Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

August 5, 2026

Samuel Gutierrez
Principal Planner
County of Santa Clara
Department of Planning and Development
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RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 1320 N DIANA AVENUE HOUSING PROJECT DATED AUGUST 4, 2026, STATE CLEARINGHOUSE NUMBER 2026080052

Dear Samuel Gutierrez,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the 1320 N Diana Avenue Housing Project (Project). The Project development area is approximately 13.75 acres and would include development of 86 housing units consisting of 68 single-family detached homes and 18 duet homes. Two existing residences would remain, while one existing residence and associated structures, including greenhouses, sheds, and ancillary buildings, would be demolished. With the exception of a single residence at 1320 North Diana Avenue, which is proposed to be demolished, all structures on-site are less than 45 years of age. The Project would be constructed in multiple phases over approximately two years. The Project area was historically used for agricultural purposes.

DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several Contaminants of Concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing, loading, and storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the DTSC's Human and Ecological Risk Office (HERO) webpage for the most recent guidance and screening levels.
2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment (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.
3. Santa Clara County should consider soil testing as mentioned in comment #1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends Santa Clara County ensure that any potential contamination be fully characterized and remediated under the oversight of a

self-certified local agency, DTSC, or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact the relevant Regional Brownfield Coordinator for your Project.

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 PEA Guidance Manual.

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the 1320 N Diana Avenue Housing Project. 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 CEQA Review email for additional guidance.

Sincerely,

Dave Kereazis

Dave Kereazis
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cc: (via email)

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