Notice of Determination

To: ☐ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

☒ County Clerk
County of Alameda
Oakland, CA 94607

From: City of Livermore
Community Development Department
1052 South Livermore Avenue
Livermore, CA 94550
Emily LaDue, Assistant Planner
(925) 960-4462

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

State Clearinghouse Number (if submitted to State Clearinghouse): 2023010091

Project Title: CEQA Addendum to the 2024 SMP 39/40 Environmental Impact Report

Project Applicant: Hines INC.

Project Location (include county): An approximately 51.9-acre parcel identified by Assessor's Parcel Number (APN) 904-3-1-4, on the south side of West Jack London Boulevard, Livermore, Alameda County.

Project Description: The SMP 39 project (project) would develop a new, approximately 225,500 square-foot research and development facility on an approximately 14-acre portion of a vacant parcel south of West Jack London Boulevard. The project would include site improvements such as driveway access from West Jack London Boulevard, on-site landscaping and a surface parking lot. The facility would test and demonstrate commercially viable clean energy through fusion power. Since the project is located on a site that was evaluated in the 2024 SMP 39/40 Environmental Impact Report ("2024 EIR"), and given the limited scope of changes that would occur as a result of the project in comparison to the approved 2024 SMP 39/40 project, an Addendum to the 2024 EIR (Addendum) was prepared in accordance with CEQA Guidelines Section 15164. The Addendum provides a focused evaluation of select CEQA topics potentially affected by the changes, including air quality, energy, greenhouse gas (GHG) emissions, hazards and hazardous materials, noise, and transportation. Key modifications analyzed in the Addendum include: amending the Planned Development zoning to 1) remove the 20% cap on Warehouse and Distribution Facilities; and 2) increasing the allowable building height with a Conditional Use Permit.

Based on the analysis in the Addendum, it has been determined that the project would not introduce substantial changes that would result in new significant environmental effects or substantially increase the severity of impacts previously identified in the 2024 EIR. Furthermore, there have been no substantial changes in the circumstances under which the project is undertaken that would lead to new or more severe environmental effects. No new information of substantial importance has emerged that would reveal previously unexamined significant impacts, indicate that known impacts are more severe than previously disclosed, or identify feasible mitigation measures or alternatives that were not previously considered or adopted. As such, the project would not result in any new or more severe environmental impacts or require new mitigation measures beyond those identified in the 2024 EIR. The project would remain subject to all previously adopted mitigation measures and uniformly applicable development policies included in the 2024 EIR. Therefore, no further environmental documentation under CEQA Guidelines Sections 15162 or 15164 is required.

This is to advise that the City of Livermore (☒ Lead Agency or ☐ Responsible Agency) has approved the above-described project on 5/12/2025 and has made the following determination regarding the project:

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A Statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.
7. California State Department of Fish and Wildlife Fees (SB 1535)
   ☐ The project has been found to be exempt and not subject to the provisions of SB 1535.
   ☐ $50 for County processing fees (attach No Effect Determination Form)
   ☒ The project is not exempt and is, therefore, subject to the following fees:
   ☐ $4,101.25 ($4,051.25 Fish and Wildlife plus $50 County recording fee) for review of an Environmental Impact Report
   ☒ $50 for County recording fees for a project previously approved and paid (attach DFW receipt)

This is to certify that the Environmental Impact Report and record of project approval is available to the general public at the Livermore Community Development Department, Planning Division, 1052 South Livermore Avenue, Livermore, CA.

Signature (Public Agency): _____ Title: Assistant Planner

Date: 9/8/2025 Date received for filing at OPR: _____