturb the remedy and monitoring systems without approval
 - b. asphalt cover not to be disturbed without approval
 - c. check for cracks in foundation
 - d. day care center prohibited
 - e. elder care center prohibited
 - f. hospital use prohibited
 - g. land use covenant
 - h. no excavation of contaminated soils without agency review and approval
 - i. notify after change of property owner
 - j. notify prior to change in land use
 - k. notify prior to subsurface work
 - l. perform H&S plan prior to subsurface work
 - m. public or private school for persons under 21 prohibited
 - n. requires surface covers
2. The LUCs state that the cover shall not be altered without written approval by the Department and that all uses and development of the Covered Property shall preserve the integrity of the cover. Activities that may disturb the cover shall not be permitted on the Property without prior review and approval by the Department.
3. The NOP of a DEIR does not contain sufficient detail regarding potential risks to the existing hazardous waste cap. The current documentation lacks site-specific analysis of construction impacts, subsurface interactions, and protective measures necessary to assess cap integrity. DTSC recommends providing a description of the hazardous water cap which encloses the contaminants left on-Site as well as a figure which shows the location of the cap (i.e., paving and building foundations) in relation to the contamination left in place.

4. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).
- 5 DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in [DTSC's PEA Guidance Manual](#). Furthermore, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the Santana Row Master Plan Update. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via [the CEQA Review email](#) for additional guidance.

Sincerely,

Tamara Purvis

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cc: (via email)

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