

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF DETERMINATION**

To: Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control  
Site Mitigation and Restoration Program  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710

**Subject:** FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OF THE PUBLIC RESOURCES CODE

**Project Title:** 533 Kirkham Response Plan

**State Clearinghouse Number:** 2012102047

**Project Location:** 533 Kirkham Street, Oakland, CA 94607

**County:** Alameda

**Project Applicant:** TC II 533 Kirkham, LLC

**Project Description:** The 533 Kirkham Response Plan (RP) is associated with a mixed-use development project located on approximately 1.17 acres at the southwest corner of the intersection of Kirkham Street and 7th Street in the City of Oakland (Site). The Site is located in an urban mixed commercial and residential area, and it is currently developed as an asphalt-paved vehicle parking lot for the Bay Area Rapid Transit District (BART).

The RP addresses the presence of lead-, Total Petroleum Hydrocarbons (TPH)-, and polycyclic aromatic hydrocarbon (PAH)-impacted soil in connection with planned construction at the Site. Remediation activities will include excavating to a depth of three to four feet throughout the Site, resulting in the removal and off-Site disposal of approximately 3,400 cubic yards of soil (requiring approximately 207 truck trips).

Excavated soils for off-site disposal will either be loaded directly into trucks and removed from the Site for landfill disposal based on existing soil analytical data or stockpiled on-site for further testing if required by the receiving landfill. Soil profiled as non-hazardous will be transported and disposed at a licensed Class II/III landfill. If any soil is classified as California hazardous waste or as Federal hazardous waste, it will be transported to an appropriately licensed facility outside of California. A Construction Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the project. The project includes measures to minimize the creation and dispersion of dust during soil handling and earthwork activities at the Site. A Community Air Monitoring Plan, including real-time air monitoring, will be implemented upon the start of earthwork activities.

Confirmation soil samples will be collected at the excavation base and compared to the cleanup goals. If the chemicals of concern (COCs) in soil exceed the cleanup goals and further excavation in the area is practical, additional excavation will be conducted and additional confirmation soil sampling will be conducted. If soil analytical results continue to exceed the cleanup goals in soil after planned activities are completed, and further excavation in the area is not practical, a land use covenant (LUC) will be recorded for this Site and an Operation and Maintenance Agreement/Plan executed.

**Background:**

On January 5, 2024, the City of Oakland filed a Notice of Determination associated with approval of the 533 Kirkham Project, which entails construction of an eight-story mixed use building containing 289 dwelling units and approximately 2900 square feet of ground floor commercial space. The City's approval of the project included preparation and adoption of a CEQA Analysis based on the West Oakland Specific Plan EIR that evaluated the demolition of the existing surface parking lot, site remediation activities, and development of a mixed-use building on the Site. The CEQA Analysis included findings pursuant to CEQA Guidelines Sections 15162, 15164, 15182, 15183, and 15183.3.

In reviewing the analysis of environmental impacts, DTSC has determined that the City's CEQA Analysis adequately encompasses the potential environmental impacts associated with the activities and measures identified in the RP. (Refer to the Statement of Findings for additional information.)

As Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on June 3, 2024 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. A Statement of Findings addressing an EIR Addendum was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of project approval.
4. A mitigation reporting or monitoring plan was not adopted.
5. A Statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control  
 Site Mitigation and Restoration Program  
 700 Heinz Avenue, Suite 200  
 Berkeley, CA 94710

Additional project information is available on EnviroStor: [www.envirostor.dtsc.ca.gov/public/](http://www.envirostor.dtsc.ca.gov/public/) or [https://envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=60003136](https://envirostor.dtsc.ca.gov/public/profile_report?global_id=60003136)

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| Contact Person<br>Dennis Palacios | Contact Title<br>Project Manager | Phone Number<br>510-540-3819 |
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| Approver's Signature:<br><br> | Date:<br><br>June 5, 2024 |
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| Approver's Name<br>Marikka Hughes | Approver's Title<br>Environmental Program Manager I | Approver's Phone Number<br>510-540-3926 |
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Date Received for Filing and Posting at OPR: