

**California Environmental Protection Agency  
Department of Toxic Substances Control**

**Addendum to the Final Environmental Impact Report for the West Oakland  
Specific Plan  
for the Proposed Mandela Station Mixed-Use Development at Bay Area Rapid  
Transit District (BART) West Oakland Station  
Remedial Action Plan**

**August 2025**

State Clearinghouse Number: 2012102047

## **1. Introduction**

The California Department of Toxic Substances Control (DTSC) has prepared this Addendum to the Final Environmental Impact Report (EIR) for the West Oakland Specific Plan (WOSP EIR, or Prior EIR). The purpose of this Addendum is to update the Project Description included in that Prior EIR to include new details about proposed remediation activities as described in the Draft Remedial Action Plan (Draft RAP) for the Mandela Station Mixed-Use Development at the West Oakland BART Station,<sup>1</sup> and to assess the potential environmental effects associated with implementation of the Draft RAP.

The Draft RAP has been prepared to clean up identified soil contamination located at a 5.5-acre site in Oakland. The site is planned for mixed commercial and residential development along with associated hardscape, landscape and open plaza features. The site is currently occupied by a BART station with a platform, elevated rail lines, and parking and drive aisles.

Based on analytical results, several metals and chemicals have been identified in shallow soil across the site. Concentrations of these metals and chemicals in the soil are generally limited in vertical extent but spread throughout the site. The metals and chemicals identified in the soil are not mobile in soil. To protect future occupants and users of the site, the soil where these metals and chemicals are identified within the development areas will be excavated and removed for construction of new buildings. The Draft RAP proposes approximately 18,200 cubic yards of soil will be excavated from the Project site to accommodate building foundations for the T-1, T-3 and T-4 development projects and the T-2 Plaza. Of this excavated soil, approximately 8,550 cubic yards of contaminated soil (or about 47%) will be transported to an appropriate off-site waste disposal facility, and the remaining 9,650 cubic yards of clean soil will be used to backfill the foundation excavations.

The remaining soils will be capped by future structures and hardscape features following redevelopment (i.e., an “engineered cap”). If remaining soil within the development area contains metals or chemicals above cleanup goals, the engineered cap will be monitored and maintained to protect the integrity of the remediation.

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<sup>1</sup> *Cornerstone Earth Group, Remedial Action Plan for Mandela Station Mixed Use Development at the BART West Oakland Station (RAP), as revised January 6, 2025*

In preparing this Addendum, DTSC has evaluated the Draft RAP in light of the Prior WOSP EIR prepared by the City of Oakland (City). Any terms used in this Addendum, but not defined herein, shall have the meaning as assigned to it in the Prior EIR.

## 2. Background

The City of Oakland adopted the West Oakland Specific Plan and certified its associated Environmental Impact Report (EIR) in 2014.<sup>2</sup>

### West Oakland Specific Plan

The West Oakland Specific Plan (WOSP) provides a comprehensive strategy for development and redevelopment of vacant and underutilized commercial and industrial properties (known as Opportunity Areas and Opportunity sites) located in strategic areas of West Oakland. The WOSP establishes a land use and development framework, identifies needed transportation and infrastructure improvements, and recommends implementation strategies needed to develop these areas.

The Mandela Station project at the West Oakland BART station is located within the WOSP's 7th Street Opportunity Area and is part of one of the more important Opportunity Sites for redevelopment as envisioned in the WOSP (see **Figure 1**).

The development framework for the West Oakland BART Station and its surrounding area includes establishment of a transit-oriented development (or TOD) with a mix of residential and commercial uses designed to maximize access to public transportation, and incorporating design features to encourage transit ridership. A dense mix of land uses is intended to attract residents, workers and visitors. This TOD is intended to maximize use of the existing BART regional transit system, increase transit ridership, provide for centralized growth in an interconnected urban center, discourage sprawl, and reduce the cost of providing new infrastructure.

Specific to the BART property surrounding the West Oakland BART Station, the WOSP envisions a new TOD neighborhood to be built on surrounding vacant sites and BART parking lots. The land use program for the WOSP's BART Station TOD encompasses a total 24 acres of land that include and surround the BART station, and that (depending upon the ultimate mix of uses) could include up to 670,000 square feet of non-residential building space and between 1,325 to 3,054 residential units.<sup>3</sup> The Social Equity Element of the WOSP calls for expanding opportunities for affordable housing for extremely low to moderate-income renters and home buyers, sustaining a diverse mix of housing types and densities for all income levels, and increasing employment opportunities for local residents.<sup>4</sup>

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<sup>2</sup> *City of Oakland, West Oakland Specific Plan Final EIR, SCH #2012102047, certified 2014*

<sup>3</sup> *Oaland, City of, West Oakland Specific Plan, Chapter 4.4: Land Use, 10: page 4-41, 2014*

<sup>4</sup> *Oaland, City of, West Oakland Specific Plan, Chapter 10: Social Equity, 2014*

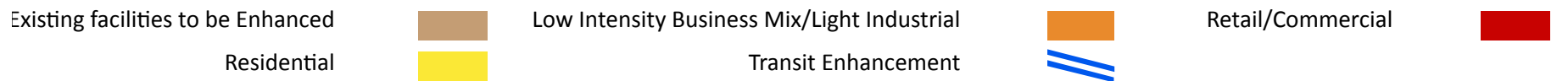


West Oakland BART TOD Sites

7th Street

Mandela Parkway

2A



**Figure 1**  
**West Oakland Specific Plan, 7th Street Opportunity Sites at**  
**West Oakland BART TOD**

Source: City of Oakland, WOSP Figure 3-16, 2014

## **WOSP Environmental Impact Report**

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City of Oakland circulated a Draft EIR for the West Oakland Specific Plan in January of 2014 for public and agency review and comment.<sup>5</sup> In May of 2014 the City prepared a Final EIR for the West Oakland Specific Plan. Prior to adopting the WOSP, the City certified this EIR (WOSP EIR, State Clearinghouse No. 2012102047).<sup>6</sup> The WOSP EIR analyzed the environmental impacts associated with implementation of the WOSP, including development at and surrounding the West Oakland BART station. The effects of future growth and development at the West Oakland BART station were fully considered in the cumulative growth projections factored into the WOSP EIR analysis. Subsequent activities under the WOSP (including new development as envisioned in the WOSP and evaluated in that Prior EIR) are subject to environmental requirements as established pursuant to the WOSP EIR.

At the time of preparation of the 2014 WOSP EIR, the site of the currently proposed Mandela Station Mixed-Use Development Project was included in the DTSC Envirostor database as a site “Requiring Evaluation”. No known sources of contaminants or known contaminants of concern were identified at the Project site at that time. However, the 2014 WOSP EIR did find that the larger WOSP Planning Area contains numerous hazardous materials sites as compiled pursuant to Government Code Section 65962.5, and that continued occupancy and use, and future development or redevelopment of these sites could create a significant hazard to the public or the environment. The WOSP EIR concluded that required compliance with local, state and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater, and required implementation of City of Oakland Standard Conditions of Approval (SCAs), would reduce such impacts to a less than significant level.

The WOSP identified significant and unavoidable impacts related to the following:

- exposure to existing and new objectionable odors
- the generation of regional ozone precursor emissions during construction of individual projects
- the generation of criteria pollutant emissions from increased motor vehicle traffic and area source emissions
- emission of toxic air contaminants from new light industrial, custom manufacturing and other similar land uses, and
- exposure of new sensitive receptors exposed to existing levels of toxic air contaminants (TACs) or concentrations of PM2.5 that could result in increased cancer risk or other health hazards

The WOSP found that it was possible on an individual basis that certain development projects as envisioned under the WOSP could exceed, on an individual and project basis, the then-applicable project-level GHG threshold. The WOSP EIR also identified several traffic and transportation impacts related to traffic congestion and traffic impacts based on level-of-service thresholds. These topics are no longer considered impacts under CEQA, having been replaced with thresholds pertaining to increased vehicle miles traveled (VMT).

Prior to approval of the WOSP the City of Oakland made CEQA Findings, including a Statement of Overriding Considerations, pertaining to these significant and unavoidable effects.

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<sup>5</sup> *Oakland, West Oakland Specific Plan Draft EIR, January 2014*

<sup>6</sup> *Oakland, West Oakland Specific Plan Final EIR, May 2014*

## **2019 WOSP EIR Addendum, West Oakland BART TOD Project**

In January of 2019, the City conducted further environmental review of the proposed West Oakland BART Station Planned Unit Development (PUD) project, evaluating that project's consistency with the WOSP and its associated EIR. At that time, the project sponsor proposed to remove the surface parking lot surrounding the BART station to construct three new midrise and high-rise buildings, retail under the BART tracks, and a row of residential duplexes. That project also included a 400-space underground parking lot, a surface plaza, and circulation improvements. That project represented establishment of a transit-oriented development as contemplated in the WOSP on the site surrounding the West Oakland BART station.

The City completed an Environmental Checklist, which provided substantial evidence that the West Oakland BART PUD project would not require preparation of a Supplemental EIR, and that an Addendum to the WOSP EIR was the appropriate document for CEQA review.<sup>7</sup> That PUD project added project-level details for a site identified for development in the WOSP, and also allowed for increased density and building heights based on concessions and waivers granted for the PUD's provision of affordable housing. These project changes and details were found to not result in new significant environmental effects or a substantial increase in the severity of impacts identified in the WOSP EIR. That Environmental Checklist referenced all City of Oakland Standard Conditions of Approval that remained applicable to development of this site, including required compliance with local, state and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater. In accordance with CEQA Guidelines section 15164, the WOSP EIR and that Addendum comprised the full and complete CEQA evaluation necessary for the proposed West Oakland BART PUD project, and no further CEQA evaluation for that project was required.

### **BART Board Approval**

In June of 2020, the BART Board of Directors (as underlying landowners) approved the same transit-oriented development project at the West Oakland BART Station, inclusive of 762 total housing units, of which more than 30 percent were designated as affordable. The BART Board's approval came after the City of Oakland's approval of the West Oakland BART Station TOD and its PUD permit. At that time, the BART Board also amended their Development Agreement with Strategic Urban Development Alliance to include all of their affiliated partners, now known as Mandela Station LLC.<sup>8</sup>

### **Amended 2020 PUD Permit for Mandela Station**

In November of 2020, Mandela Station LLC requested amendments to the 2019 PUD permit, re-named as Mandela Station (see **Figure 2**). The 2020 Mandela Station project retained the same four development areas (T-1 through T-4) as provided in the 2019 PUD and made relatively minor changes in building heights and development programming.

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<sup>7</sup> *Oakland, WestOakland BART TOD Project, Addendum #1 to West Oakland Specific Plan EIR, January 2019*

<sup>8</sup> *Bay Area Rapid Transit District (BART) Board of Directors, Notice of Determination, June 2020*



**Figure 2**  
**Mandela Station Development Sites**

Source: Mandela Station Partners, *Mandela Station Final Development Plan*, July 2020

Specifically, the Mandela Station PUD amendments provided for redevelopment of the entire West Oakland BART station (see **Figure 3**) to now include the following:

- *T-1 Project*: 522 residential units, approximately 14,350 square feet of retail space, and 125 parking spaces (all residential uses will be above 1 or 2 levels of parking which will be above an on-grade commercial and service level)
- *T-2 Project*: including the existing BART transit station, a program of landscape and streetscape improvements and a series of flexible kiosk spaces (this open plaza area will have no new on-grade structures)
- *T-3 Project*: 240 affordable residential units, approximately 16,000 square feet of retail and 2,050 square feet of other non-residential space, and 50 parking spaces (all residential uses will be over 1 level of at grade commercial, parking and service area)
- *T-4 Project*: approximately 300,000 square feet of office space, 23,200 square feet of retail space and 210 parking spaces (commercial offices will be over 1 or 2 levels of parking, which will be above an on-grade commercial and service level)

Whereas the 2019 PUD allocated all the proposed parking spaces in one shared below-grade parking garage, the Mandela Station project provided for three separate at-grade parking garages.

These amendments for the Mandela Station PUD permit were approved by the City in November of 2020, with no further CEQA review required.<sup>9</sup>

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<sup>9</sup> Lamphier-Gregory, *West Oakland BART TOD Project – Assessment of Project Changes*, October 22, 2020

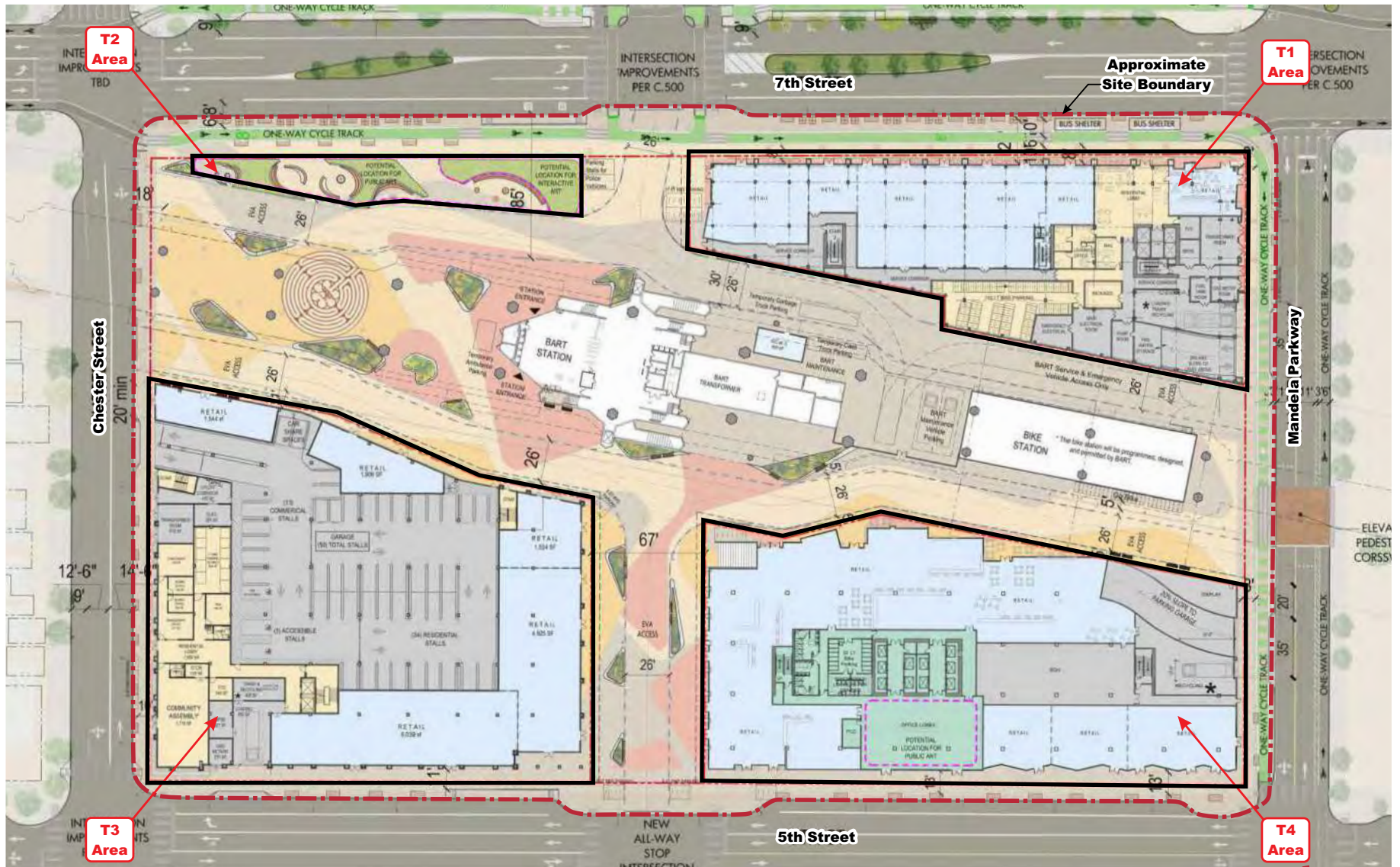


Figure 3  
Mandela Station "T-" Development Sites, Plan View

Source: Cornerstone Earth Group, Site Development Plan, August 2024

### 3. Draft Remedial Action Plan (Draft RAP) / DTSC Project Description

In accordance with CEQA Guidelines Sections 15162 and 15164, DTSC is further amending the prior WOSP EIR through this Addendum. This Addendum expressly incorporates the remedy for hazardous materials or constituents of concern (COCs) as identified in the Draft Remedial Action Plan (Draft RAP) for Mandela Station.<sup>10</sup> This Addendum addresses the activities and potential environmental effects of the proposed Draft RAP, in the context of the prior WOSP EIR.

#### Site Characterization

As fully documented in the Draft RAP, the Mandela Station Project site has been the subject of numerous site investigations, including the following:

- 2006 Phase I Environmental Site Assessment (ESA) prepared by LFR, Inc. <sup>11</sup>
- 2007 soil, groundwater and soil gas sampling performed by Weiss Associates, under contracted by DTSC and pursuant to grant funds <sup>12</sup>
- August 2019 Phase I ESA, prepared by Cornerstone <sup>13</sup>
- October 2019 subsurface investigation and collection of soil, soil vapor and groundwater samples by Cornerstone, in accordance with a DTSC-approved Work Plan <sup>14</sup>
- Unpublished 2021 soil and soil vapor quality evaluation (pursuant to a Work Plan approved by DTSC) to evaluate the lateral and vertical extent of detected lead in the soil, the elevated concentrations of methane detected during the October 2019 investigation, and evaluation of soil vapor quality beneath the T3 and T4 development sites <sup>15</sup>

#### Nature and Extent of Chemicals of Concern

As documented in Cornerstone's Draft RAP, the chemicals of concern (COCs) identified at the site are summarized below. <sup>16</sup>

##### *Groundwater*

None of the COC in on-site groundwater samples collected by Cornerstone in 2019 exceeded their respective screening levels for vapor intrusion health risks. Thus, no specific removal measures for groundwater are proposed or evaluated in the RAP. Total petroleum hydrocarbons in the diesel range

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<sup>10</sup> Cornerstone Earth Group, *Draft Remedial Action Plan, Proposed Mandela Station Mixed-Use Development at BART West Oakland Station, 1451 7<sup>th</sup> Street, January 6, 2025*

<sup>11</sup> LFR Inc., *Phase I Environmental Site Assessment, West Oakland Bay Area Rapid Transit Station, May 2006*

<sup>12</sup> Weiss Associates, *Targeted Site Investigation and Analysis Report for West Oakland BART Station, June 2007*

<sup>13</sup> Cornerstone Earth Group, *Phase I Environmental Site Assessment, West Oakland BART Station, 1451 7th Street, Oakland, California, August 6, 2019.*

<sup>14</sup> Cornerstone Earth Group, *Soil, Groundwater and Soil Vapor Quality Evaluation, West Oakland BART Station, 1451 7th Street, Oakland, California, November 13, 2019*

<sup>15</sup> Cornerstone Earth Group, *conducted pursuant to Work Plan for Additional Soil and Soil Vapor Quality Evaluation, Mandela Station at West Oakland BART Station, January 2021*

<sup>16</sup> Cornerstone, *Draft Remedial Action Plan (RAP), January 2025, beginning at page 21*

(TPHd) were detected in one groundwater grab sample exceeding the direct exposure ESL. Although groundwater is not expected to be encountered during construction, TPHd was evaluated as a chemical of potential concern (COPC) in the RAP's Human Health Risk Assessment.

#### *Arsenic*

During the 2019 investigation, arsenic was detected in 5 of 84 samples at or exceeding the generally accepted background level of 11 mg/kg. Arsenic exceeding 11 mg/kg appears co-located with elevated concentrations of lead.

#### *Lead*

During the 2019 and recent 2021 investigations, lead was detected at concentrations exceeding the Residential Screening Level (RSL) in the upper one-foot samples collected from 19 sample locations, in the 2-to-3-foot samples collected from 12 sample locations, and in the 4-to-5-foot samples collected from three sample locations. Lead was not detected exceeding the RSL in samples collected deeper than 5 feet. The lead impacted soil appears to be limited in vertical extent to the upper 3 feet of soil but is extensive throughout the site.

#### *Mercury*

Mercury was detected in 7 of 84 soil samples exceeding the RSL. Similar to arsenic, the mercury exceeding the residential screening level appears limited in extent and co-located with the elevated concentrations of lead.

#### *Poly Aromatic Hydrocarbons (PAH)*

The PAHs (benz(a)anthracene, benzo[a]pyrene, benzo[b]fluoranthene, dibenz(a,h)anthracene and indeno(1,2,3-cd)pyrene) were detected at concentrations exceeding their respective RSLs in eight samples collected from the upper 1 foot of soil, and in three samples collected from a depth of 2½ to 3 feet. The extent of PAH contamination appears to be sporadically present across the site and limited to the upper 1 to 3 feet of soil.

#### *Polychlorinated Biphenyls (PCBs)*

PCBs (Aroclor 1254 and Aroclor 1260) were detected at concentrations exceeding their respective RSLs in six samples collected from the upper foot of soil, and in one sample collected from a depth of 2½ to 3 feet.

#### *Chemicals of Concern (COCs) in Soil Vapor*

Concentrations of benzene, ethylbenzene and PCE appear to be the primary chemicals of potential concerns, based on the frequency and magnitude of detections. The greatest concentrations of these chemicals of potential concern in soil vapor generally correspond to the northeast and southeast area of the site and generally decrease on the western portions of the site. Based on historical industrial uses in the northeast and southeast areas of the site, there is a potential that these operations used halogenated VOCs as part of their operations. These historical uses may be the source of PCE detected in soil vapor samples collected in these areas.

**Recommended Remedial Action Plan, or Draft RAP (i.e., the DTSC Project)**

**Soil Excavation and Removal**

Pursuant the recommended Remedial Action Plan (or Draft RAP), soil would be excavated for construction of the Mandela Station development project, but additional excavation beyond the construction envelope would not be performed.

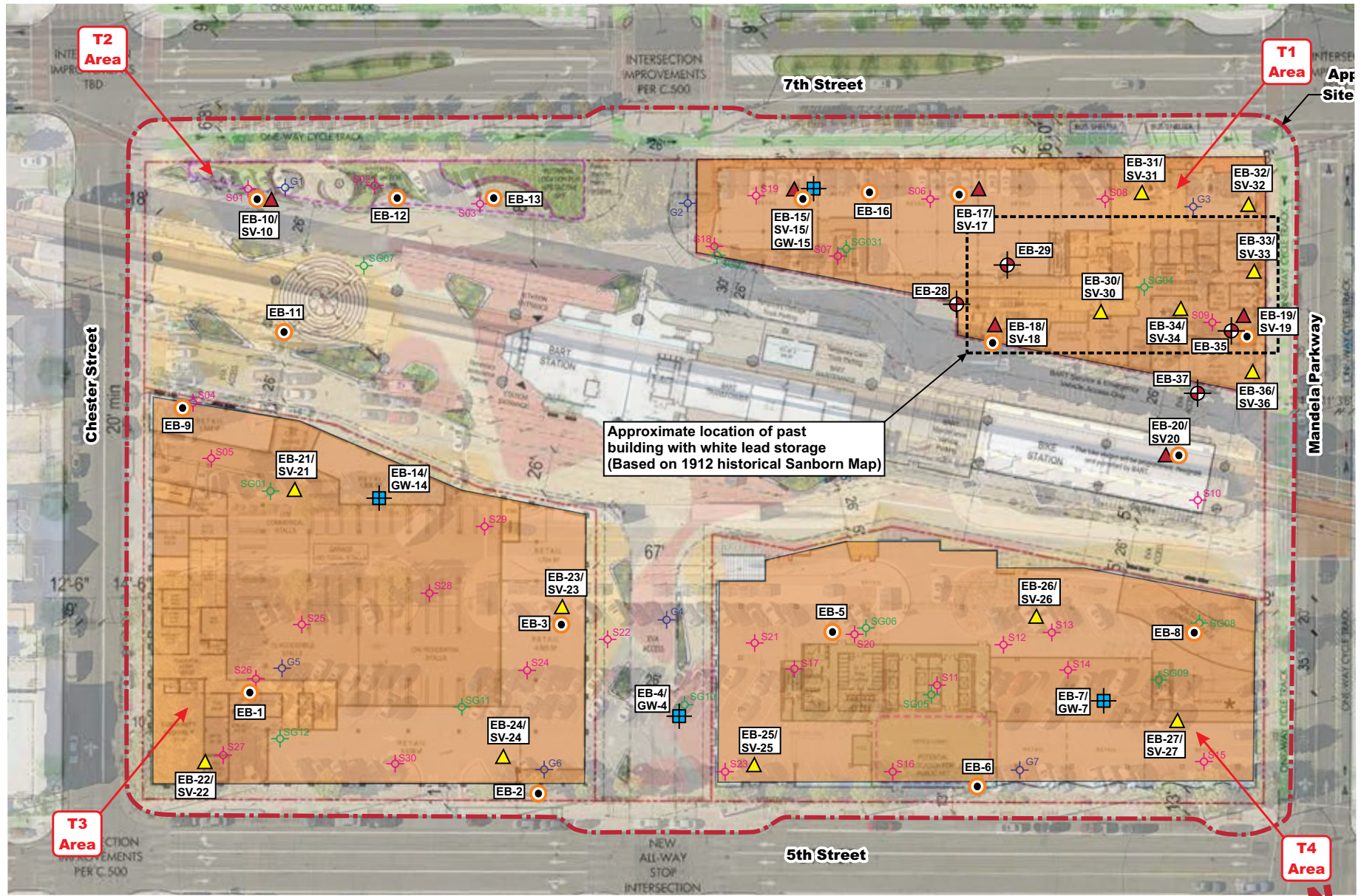
Based on the recommendations of the development project’s geotechnical engineer and the preliminary grading approach, the development project involves excavation of the upper approximately 4 feet of soil from the T1, T3 and T4 development areas (see **Figure 4**). Limited excavation is expected for construction of the T2 Plaza area, and limited excavation is expected for construction of the bike station that will be built during the T1 development phase.

The exposed sub-grade soil at a depth of 4 feet will then be compacted. Excavated soil that meets Site Cleanup Goals will be used to backfill the excavations to the foundation design’s finished subgrade elevation. Excavated soil that exceeds Site Cleanup Goals will be removed for off-site disposal. Soil within the T1 area where elevated concentrations of lead were detected may be treated on-site to reduce solubility of lead such that the soil can be disposed of as a non-RCRA California hazardous waste. The estimated excavation and removal of soils for the Mandela Station development project are as indicated in **Table 2**.

<b>Table 2: Estimated Soil Excavation Quantities</b>					
<b><u>Development Site</u></b>	<b><u>Total Excavation for Development</u></b>	<b><u>RCRA Hazardous Soils</u></b>	<b><u>Non-RCRA Class 1 Hazardous Soils</u></b>	<b><u>Total Soil Removal and Off-Haul</u></b>	<b><u>Residual Excavated Clean Soils</u></b>
T-1 Site	4,300 CY	1,500 CY	550 CY	2,050 CY	2,250 CY
T-2 Site	500 CY	-	500 CY	500 CY	-
T-3 Site	7,300 CY	200 CY	2,000 CY	2,200 CY	5,100 CY
T-4 Site	5,600 Cy	-	3,300 CY	3,300 Cy	2,300 CY
<b>Total:</b>	<b>17,700 CY</b>	<b>1,700 CY</b>	<b>6,350 CY</b>	<b>8,050 CY</b>	<b>9,650 CY</b>

Source: Cornerstone Earth Group, *Draft RAP*, September 2024, *Appendix G – Opinion of Estimated Removal Costs*

A Remedial Design and Implementation Plan (RDIP) for each development phase will be prepared for DTSC review and approval. An RDIP may include one, or more than one development phase depending on the project’s schedule. The T-3 site is expected to be the first development phase, and implementation of the RDIP for that T-3 project is expected to have a schedule of between 5 to 8 weeks for soil testing, excavation and disposal, and re-grading. Subsequent phases involve less quantities of total excavation, and their implementation schedules may be slightly faster, or about the same if more than one phase is combined.



**Preliminary Approximate Construction Excavation Depths**

4 feet

Source: Cornerstone Earth Group, *Preliminary Excavation Plan*, September 2024

**Figure 4**  
**Preliminary Excavation Plan**

Based on the analytical results of collected soil samples, excavation planned for construction of the T1, T3 and T4 development areas is expected to remove the majority of soil with COCs exceeding Site Cleanup Goals, with a limited amount of COC-contaminated soil possibly remaining in-place below a depth of 4 feet. The Remedial Design and Implementation Plan to be prepared for each construction area will present a soil sampling/analytical plan for the following:

- evaluating the quality of excavated soil for off-site disposal profiling, or for on-site reuse as geotechnical fill within the construction excavation,
- identifying the quality of soil remaining in place, and
- identifying the extent of COCs exceeding Cleanup Levels (if any) at the base of the construction excavation

The soil sampling may be performed prior to, or during construction. Soil excavated during future construction/maintenance activities will require special handling, evaluation and disposal considerations.

The quality of soil remaining in place, and the extent of soil exceeding cleanup levels, will be confirmed through verification soil sampling. Where COC-contaminated soil exceeding cleanup levels is left in place beneath buildings, these soils will be capped by the concrete foundations/floor systems. The details of the foundations/floor systems will be presented in the Remedial Design and Implementation Plans (RDIPs) for each phase of construction. Soil exceeding site Cleanup Goals may also remain in-place beneath other hardscape-covered areas located outside the building footprints, such as the T2 Plaza area, driveway areas and the bike station. These hardscapes areas are anticipated to consist of asphalt and concrete and be approximately 4 to 6 inches thick. The lateral extent of all COCs exceeding cleanup levels that are left in-place will be surveyed to assist with future long-term management of the soil.

### **Phasing and Implementation Plan Requirements**

Implementation of the soil removal actions will consist of a series of separate tasks:

- Prior to implementing the RAP, a Remedial Design and Implementation Plan (RDIP) for each development phase will be prepared for DTSC review and approval. An RDIP may include two of the development phases, depending on the project schedule.
- The RDIPs will contain technical/operational plans and engineering designs for implementation of the approved removal alternatives, and a schedule for implementing the construction phase.
- A Sampling and Analysis Plan will be incorporated into the RDIP that describes confirmation sampling and quality assurance tasks necessary to confirm the effectiveness of the removal actions.
- In addition, because of concentrations of lead in soil that will be excavated, a Community Air Monitoring Plan (CAMP) will be prepared and incorporated into the RDIPs.
- A separate Soil Management Plan (SMP) and a Health and Safety Plan (HSP) will be provided for DTSC review and approval.

### **Administrative Controls**

Where COC remain in soil at concentrations that exceed cleanup levels in the T1, T2, T3 and/or T4 development areas, an Operation and Maintenance Plan (OMP) and Soil Management Plan (SMP) will be prepared that describes the quality of soil remaining in-place and required measures intended to

manage the soil in-place to prevent unacceptable risk to future occupants, contractors and/or maintenance workers.

Soil excavated during future construction/maintenance activities will require special handling, evaluation and disposal considerations. Regular observation and maintenance will be necessary for the long-term integrity of the hardscape “cap”. A DTSC-approved Land Use Covenant (LUC) will be recorded against the property that requires compliance with the SMP and prohibits activities that may encounter impacted soil, without prior approval of the DTSC. If necessary, an Operation and Maintenance Agreement with DTSC will be required to ensure the implementation of the OMP. The OMP will include criteria for when periodic maintenance will be performed, plus requirements to maintain Financial Assurance and perform annual inspections and Five-Year Reviews.

#### **4. Purpose of this Addendum and CEQA Requirements**

The purpose of this CEQA Addendum is to update the Project Description provided in the WOSP EIR to include the remedial activities described in the proposed Draft RAP for the Mandela Station Mixed-Use Development Project, and to address the potential environmental effects of those activities as described in the Draft RAP. This document has been prepared in accordance with CEQA Guidelines sections 15162 and 15164.

Pursuant to DTSC protocols, the Draft RAP will be circulated for public review and comment. However, pursuant to CEQA Guidelines section 15164(c), this Addendum is not required to be circulated for public review. A Notice of Determination will be filed with the State Clearinghouse at the State of California Office of Planning and Research upon DTSC approval of the Draft RAP.

CEQA Guidelines section 15162(a)] provide that, for a project covered by a previously certified EIR, preparation of a Subsequent EIR rather than an Addendum is required if one or more of the following conditions occur:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or*
- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
  - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;*
  - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.*

Section 15164(b) of the CEQA Guidelines states:

*“An addendum to an adopted negative declaration or EIR may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred”.*

Based on the analysis presented herein, DTSC has determined that an Addendum to the WOSP EIR is the appropriate CEQA document to address the activities described in the Draft RAP. None of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a Subsequent EIR would occur. This environmental analysis relies on the analyses completed in the WOSP EIR and directly references the WOSP EIR, as appropriate.

## **5. Application of Previous Environmental Documentation to DTSC’s Consideration the Draft RAP**

### **Prior City of Oakland Findings**

The Mandela Station Project and the larger WOSP have already been approved by the City of Oakland. The environmental impacts attributable to construction and operation of new buildings as part of the Mandela Station Project have already been evaluated by the City pursuant to CEQA. In this context, the specific Project Changes to be implemented pursuant to the proposed Draft RAP have already been anticipated and addressed in the broader scope and evaluation conducted in the prior 2014 WOSP EIR and the 2019 WOSP EIR Addendum for the West Oakland BART Station TOD.

When adopting the WOSP in 2014, the City determined that the WOSP would result in no impacts, less than significant impacts, or less than significant impacts after implementation of mitigation measures and the City's Standard Conditions of Approval, for most CEQA resource areas. Significant and unavoidable impacts were identified for certain air quality and transportation resource areas. The City of Oakland adopted a Statement of Overriding Considerations for those significant and unavoidable effects, determining to proceed with the adoption and implementation of the WOSP notwithstanding those impacts.

As part of the City’s consideration of the West Oakland BART Station TOD Project in 2019, the City further determined that the Mandela Station Project would not result in a new impact or a substantial increase in the severity of previously identified significant impacts that were not previously identified in the WOSP EIR. In 2020, the City also made other CEQA findings that no further environmental review was required for the modifications to the West Oakland BART Station TOD Project, now known as the Mandela Station Project.

### **No Need for Further Study**

As demonstrated in this document, the Project changes that would result from DTSC's approval and implementation of the Draft RAP for the Mandela Station Project will not add any new potentially significant environmental impacts not already identified in prior CEQA documents, nor would it increase the severity of significant impacts previously identified in prior CEQA documents. Specifically, the WOSP EIR recognized that, pursuant to a 2007 investigation, DTSC had already recommended that

supplemental investigations be conducted to further characterize semi-volatile organic compounds, polychlorinated biphenyls, and arsenic and lead hotspots at the West Oakland BART station.

This supplemental data was to be used to develop an appropriate remedial strategy to ensure that the West Oakland BART site would be made suitable for the intended future use as a transit-oriented development.<sup>17</sup>

The WOSP EIR concluded that future development throughout the West Oakland Specific Plan area, and particularly new residential development that may ultimately be proposed on sites with known or suspected hazardous conditions (potentially including the West Oakland BART Station site), would be required to implement all applicable City of Oakland Standard Conditions of Approval (SCAs). These SCAs require preparation of an Environmental Site Assessment, which typically includes recommendations for remediation and/or safe handling of identified contaminants, including preparation and implementation of Health and Safety Plans to protect construction workers, and use of Best Management Practices for Soil and Groundwater Hazards for handling contaminated soil and groundwater.

The WOSP EIR recognized that, In addition to compliance with the City's SCAs, any required treatment, remediation or disposal of contaminated soil or groundwater would be required to comply with any additional local, state and federal regulations. Pursuant to these regulations:

- Remedial Action Plans, Soil Management Plans and Groundwater Management Plans would be required to address issues such as dust suppression, protection of surface waters and storm drainage outfalls, noise attenuation, disposal of contaminated soils, etc.
- The BAAQMD may also impose specific requirements to protect ambient air quality from dust, lead, hydrocarbon vapors or other airborne contaminants that may be released during site remediation activities.
- Risk Management Plans and a Site Health and Safety Plans in conformance with federal and Cal/OSHA regulations would also be required. These plans would include identification of chemicals of concern, potential hazards, personal protection clothing and devices, and emergency response procedures as well as required fencing, dust control or other site control measures needed during excavation to protect the health and safety of workers and the public.
- OSHA requirements mandate an initial training course and subsequent annual training. Site-specific training may also be required for some workers.
- For transportation of hazardous materials for disposal, the remediation contractor would be required to follow state and federal regulations for manifesting the waste, using licensed waste haulers, and disposing of the materials at a permitted disposal or recycling facility.

The WOSP EIR concluded that all development sites within West Oakland (including the West Oakland BART Station site) with known or suspected hazardous materials would be required to implement all SCAs as may be applicable to each site, and to comply with local, state and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater. With implementation of all applicable City SCAs and existing regulatory requirements, the WOSP EIR concluded that hazards to the public and/or to the environment from hazardous materials sites would be less than significant, and no additional mitigation measures were needed.

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<sup>17</sup> *City of Oakland, WOSP DEIR, page 44*

As demonstrated in this CEQA Addendum, the changes to the Mandela Station Project that would result from DTSC's approval of the proposed Draft RAP will not add any new potentially significant environmental impacts not already identified in the prior WOSP EIR, nor will these Project changes increase the severity of any significant impacts previously identified in the prior WOSP EIR. The WOSP EIR indicates that, despite implementation of SCAs identified in that EIR, impacts from construction activities could have significant impacts on air quality. Implementation of proposed Draft RAP activities will not add any other new significant environmental impacts.

The WOSP EIR specifically recognized that concentrations of Constituents of Concern at the West Oakland BART Station site may be elevated above screening thresholds, and it identifies DTSC as the Responsible Agency with regulatory authority over remediation at this site. The proposed Draft RAP's remedial actions are among the types of remedial activities anticipated to be used throughout West Oakland's known contamination sites. As such, the WOSP EIR has considered and analyzed the impacts of remedial actions at this site.

## **6. Technical Changes and Additions to the Prior CEQA Document**

### **DTSC Project - Draft RAP**

The WOSP EIR addresses potential impacts from the types of remedial activities proposed pursuant to the Draft RAP but does not address impacts at the level of detail presently available, given the additional data, analysis and remedial actions now proposed for the West Oakland BART Mandela Station project.

Additional details pursuant to the Draft RAP (i.e., the DTSC Project) are now available related to soil excavation and remedial action to be undertaken at the Mandela Station development project site. As indicated in prior Table 2, approximately 17,700 cubic yards of soil will be excavated from the Project site to accommodate building foundations for the T-1, T-3 and T-4 development projects and the T-2 Plaza. Of this excavated soil, approximately 8,050 cubic yards (or about 45%) will be transported to an appropriate off-site waste disposal facility, and the remaining 9,650 cubic yards of clean soil will be used to backfill the foundation excavations. All soil export will comply with the regulatory requirements identified in the WOSP EIR, and according to the more detailed provisions of the Draft RAP. These regulatory requirements will be implemented in generally the same manner as required pursuant to the City of Oakland's Standard Conditions of Approval as was addressed in the WOSP EIR, but with details as now identified in the Draft RAP.

### **City of Oakland SCAs**

The City of Oakland established its Standard Conditions of Approval and Uniformly Applied Development Standards in 2008. These SCAs have been amended and revised several times since then. The most recent version of the City of Oakland SCAs was published in July 2024,<sup>18</sup> after certification of the WOSP and after the adoption of the 2019 Addendum to the WOSP EIR. Implementation of these SCAs have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved and are designed to and would substantially mitigate environmental effects.

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<sup>18</sup> *City of Oakland, Department of Planning and Building, Bureau of Planning, Standard Conditions of Approval, adopted November 3, 2008 - Revised July 1, 2024*

In some instances, exactly how the SCAs will be satisfied awaits completion of future studies, an approach that is legally permissible where measures/conditions are known to be feasible for the impact identified; where subsequent compliance with identified federal, state, or local regulations or requirements apply; where specific performance criteria are specified and required; and where the project commits to developing measures that comply with the requirements and criteria identified.

Given the timespan between preparation of the WOSP EIR and preparation of this CEQA Addendum, there have been updates to the City's SCAs. This CEQA Addendum incorporates and relies on the most current, July 2024 version. These current SCAs are functionally equivalent to, or more protective of the environment than those SCAs and/or mitigation measures as identified in the WOSP EIR.

## **7. Comparative Environmental Analysis**

### Environmental Topics with No Substantial Change to WOSP EIR

Based on the new information now available pursuant to the Draft RAP, which pertains only to proposed excavation and soil remedial activities at the Mandela Station site, there would be no substantial change to the analyses and findings presented in the WOSP EIR for the following impact issue areas:

- Aesthetics
- Biological Resources
- Geology
- Hydrology and Water Quality (excavations to a depth of 4 feet are not expected to reach groundwater, which has been observed in exploratory borings at depths ranging between 5 to 12 feet)<sup>19</sup>
- Land Use and Planning
- Public Services and Recreation
- Noise
- Transportation, and
- Utilities and Service Systems

These environmental topics are not materially affected by the proposed Draft RAP, and no additional analysis of the Draft RAP is required for these topics.

### Environmental Topics with Limited Change to WOSP EIR

Implementation of the Draft RAP's soil remedial activities would have similar environmental effects as previously identified in the 2015 WOSP EIR and its subsequent 2019 Addenda, but more detail is now known pertaining to these activities and their environmental effects. This detail pertains to the environmental issues related to the following construction period:

- Hazards and Hazardous Materials
- Air Quality

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<sup>19</sup> Per Cornerstone investigation performed in October 2019

- Cultural Resources
- Noise
- Transportation

As more fully addressed below, the construction-period environmental impacts under these topic areas and attributable to implementation of the Draft RAP would not be new impacts or more severe impacts than previously identified and analyzed in the prior WOSP EIR. Mitigation measures and City of Oakland SCAs identified in the prior WOSP EIR, as well as Draft RAP regulatory requirements, would reduce impacts under these topic areas to less than significant, and no Subsequent or Supplemental EIR is required.

### **Exposure to Hazardous Materials during Construction and Operation**

#### **WOSP EIR Conclusions**

At the time of the 2014 WOSP EIR, the Project site was included in the DTSC Envirostor database as a site 'Requiring Evaluation' (see **Figure 5**). No known sources of contaminants or known contaminants of concern were specifically identified or characterized at that time.<sup>20</sup>

The 2014 WOSP EIR (Impact Haz-1) did find that the entire WOSP Planning Area contains numerous sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Continued occupancy and use, or future development of these sites could expose people and/or the environment to hazardous materials. The WOSP EIR identifies this as a potentially significant environmental effect. However, the WOSP EIR concluded that required compliance with local, state and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater, in compliance with City of Oakland SCAs, would reduce these types of impacts to a less than significant level.<sup>21</sup>

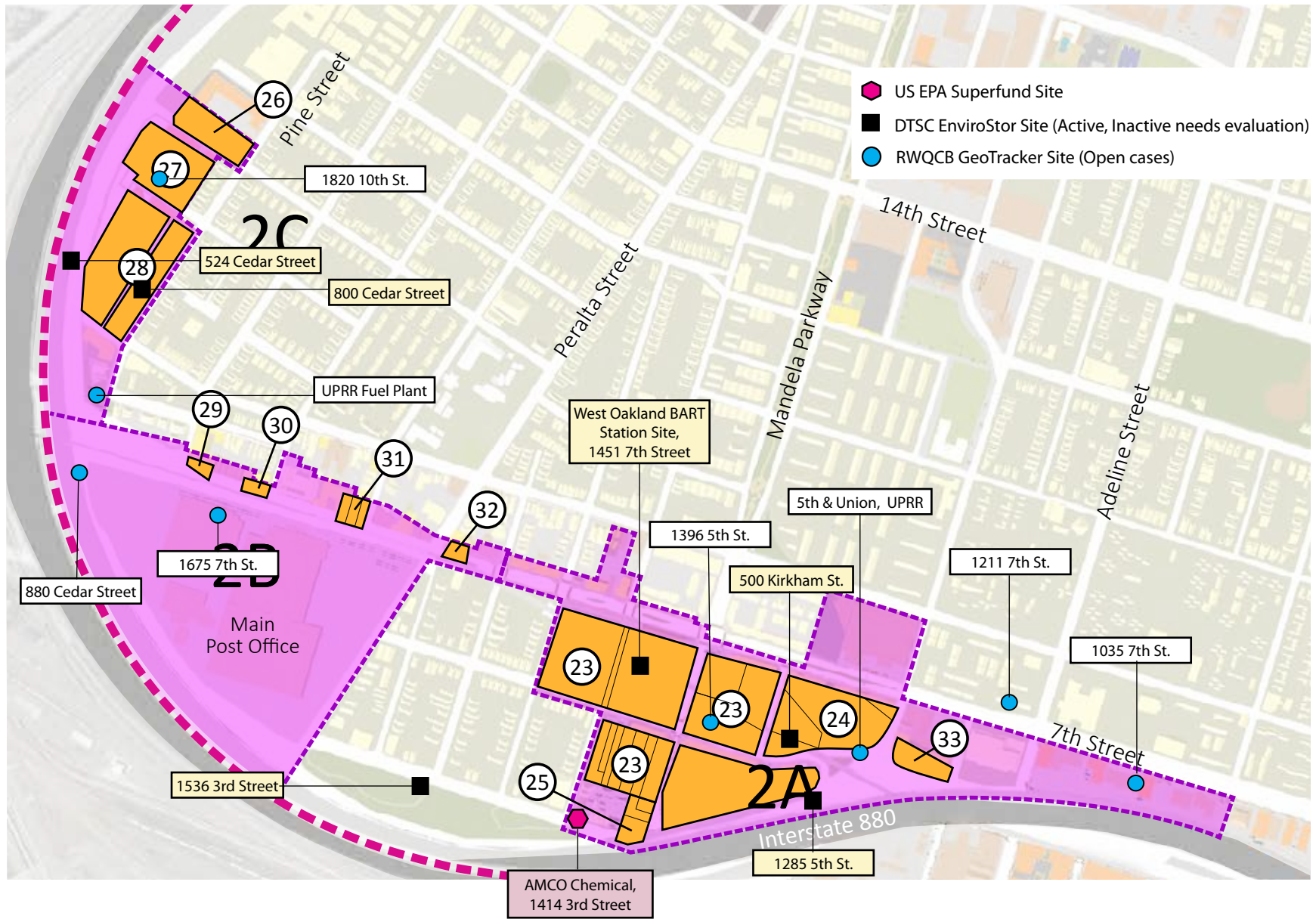
The 2014 WOSP EIR (Impact Haz-3) found that development allowed by the WOSP could create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, the WOSP EIR concluded that required compliance with all applicable federal, state and local hazardous materials laws, regulations, standards and agency oversight, in compliance with City of Oakland SCAs, would reduce this impact to a less than significant level.<sup>22</sup>

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<sup>20</sup> *Oakland, City of WOSP DEIR, page 4.5-44*

<sup>21</sup> *Oakland, City of WOSP Draft EIR, page 4.5-42*

<sup>22</sup> *Oakland, City of WOSP DEIR page 4.5-56*



**Figure 5**  
**7th Street Opportunity Area, Cortese List Sites per WOSP EIR**

Source: City of Oakland, WOSP Draft EIR, Figure 4.5-2, 2014

## Comparative Analysis of Draft RAP

A Human Health Risk Assessment (HHRA) has been prepared as part of the Draft RAP.<sup>23</sup> The purpose of the HHRA was to evaluate potential risks and hazards to current and future receptors that are or will be potentially exposed to chemicals detected in environmental media at the Project site. The HHRA was completed in accordance with California Department of Toxic Substances Control guidance. Specifically, analytical results for environmental media were compared to appropriate risk-based screening levels for constituents of concern (COCs). Screening levels specific to residential, commercial and construction worker (soil pathway only) receptors were selected.

Baseline and Residual soil risks and hazards were determined for each receptor scenario (i.e., residential, commercial, and construction worker). The Baseline scenario evaluated the current maximum detected concentration for each COC from all available soil samples collected at the site. The Residual (i.e., Project) scenario evaluated the exposure point concentrations for COCs based on the soil samples that are expected to remain in place after redevelopment. For soil vapor, hazards and risks were calculated at each soil vapor sample location. Conclusions from the HHRA are summarized below.

### *Soil Risks*

Under the Baseline scenario, the Project site is currently occupied by the BART station and a paved parking lot, there are no inhabited structures and there is no access to groundwater. There are no complete exposure pathways and thus no current risks to visitors using BART.

Under the Residual (or Project) scenario, approximately 4 feet of soil will be removed from under each new building, and those soils with COCs exceeding threshold levels will be remediated (off hauled to an appropriate off-site disposal location). The residual (i.e., after remedial action) soil risk evaluation of the cumulative hazard and risk estimates for COCs from soils expected to remain in place (without the inclusion of arsenic, assumed to be ambient/background), found cumulative hazards to be at or below the endpoint-specific Hazard Index of 1, but cumulative risk results were found to be greater than DTSC's target of  $1 \times 10^{-6}$ , but within the EPA risk range of  $1 \times 10^{-6}$  to  $1 \times 10^{-4}$ . However, all soil remaining on-site after remediation is complete, and that is at concentrations greater than screening levels, will be located under hardscape (i.e. paved over with concrete or asphalt, or under future buildings), except for small, landscaped areas. The exposure pathways from residual soil under the Project's paved areas or under future buildings will be incomplete and will not pose adverse health effects to future receptors, except at landscaped areas (i.e., the T-2 Plaza site).

The current plans for the T-2 Plaza include landscape areas that will range in size from approximately 100 square feet to 1,200 square feet. Some individual soil samples collected from the T-2 Plaza area contained metals (i.e., arsenic, lead and mercury) at concentrations exceeding residential and commercial risk-based screening levels or published background levels. The site-specific data for residual soil that will remain in landscaped/unpaved areas indicates the following:

- Arsenic concentrations are low (less than background) for the majority of the soil samples (only 1 of 17 samples, or 6%, exceeds background).
- Similarly, mercury concentrations in this area are similar to background levels.
- Although lead concentrations are greater than the residential screening level in 8 of 17 samples, only 5 of those samples exceed the commercial/industrial screening level.

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<sup>23</sup> Integral Consulting Inc., *Appendix E to Cornerstone Earth Group RAW: Screening Level Risk Assessment*, June 2022

- It is likely that the exposure to soils in the unpaved area will be more typical of a commercial scenario than a residential (e.g., backyard) scenario, and the Remedial Design and Implementation Plan for the T-2 Plaza will include removal of soil with COC exceeding site cleanup goals from landscape areas.

Accordingly, residual soil in the unpaved area is unlikely to pose significant health risk to future receptors.

#### *Soil Vapor*

Under the Baseline scenario there are no inhabited buildings at the site. Therefore, there are no current risks associated with potential vapor intrusion concerns, because the pathway is incomplete.

Under the Residual (or Project) scenario, residential cumulative hazard estimates were found to be at or below a Hazard Index of 1, but cumulative risk results at 3 locations were found to be greater than DTSC's target of  $1 \times 10^{-6}$ , but within the EPA risk range of  $1 \times 10^{-6}$  to  $1 \times 10^{-4}$ . No COPC were identified for the commercial worker scenario. Based on the following multiple lines of evidence, the HHRA concluded the following:

- Chlorinated VOCs were detected in soil vapor at relatively low concentrations, with no concentrations exceeding commercial screening levels within the planned building footprints.
- There will not be any single-family residences at the site, and there will be no ground floor residential occupancy.
- Soil beneath the building pads will be excavated to depths of approximately 4 feet, removing potential unidentified near-surface source areas (if any) and aerating underlying soil.
- The new foundations will consist of spread footing or structural mat foundations designed to have a sufficient thickness to minimize cracking or other structural distress.
- Petroleum-related VOCs in the vadose zone generally bio-degrade rapidly.
- Chlorinated VOCs were not detected in groundwater grab samples collected from the site.
- No chlorinated VOC release incidents have been reported up gradient of the site that might significantly impact groundwater quality beneath the site in the future.

Accordingly, the HHRA concluded that vapor intrusion risk into future buildings is expected to be an insignificant (de minimis) risk.

#### *Groundwater*

None of the COC in on-site groundwater samples collected by Cornerstone in 2019 exceeded their respective screening levels for vapor intrusion health risks. Thus, no specific removal measures for groundwater are proposed or evaluated in the Draft RAP.

Planned redevelopment will include residential and commercial structures that will be connected to the municipal water supply. There are no current or future risks associated with direct contact with groundwater (depth to groundwater ranges from 5.5 to 11.3 ft bgs) because the pathways are incomplete.

#### **Conclusions**

The 2014 WOSP EIR found that future development of sites containing hazardous chemicals in the soil could result in a potentially significant environmental effect by exposing people and/or the environment to hazardous materials. The 2014 WOSP EIR concluded that required compliance with the regulatory

requirements of the applicable regulatory agency for treatment, remediation and disposal of such hazardous materials would reduce these types of impacts to a less than significant level.

The proposed Draft RAP (the DTSC Project) is a remediation plan for the Mandela Station development site that has been prepared specifically for DTSC's review and approval and is intended to meet all applicable regulatory requirements. Upon approval of the Draft RAP and implementation of all required remedial actions, potentially significant environmental effects related exposure of people and/or the environment to hazardous materials would be reduced to a level of less than significant. Pursuant to City of Oakland Standard Conditions of Approval (as amended through July 2024), the Mandela Station's project applicant is required to submit evidence of an approved remedial plan that demonstrates compliance with applicable regulatory requirements and any other associated permits and/or authorizations, prior to construction.

The Draft RAP does not represent a substantial change to the West Oakland Specific Plan or to the Mandela Station development project. Implementation of the Draft RAP does not require major revisions of the previous WOSP EIR because it will not involve any new significant environmental effects or a substantial increase in the severity of any significant effects as previously disclosed in that prior WOSP EIR. The Draft RAP does present technical changes and additions to information contained in the WOSP EIR, but none of the conditions described in Section 15162 calling for the preparation of a Subsequent or Supplemental EIR would occur.

Accordingly, this Addendum to the WOSP EIR appropriately discloses the new technical details and analysis of the Draft RAP, and no further CEQA review is required to address the topic of exposure to hazardous materials during construction and project operations.

## **Air Quality**

### **WOSP EIR Conclusions**

#### **Fugitive Dust**

The 2014 WOSP EIR (Impact Air-4) found that during construction, individual development projects pursuant to the WOSP will generate fugitive dust from demolition, grading, hauling and construction activities. The WOSP EIR concluded that required compliance with City of Oakland SCAs (Construction-Related Air Pollution Controls for Dust and Equipment Emissions) would reduce this impact to a less than significant level.<sup>24</sup>

#### **Criteria Pollutants**

The 2014 WOSP EIR (Impact Air-5) found that during construction, individual development projects pursuant to the WOSP will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. The WOSP EIR concluded that, for most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland SCAs. However, larger individual construction projects could generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. This impact was conservatively considered significant and unavoidable on a

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<sup>24</sup> *Oakland, City of, WOSP DEIR page 4.2-37*

project-by-project basis, even with implementation of City SCAs (Construction-Related Air Pollution Controls for Dust and Equipment Emissions).<sup>25</sup>

### Toxic Air Contaminants

The 2014 WOSP EIR (Impact Air-6) found that during construction, individual development projects pursuant to the WOSP will generate construction-related toxic air contaminant (TAC) emissions from fuel-combusting construction equipment and mobile sources that could exceed thresholds for cancer risk, chronic health index, acute health index or annual average PM2.5 concentration levels. The WOSP EIR required compliance with City of Oakland SCAs (Construction-Related Air Pollution Controls for Dust and Equipment Emissions), supplemented by the additional measure that all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed. The WOSP EIR found that implementation of these measures would reduce the impacts of construction-related toxic air contaminant (TAC) emissions to a less than significant level.<sup>26</sup>

### **Comparative Analysis of Draft RAP**

#### Fugitive Dust

Consistent with the conclusions of the WOSP EIR, implementation of the Draft RAP (the DTSC Project) will generate fugitive dust from asphalt removal, excavation, potential treatment of the soil, hauling and grading. Prior to implementing the Draft RAP, a Remedial Design and Implementation Plan (RDIP) for each development phase (or combined phases) will be prepared for DTSC review and approval. These Design and Implementation plans will contain technical/operational plans and engineering designs for implementation of the RAP, and a Community Air Monitoring Plan will be prepared and approved by the DTSC as part of its regulatory oversight procedures. The Community Air Monitoring Plan will present protocols for mitigating fugitive dust and for air/dust monitoring during the excavation and remediation processes.

#### *Applicable SCAs*

Whereas DTSC will review and approve each of the Community Air Monitoring Plans for the Mandela Station project, the City of Oakland has already conditioned their initial approval of the Mandela Station project on implementation of applicable City SCAs. The currently effective SCA that applies to the Mandela Station project pertaining to construction-period air quality is presented below. DTSC's approved Community Air Monitoring Plans will need to incorporate measures that are the same, equal to, or more effective in reducing community-wide impacts to air quality during construction and implementation of the RAP, including but not limited to the following measures included in the most current (July 2024) City of Oakland SCA presented below.

- **SCA 22, Dust Controls – Construction Related:** *The project applicant shall implement all of the following applicable dust control measures during construction of the project:*
  - a) *Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may*

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<sup>25</sup> Oakland, City of, WOSP DEIR page 4.2-38

<sup>26</sup> Oakland, City of, WOSP DEIR page 4.2-40

*be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.*

- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).*
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- d) Limit vehicle speeds on unpaved roads to 15 miles per hour.*
- e) All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.*
- f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.*
- g) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6-to-12-inch compacted layer of wood chips, mulch, or gravel.*
- h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- i) Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.*
- j) Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than 10 days. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).*
- k) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.*
- l) When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.*
- m) Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.*
- n) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.*
- o) Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.*
- p) Plant vegetation in areas designated for landscaping as soon as possible and water appropriately until vegetation is established.*

Consistent with the conclusions of the WOSP EIR, required compliance with City of Oakland SCAs, and implementation of an equally effective DTSC-approved Community Air Monitoring Plan, would reduce impacts related to fugitive dust to a less than significant level.

## Criteria Pollutant Emissions

Consistent with the conclusions of the WOSP EIR, implementation of the Draft RAP (the DTSC Project) will contribute to the generation of regional ozone precursor emissions and regional particulate matter emissions during construction of the Mandela Station development project. The WOSP assumed that larger construction projects (e.g., the Mandela Station development project) would likely generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. This impact was conservatively considered significant and unavoidable on a project-by-project basis for larger projects, even with implementation of all applicable City SCAs. The 2019 WOSP EIR Addendum for the West Oakland BART TOD Project relied on this determination of the WOSP, and did not include a project-specific calculation of construction-period criteria pollutant emissions.

The following analysis has been conducted to assess the individual contribution of criteria pollutants that would result from implementation of the Draft RAP and its proposed remediation plans, in addition to those emissions that would otherwise be generated by construction of the Mandela Station development project in absence of the Draft RAP. The purpose of this analysis is to provide DTSC with information specific to their consideration of the environmental effects associated with approval of the Draft RAP.

Accordingly, the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.28 has been used to calculate construction-period emissions generated by the Mandela Station project, with and without implementation of the Draft RAP. The increase in criteria pollutant emissions attributed to the "with Draft RAP" model run as compared to the "without Draft RAP" model run represents the increased emission attributed to the Draft RAP (see **Appendix A**).

For both scenarios ("with" and "without RAP") the CalEEMod Emissions calculator included the following input values:

- A start date for construction of the T-3 site at the beginning of January 2025, of the T-4 site at the beginning of January 2026, and of the T-1/T-2 sites at the beginning of January 2027
- The same land use data for each of the T-1, T-2, T-3 and T-4 development sites (construction of new residential units, new office square feet, new retail square feet and number of new parking spaces enclosed with garages)
- The same assumed demolition and removal of existing asphalt parking lot area from each development site (acres, converted into cubic yards, converted into tons)
- The same amount of excavation, based on the land area beneath each development site to a depth of 4 feet (converted into cubic yards)

CalEEMod's default values were used for the types of construction equipment used and corresponding emission rates, assumed trip lengths for workers and vendors, percent of travel on paved roadways, VOC content of architectural coatings, and CalEEMod's assumed construction schedule based on the extent of construction work required based on similar types and sizes of projects.<sup>27</sup>

The difference between the "with" and "without" model runs is as follows:

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<sup>27</sup> The CalEEMod analysis presumed that the construction will be phased, and will conservatively commence with T-3, followed immediately by T-4, and then followed by T-1/T-2. Each construction period was calculated by CalEEMod to have a duration of approximately 1-year,

- The “without RAP” scenario assumes excavation of the soil underneath each of the Mandela Station buildings to a depth of approximately 4 feet to accommodate building foundations and below-grade equipment, with backfilling of these soils back into the excavated area once the foundations are completed.
- The “with RAP” scenario assumes the same excavation, but with soil sorting and export of those soils with chemicals of concern (COCs) that exceed threshold levels to an acceptable disposal location (assumed to be at Kettleman City, approximately 200 miles from the Project site).

**Table 3** shows the calculated construction period emissions of total reactive organic gases (ROG), nitrogen oxides (NOx) and particulate matter (PM<sub>10</sub> exhaust and PM<sub>2.5</sub> exhaust) emissions during construction of the Mandela Station development project, as well as the average daily emissions, for the “without RAP” and “with RAP” scenarios.

As shown in this table, the emission of construction-period criteria pollutants, with or without implementation of the Draft RAP, would not exceed applicable thresholds. The most substantial increase in emissions attributed to the Draft RAP is an annual increase of 0.10 tons of NOx during construction of T-3, 0.15 tons of NOx during construction of T-4, and 0.11 tons of NOx during construction of the T-1/T-2 development sites. These increased emissions under the “with RAP” scenario are attributed to haul trucks transporting soils with chemicals of concern (COCs) that exceed threshold levels to an acceptable disposal location (assumed to be at Kettleman City) 200 miles distant from the Mandela Station development site. The Draft RAP would also result in proportionally lower, but similar increases of PM<sub>10</sub> and PM<sub>2.5</sub>, attributed to the same off-haul source.

The Project applicant has also reserved the potential that the T-4 and T-1/T-2 construction phases might occur concurrently. Even under this scenario, the emission of construction-period criteria pollutants, with or without implementation of the Draft RAP, would not exceed applicable thresholds. Reactive organic gases (ROG), primarily from architectural coatings, would be the most substantial construction emissions under such a scenario (at a combined rate of approximately 5.65 tons per year), but would not exceed the threshold level of 10 tons/year for ROG.

**Table 3 - Construction-Period Criteria Pollutant Emissions**

<u>Scenario</u>	<u>ROG</u>	<u>NO<sub>x</sub></u>	<u>PM<sub>10</sub> (Exhaust)</u>	<u>PM<sub>2.5</sub> (Exhaust)</u>
<b>T-3 Development Project</b>				
<u>Without RAP</u>				
Annual Emissions (tons)	1.82	0.78	0.03	0.03
Average Daily Emissions (lbs/day) <sup>1</sup>	15.13	6.52	0.23	0.21
<u>With RAP</u>				
Annual Emissions (tons)	1.82	0.89	0.03	0.03
Average Daily Emissions (lbs/day)	15.15	7.38	0.24	0.23
Exceed Threshold? <sup>2</sup>	No/No	No/No	No/No	No/No
<b>T-4 Development Project</b>				
<u>Without RAP</u>				
Annual Emissions (tons)	1.86	1.32	0.04	0.04
Average Daily Emissions (lbs/day)	15.46	10.98	0.33	0.31
<u>With RAP</u>				
Annual Emissions (tons)	1.86	1.47	0.04	0.04
Average Daily Emissions (lbs/day)	15.48	12.22	0.36	0.33
Exceed Threshold? <sup>2</sup>	No/No	No/No	No/No	No/No
<b>T-1/T-2 Development Project</b>				
<u>Without RAP</u>				
Annual Emissions (tons)	3.78	0.85	0.02	0.02
Average Daily Emissions (lbs/day)	31.48	7.07	0.17	0.18
<u>With RAP</u>				
Annual Emissions (tons)	3.79	0.96	0.03	0.02
Average Daily Emissions (lbs/day)	31.50	8.00	0.22	0.18
Exceed Threshold? <sup>2</sup>	No/No	No/No	No/No	No/No

Notes: 1. Annual emissions / 240 total workdays within calendar year (per CalEEMod construction schedule)  
 2. Thresholds = 10 tons/year for ROG, NO<sub>x</sub>, PM<sub>2.5</sub> and 15 tons/yr PM<sub>10</sub>, or 54 lbs/ day for NO<sub>x</sub>, NO<sub>x</sub>, PM<sub>2.5</sub> and 82 lbs/day PM<sub>10</sub>

Source: Lamphier-Gregory, November 2024, CalEEMod results included in **Appendix A**

Emissions of construction-period criteria pollutants without implementation of the Draft RAP would not exceed applicable thresholds. The increase in construction-period criteria pollutants attributed to implementation of the Draft RAP would not increase these emissions by amounts that would exceed threshold levels, the Draft RAP (the DTSC Project) would not result in a new significant impact or a substantial increase to a previously identified significant impact.

### *Applicable SCAs*

The currently effective SCAs that will apply to the Mandela Station Project, including implementation of the Draft RAP, include the following:

- **SCA 23, Criteria Air Pollutant Controls - Construction and Operational Related:** *The project applicant shall implement all of the following applicable basic and enhanced control measures for criteria air pollutants during construction of the project as applicable:*
  - a) *Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized by either shutting equipment off when not in use, or by reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.*
  - b) *Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).*
  - c) *All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.*
  - d) *Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.*
  - e) *Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.*
  - f) *All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.*

### Toxic Air Contaminants

Consistent with the conclusions of the WOSP EIR, implementation of the Draft RAP will generate construction-related toxic air contaminant (TAC) emissions from fuel-combusting construction equipment and haul trucks, particularly diesel particulate matter (DPM) emissions. Due to the variable nature of construction activity, the generation of TAC emissions would be temporary, especially considering the short amount of time such equipment is typically within an influential distance to expose sensitive receptors to substantial TAC concentrations.

As reported in the WOSP EIR, the West Oakland community is at high risk for adverse health effects attributable to cumulative air quality conditions. The California Air Resources Board’s West Oakland Health Risk Assessment includes findings that ambient diesel PM concentrations in West Oakland are estimated to be nearly three times the background concentrations averaged over the entire Bay Area.

Heavy-duty trucks on the roadways within West Oakland and on the freeways surrounding West Oakland are the largest contributors of diesel PM. Under the BAAQMD's Community Air Risk Evaluation (CARE) program, West Oakland has been identified as an area with high TAC emissions, and sensitive populations affected by these emissions.<sup>28</sup>

#### *Applicable SCAs*

To address individual project's contributions to ambient diesel PM concentrations (particularly in West Oakland), the City of Oakland requires implementation of SCAs intended to minimize the extent of toxic air contaminants. Since 2014 (when the WOSP EIR was certified) the City Oakland has updated those SCAs applicable to construction of development projects. The currently effective SCAs, which will apply to the Mandela Station Project as well as to implementation of the Draft RAP, include the following:

- ***SCA 24, Diesel Particulate Matter Controls-Construction Related:*** *The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter (PM2.5) in exhaust and fugitive emissions from construction activities. The project applicant shall choose to implement a), or both b) and c):*
    - a) *The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the Office of Environmental Health and Hazard Assessment, and the Bay Area Air Quality Management District (BAAQMD) to determine the health risk to sensitive receptors exposed to DPM and PM2.5 from exhaust and fugitive emissions from project construction. The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then DPM and PM2.5 reduction measures are not required. If the HRA concludes that the health risk exceeds the City's health risk significance thresholds for projects, DPM and PM2.5 reduction measures shall be identified to reduce the health risk to below the City's health risk significance thresholds as set forth under subsection b below. Identified DPM and PM2.5 reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM2.5 reduction measures shall be implemented during construction.*
- or-*
- b) *The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:*
    - i) *All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the*

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<sup>28</sup> City of Oakland, *West Oakland Specific Plan Final EIR*, May 2014, page 4-16

*Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.*

- ii) Where access to grid-powered electricity is available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.*
- iii) Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.). -and-*
- c) The project applicant shall implement all enhanced control measures included in SCA 20 (Dust Controls – Construction Related).*

The Tier 4 engine standards as referenced above have been found to reduce emissions of PM and NOx (including small PM emissions of DPM) by approximately 90%, as compared to Tier 2 and Tier 3 engines without such controls.<sup>29</sup> These emission reductions can be achieved through use of advanced control technologies, including advanced exhaust gas after-treatment methods. With a 90% reduction in construction-period emissions of DMP, the Project's emissions of toxic air contaminants would be reduced to levels of less than significant, and its contribution of toxic air contaminants would be a less than cumulatively considerable contribution to overall cumulative air quality.

## **Conclusions**

The 2014 WOSP EIR found that future construction activity associated with the construction of development projects pursuant to the WOSP could result in a potentially significant air quality effect. These effects include generation of fugitive dust from demolition, grading, hauling and construction activities, the generation of regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust, and the generation of toxic air contaminant emissions from fuel-combusting construction equipment and mobile sources. The 2014 WOSP EIR concluded that implementation of required City of Oakland SCAs would reduce these impacts to levels of less than significant, except that large construction projects may result in significant and unavoidable emissions of criteria pollutants during construction.

The proposed Draft RAP (the DTSC Project) is a remediation plan for the Mandela Station development site that involves the export of those soils with chemicals of concern that exceed threshold levels to an acceptable disposal location, assumed to be at Kettleman City, approximately 200 miles from the Project site. The additional exhaust emissions from these haul trips, and the TAC emissions from haul trucks while loading and transporting these soils, represent the added air quality impacts attributed to implementation of the Draft RAP. Pursuant to City of Oakland Standard Conditions of Approval (as amended through July 2024), the Mandela Station's project applicant is required to implement construction-related dust controls, construction and operational-related criteria air pollutant controls, and construction-related diesel particulate matter controls. Implementation of these emissions controls will reduce air quality impacts attributed to implementation of the Draft RAP to less than significant levels.

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<sup>29</sup> US EPA, Clean Air Nonroad Diesel Rule FAQs, accessed at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-control-emissions-air-pollution-nonroad>

The Draft RAP does not represent a substantial change to the West Oakland Specific Plan or to the Mandela Station development project. Implementation of the Draft RAP does not require major revisions of the previous WOSP EIR because it will not involve any new significant air quality effects or a substantial increase in the severity of any significant air quality effects as previously disclosed in that prior WOSP EIR. The Draft RAP does present more detailed information regarding air quality emissions than what was presented in the WOSP EIR, but that additional information does not indicate any of the conditions described in Section 15162 calling for the preparation of a Subsequent or Supplemental EIR would occur. Accordingly, this Addendum to the WOSP EIR appropriately discloses the new technical air quality analysis of the Draft RAP, and no further CEQA review is required to address the topic of air quality emissions during construction of the Mandela Station development project and/or its proposed Draft RAP.

## **Cultural Resources**

### **WOSP EIR Conclusions**

#### *Historic Resources*

The WOSP EIR determined that the West Oakland BART Station site (now the Mandela Station Project site) does not include any historically significant structures. The WOSP EIR shows that the site is near, but not within the Oakland Point Area of Primary Importance (API), concluding that development at the BART Station site would not cause a substantial adverse change in the significance of the Oakland Point API, or to any of the individual historical resources within that API. The WOSP EIR determined that development of the West Oakland BART Station project would have no potential for significant impacts to historic resources.<sup>30</sup>

A subsequent Historic Resource Evaluation (HRE) was prepared for the Mandela Station Project, and that subsequent evaluation was submitted to the State Historic Preservation Officer (SHPO) in April 2021.<sup>31</sup> That HRE concluded that the Project site is not identified as an historic resource, nor is it within a historic district of local or National Register significance. Development of the Mandela Station Project was not found to directly destroy any historic materials or features.

#### *Archaeological and Tribal Cultural Resources*

The WOSP EIR did conclude that much of the WOSP planning area (including the BART site) is located in an area of moderate to high potential for unrecorded historic-period archaeological and/or Native American resources. The WOSP EIR required compliance with City of Oakland SCAs regarding pre-construction measures, and measures to be implement in the event of discovery of such resources during construction. The WOSP EIR concluded that implementation of these SCAs would ensure that any impacts related to discovery of unrecorded archaeological and tribal cultural resources during construction are mitigated to a less than significant level.

The subsequent 2021 HRE also included a Cultural Resource Assessment conducted pursuant to Section 106 review.<sup>32</sup> That assessment did not indicate an elevated sensitivity for prehistoric archaeological resources to be present. However, the City of Oakland did notify and seek consultation with Native

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<sup>30</sup> *Oakland, City of, WOSP DEIR page 4.4-19*

<sup>31</sup> *Lamphier-Gregory and PaleoWest Archaeology, Historic and Cultural Resources Evaluation For Section 106 Review, March 2021*

<sup>32</sup> *Ibid*

American Tribes. Based on this consultation, the City of Oakland determined that there is a high potential for the presence of Native American tribal cultural resources to be present within the Project area, and that the Project applicant shall retain a qualified archaeologist to monitor any ground disturbing activities on the Project site.<sup>33</sup>

### **Comparative Analysis of Draft RAP**

The Draft RAP does not propose any demolition or construction activity outside of the area evaluated in the prior WOSP EIR and/or the April 2021 HRE. Accordingly, implementation of the Draft RAP will similarly have no adverse effects on historic resources.

Subsurface investigations performed at the Project site (Cornerstone 2019) indicate that there is approximately 8 to 9 inches of aggregate base beneath the existing pavement surface, with fill of between 2 to 5 feet below the ground surface. Beneath the fill, native soil exists to the maximum explored depth of 15 feet. The Mandela Station development project anticipates excavation of 4 feet in depth beneath the T-1, T-3 and T-4 development sites to accommodate the buildings' foundation designs, as well as deeper trenching excavations for subsurface utilities. At even a 4-foot depth, these excavations could disturb native soil that exists between 2 and 5 feet below the ground surface, and these native soils could potentially contain Native American tribal cultural resources.

The Draft RAP does not propose any additional or deeper excavations than already expected to be necessary for the development project's foundation design. Accordingly, the implementation of the Draft would not increase or exacerbate the potential for disturbance of Native American tribal cultural resources. However, since the project involves ground-disturbing activities, the following DTSC requirements shall be implemented as a precaution in the event of an unexpected discovery of cultural resources or human remains during RAP implementation:

- ***DTSC-Required Measures:*** *As a precaution to an unexpected discovery of cultural resources or human remains, and/or in the event of such a discovery, the following measures shall be implemented during implementation of the RAP:*
  1. *All personnel performing the remedial activities must be observant and aware that they may potentially encounter Native American Tribal cultural or archaeological resources.*
  2. *Pursuant to existing government regulations, in the event of accidental discovery of human remains during ground disturbing activities, suspend the ground disturbing activities in the immediate area and surrounding 150 feet, and contact the County Coroner. Failure to notify can result in the issuance of a misdemeanor. The County Coroner will determine the origin of the remains. If the remains are Native American, the County Coroner will be responsible for contacting the Native American Heritage Council (NAHC). The NAHC will identify and notify the person(s) who might be the most likely descendent (MLD) who will make recommendations for the appropriate and dignified treatment of the remains (Public Resources Code, section 5097.98). The MLD shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the Site (CEQA Guidelines, CCR section 15064.5(e); HSC section 7050.5).*
  3. *In the event of accidental discovery of potential Tribal cultural or archaeological resources, immediately suspend ground-disturbing activities in the immediate area and surrounding 100 feet and contact the local Native American contact. DTSC staff and property owners should*

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<sup>33</sup> PaleoWest, *Archaeological Monitoring Plan In Support of the West Oakland BART Project*, December 9, 2021

*also be immediately notified. After discussion with their Tribal Chairperson or respective Cultural Resources Managers or Tribal Historic Preservation Officers and in collaboration with DTSC and the property owner, implement measures deemed necessary to record and/or protect the cultural or archaeological resource(s).*

4. *Additionally, DTSC Tribal Coordinator and Project Manager shall be notified immediately in the event of any accidental discoveries of either potential cultural or archaeological resources or human remains.<sup>34</sup>*

## **Conclusions**

The Draft RAP does not represent a substantial change to the analysis of cultural resources as presented in WOSP EIR, or in the subsequent 2021 HRE prepared for the Mandela Station development project. With implementation of archaeological monitoring during ground-disturbing activities for the development projects, as well as data recovery and post-discovery review protocols, impacts to archaeological and Tribal cultural resources will be mitigated to less than significant levels.

Implementation of the Draft RAP does not require any major revisions of the previous WOSP EIR because it will not involve any new significant environmental effects to cultural resources and will not substantially increase the severity of any significant cultural resource impacts as previously disclosed in the prior WOSP EIR or HRE. The Draft RAP does present technical changes and additions to cultural resource information as contained in the WOSP EIR, but none of the conditions described in Section 15162 calling for the preparation of a Subsequent or Supplemental EIR would occur. Accordingly, this Addendum to the WOSP EIR appropriately discloses the new technical details and analysis of the Draft RAP, and no further CEQA review is required to address the topics of cultural resources and/or Tribal cultural resources.

## **Construction Noise**

### **WOSP EIR Conclusions**

The 2014 WOSP EIR (Impact Noise-1) found that construction activities related to the WOSP, including pile drilling and other extreme noise generating construction activities, would temporarily increase noise levels and the potential for vibration in the vicinity of individual project sites. The WOSP EIR concluded that required compliance with applicable SCAs would reduce this impact to a less than significant level.<sup>35</sup>

### **Comparative Analysis of Draft RAP**

Sensitive noise receptors are located across the street from the Mandela Station development project site. These sensitive noise receptors include single-family homes approximately 60 feet away across Chester Street and 80 feet away across 5th Street, as well as multi-family structures approximately 100 feet away across 7th Street. The Project site's proximity to sensitive receptors, and the type of construction equipment that would be used during implementation of the Draft RAP are similar to other projects in urban areas of the City of Oakland. Construction of the Mandela Station development projects does not anticipate the need for pile drivers but will use impact tools such as jackhammers and pavement breakers. Implementation of the Draft RAP marginally increases construction-related traffic (see below), with a commensurate marginal increase in construction noise. The use of heavy

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<sup>34</sup> *Cornerstone, Draft RAP, January 2025, page 37*

<sup>35</sup> *Oakland, City of WOSP DEIR page 4.7-29*

construction equipment and haul trucks during implementation of the Draft RAP would be temporary, would occur at different locations across the site, and the duration and frequency of heavy construction equipment operation near sensitive receptors would be limited on any given day.

#### *Applicable SCAs*

Since 2014 (when the WOSP EIR was certified) the City Oakland has updated their Standard Conditions of Approval that are applicable to construction noise. The currently effective SCAs, which will apply to the Mandela Station Project as well as to implementation of the draft RAP, include the following:

- **SCA 69, Construction Days/Hours:** *The project applicant shall comply with the following restrictions concerning construction days and hours:*
  - a. *Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.*
  - b. *Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise-generating activities greater than 90 dBA are allowed on Saturday.*
  - c. *No construction is allowed on Sunday or federal holidays.*

*Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.*

*Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.*

- **SCA 70, Construction Noise:** *The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:*
  - a. *Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustic-attenuating shields or shrouds) wherever feasible.*
  - b. *Except as provided herein, impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and*

*this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.*

- c. Applicant shall use temporary power poles instead of generators where feasible.*
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.*
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.*

➤ **SCA 71, Extreme Construction Noise**

- a. Construction Noise Management Plan Required: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:
  - i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;*
  - ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;*
  - iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;*
  - iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measures if such measures are feasible and would noticeably reduce noise impacts; and*
  - v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.**
- b. Public Notification Required: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start date and end date of extreme noise generating activities and describe noise attenuation measures to be implemented.*

➤ **SCA 72, Project-Specific Construction Noise Reduction Measures:** *The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further*

*reduce construction noise impacts on adjacent sensitive receptor or business. The project applicant shall implement the approved Plan during construction.*

- **SCA 73, Construction Noise Complaints:** *The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise and shall implement the procedures during construction. At a minimum, the procedures shall include:*
- a. Designation of an on-site construction complaint and enforcement manager for the project;*
  - b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;*
  - c. Protocols for receiving, responding to, and tracking received complaints; and*
  - d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.*

## **Conclusions**

The Draft RAP does not represent a substantial change to the analysis of construction-period noise impacts as presented in WOSP EIR. With implementation of applicable City of Oakland SCAs, impacts related to construction-period noise will be managed to a less than significant level. No additional mitigation measures are required for implementation of the Draft RAP beyond those already-applicable City of Oakland SCAs.

Implementation of the Draft RAP does not require any major revisions of the previous WOSP EIR because it will not involve any new significant environmental effects pertaining to construction-period noise and will not substantially increase the severity of any significant construction-period noise impacts as previously disclosed in the prior WOSP EIR. The Draft RAP does present certain technical changes and additions to information about construction-period noise as contained in the WOSP EIR, but none of the conditions described in Section 15162 calling for the preparation of a Subsequent or Supplemental EIR would occur. Accordingly, this Addendum to the WOSP EIR appropriately discloses the new technical details and analysis of the Draft RAP, and no further CEQA review is required to address the topic of construction-period noise impacts.

## **Transportation**

### **WOSP EIR Conclusions**

The 2014 WOSP EIR (Impact Traffic-16) found that new development pursuant to the WOSP would include construction of both new buildings, and supporting transportation infrastructure. On a daily basis, these construction sites require delivery of materials, import or export of earth and construction materials, and travel by construction workers to and from sites. The WOSP found that this construction-related traffic would result in likely disruptions to local traffic flow. Such activities are a temporary but unavoidable part of the construction process. The WOSP EIR determined that this temporary impact, which may last throughout the duration of an individual construction project, would be mitigated through compliance with the City of Oakland's SCAs pertaining to construction traffic and parking. This SCA requires that a construction management plan be developed and approved by the City. With

compliance with these SCA requirements, the WOSP EIR found that traffic disruption during construction would not cause any significant impact.<sup>36</sup>

### **Comparative Analysis of Draft RAP**

Construction of the Mandela Station project, including implementation of the Draft RAP, will occur at a heavily used BART station which is accessed by vehicles, AC Transit buses, bicyclists and pedestrians. Traffic disruption at the West Oakland BART station site for these construction activities (including implementation of the Draft RAP) could adversely affect each of these access modes to the BART station. Specifically, construction of the T-3, T-4 and T-1/T-2 projects are expected to result in the following types of vehicle trips:

Based on the results of the CalEEMod emissions model, construction of the T-3 development project is expected to generate approximately 44,390 one-way vehicle trips over the 1-year construction period. During the short (about 1-week) site preparation and grading phase, worker trips would average about 40 one-way trips per day. However, during much longer (200-day) building construction phase, the number of worker and vendor trips would average about 216 one-way trips per day.

- Implementation of the Draft RAP would add about 70 one-way haul trips per day for 4 days during the site preparation and grading phase of the T-3 project. These approximately 280 one-way haul trips represent less than 1 percent of the T-3 project's annual construction-related vehicle trips.

Based on the results of the CalEEMod emissions model, construction of the T-4 development project would generate approximately 42,650 one-way vehicle trips over the 1-year construction period. During the short (about 1-week) site preparation and grading phase, worker trips would average about 55 to 60 one-way trips per day. However, during much longer (200-day) building construction phase, the number of worker and vendor trips would average about 210 one-way trips per day.

- Implementation of the Draft RAP would add about 100 one-way haul trips per day for 4 days during the site preparation and grading phase of the T-4 project. These approximately 410 one-way haul trips represent less than 1 percent of the T-4 project's annual construction-related vehicle trips.

Based on the results of the CalEEMod emissions model, construction of the T-1/T-2 development project would generate approximately 94,900 one-way vehicle trips over the 1-year construction period. During the short (about 1-week) site preparation and grading phase, worker trips would average about 40 one-way trips per day. However, during the longer (200-day) building construction phase, the number of worker and vendor trips would average about 470 one-way trips per day.

- Implementation of the Draft RAP would add about 80 one-way haul trips per day for 4 days during the site preparation and grading phase of the T-1/T-2 project. These approximately 320 haul trips represent less than 1 percent of the T-1/T-2 project's annual construction-related vehicle trips.

The construction-period traffic for each development site will temporarily disrupt access to the BART station and will temporarily disrupt traffic, bicycle and pedestrian travel on and along the surrounding roadway network and would disrupt on-site parking and pedestrian/bicycle access to the BART station. The added increment of haul trips attributed to implementation of the Draft RAP would add to the amount of construction-related vehicle travel during construction, but this additional traffic would only

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<sup>36</sup> *Oakland, City of, WOSP DEIR page 4.10-58*

occur for about 1 week during the 1-year construction period for each of the development projects, and would represent a de minimus net increase in overall construction travel to and from these construction sites.

#### *Applicable SCAs*

In addition to working with BART (the underlying property owner) to maintain access to the BART station during all construction phases, the City of Oakland's currently effective SCAs, which will apply to the Mandela Station Project as well as to implementation of the proposed Draft RAP, are as follows:

- **SCA 15, Construction Management Plan:** *Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.*
- **SCA 82, Construction Activity in the Public Right-of-Way**
  - a. Obstruction Permit Required: *The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.*
  - b. Traffic Control Plan Required: *In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.*
  - c. Repair of City Streets: *The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.*

## **Conclusions**

The Draft RAP does not represent a substantial change to the analysis of construction-period traffic and transportation impacts as presented in WOSP EIR. With implementation of applicable City of Oakland SCAs, impacts related to construction-period transportation will be managed to a less than significant level. No additional mitigation measures are required for implementation of the Draft RAP beyond those already-applicable City of Oakland SCAs.

Implementation of the Draft RAP does not require any major revisions of the previous WOSP EIR because it will not involve any new significant environmental effects pertaining to construction-period traffic and will not substantially increase the severity of any significant construction-period traffic impacts as previously disclosed in the prior WOSP EIR. The Draft RAP does present certain technical changes and additions to information about construction-period traffic as contained in the WOSP EIR, but none of the conditions described in Section 15162 calling for the preparation of a Subsequent or Supplemental EIR would occur. Accordingly, this Addendum to the WOSP EIR appropriately discloses the new technical details and analysis of the Draft RAP, and no further CEQA review is required to address the topic of construction-period traffic impacts.

## 8. CEQA Conclusion for Draft Remedial Action Plan

The Project Changes represented by implementation of the Draft Remedial Action Plan (Draft RAP) for the proposed Mandela Station Mixed-Use Development at the West Oakland BART Station would not lead to new significant impacts or significant increases in the severity of any significant impacts as previously identified in the prior WOSP EIR. No additional mitigation measures are required for the Draft RAP. Therefore, the potential impacts associated with implementation of the Draft RAP are within the scope of impacts identified in the prior WOSP EIR, and that document (the WOSP EIR) adequately addresses all impacts of the project changes resulting from implementation of the RAP.

Based on the above, an Addendum is the appropriate CEQA document for DTSC's approval of the proposed Remedial Action Plan for the Mandela Station Mixed-Use Development at the West Oakland BART Station at 1451 7th Street (the DTSC Project), pursuant to CEQA Guidelines Section 15164(b). None of the conditions described in CEQA Guidelines Section 15162 or 15163 calling for a subsequent or supplemental EIR apply. This Addendum has appropriately disclosed the potential impacts from the project changes resulting from implementation of the Draft RAP, and this Addendum will be included as part of the CEQA record for the Mandela Station development project. A Notice of Determination for this Addendum will be filed with the California State Clearinghouse within the State of California Governor's Office of Land Use and Climate Innovation (LCI).

## Sources

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