



PORT OF OAKLAND

February 7, 2022

NOTICE OF DECISION

Approval of Development Permit for 2100 Engineer Road, Oakland, CA

PLEASE TAKE NOTICE: The Port of Oakland (Port) Executive Director has reviewed and evaluated all of the evidence in the record and based on substantial evidence in the record, the Executive Director has exercised his independent judgment to **approve the development permit for private Property** (#5321) located at 2100 Engineer Road, Oakland, CA on February 1, 2022. This Notice of Decision, providing public notice of the Executive Director's decision, has been posted on the Port's web site: <http://www.portofoakland.com/business/bids-rfps/bid-engineering/permits/>.

Project Description

The Port is the local land use authority for the Port Area, including the northwest portion of Oakland that includes the East Bay Municipal Utilities District (EBMUD). The work will occur on the property owned by EBMUD.

The Project Applicant, an EBMUD tenant, proposes to construct a hydrogen fueling facility at the site. Work includes installation of fuel storage and dispensing equipment and site paving. Further details are described in the Port memorandum dated January 11, 2022 re: Port Development Permit Decision for Work on Private Property in the Port Area (Port Permit No. 5321), which is also posted on the web site noted above.

Environmental Review

EBMUD, as the Lead Agency under the California Environmental Quality Act (CEQA), prepared and certified in 2011 the Main Wastewater Treatment Plant (MWWTP) LUMP EIR to serve as a high-level planning tool to guide development of the existing 48-acre MWWTP site.

EBMUD completed an Addendum to the LUMP EIR in May 2021 to replace the food waste pre-processing project with the Proposed Project and analyze the environmental effects of this Proposed Project. EBMUD determined that the Proposed Project did not (i) involve significant new environmental effects not analyzed in the LUMP EIR, (ii) substantially increase the severity of significant effects previously identified in the LUMP EIR, nor (iii) involve new information of substantial importance that became available since certification of the LUMP EIR.

The Port, as the Responsible Agency under CEQA, received the NOD for the Addendum to the LUMP EIR on October 15, 2021. With implementation of the mitigation measures described in the LUMP EIR, the Port has determined that the Addendum adequately addresses the Proposed Project and no further environmental review is required. The Port will file an NOD with the Alameda County Clerk Office once the Executive Director approves the Port Development Permit for this Proposed Project and following the completion of the 14-day administrative appeal period.

Appeal of Executive Director's Decision

Any person excepting to the Executive Director's decision may appeal to the Board of Port Commissioners by filing with the Secretary of the Board a written notice of such appeal setting forth the specific grounds thereof, and by paying to Daria Edgerly, Secretary of the Board (530 Water Street, Oakland, CA 94607 or dedgerly@portoakland.com), the \$750 administrative appeal fee. A Notice of Appeal must be filed within fourteen (14) days of the date of this Notice of Decision. Absent an administrative appeal, the Executive Director's decision becomes final fifteen (15) days after issuance of this Notice of Decision. Any failure to file an administrative appeal will be a complete bar to judicial review.

Port Contact Information

Please contact Joe Marsh, Port Permit Coordinator, at (510) 627-1480 or jmarsh@portoakland.com with any questions regarding the approval of this development permit.