



CUPERTINO

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Community Development Department

To: Mayor and City Council Members
From: Benjamin Fu, Director of Community Development
Date: November 2, 2020
Subj: REPORT OF PLANNING COMMISSION DECISIONS MADE **October 27, 2020**

**Chapter 19.12.170 of the Cupertino Municipal code provides for
appeal of decisions made by the Planning Commission**

1. Application

M-2020-001, ASA-2020-002, Kristi Kandel (BSP Cupertino Union), 21530 Stevens Creek Blvd

Modification to a Use Permit (U-2011-09) and an Architectural and Site approval to allow for the installation of two (2) hydrogen refueling dispensers and accessory utility structures to an existing gasoline station (BSP Union)

Action

The Planning Commission approved the application(s) on a 5-0-0 vote

Enclosures: Planning Commission Report October 27, 2020
Planning Commission Resolution(s) 6911 and 6912
Plan Set



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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PLANNING COMMISSION STAFF REPORT

Meeting: October 27, 2020

SUBJECT

Consider a Modification to Use Permit and Architectural and Site Approval to allow the installation of two hydrogen fueling dispensers and accessory utility structures, site improvements, and landscaping to an existing gasoline station (BSP Union). (Application No(s): M-2020-001 and ASA-2020-002; Applicant(s): Kristi Kandel; Location: 21530 Stevens Creek Blvd.; APN(s): 357-20-027)

RECOMMENDED ACTIONS

That the Planning Commission adopt the proposed draft resolution to:

1. Find the project exempt from CEQA; and
2. Approve the Modification to Use Permit and Architectural and Site Approval (M-2020-001 and ASA-2020-002) (Attachment 1 and 2)

DISCUSSION

Project Data:

General Plan Designation:	Neighborhood Commercial/Residential		
Zoning Designation:	P(CN) – Planned Development with Neighborhood Commercial intent		
Lot Area	33,692 sq. ft. (0.77 acres)		
Project Data	Existing	Proposed	
Floor Area	2,279 sq. ft.	No Change	
Lot Coverage	2,279 sq. ft.	2,694 sq. ft.	
Number of pumps – total	6	8	
Gasoline	6	No Change	
Hydrogen	0	2	
	Required	Existing	Proposed
Bicycle Parking	2	0	2
Vehicular Parking	10	12	No Change
Project Consistency with:			
General Plan:	Yes		

Zoning:	Yes, with Use Permit (U-2011-09)
Environmental Assessment:	Categorically Exempt per Sections 15301, 15303, 15304 of the California Environmental Quality Act (CEQA) construction or conversion of small facilities or structures.

Background:

The existing gas station is located on a 0.773-acre lot in the Monta Vista Village Special Area and is comprised of a 2,279 sq. ft. 24-hour convenience market and six duel-head gasoline dispensers under two sun canopies (see blue dotted outline in Figure 1). The property is bounded by Stevens Creek Boulevard to the north with one- and two-story commercial and office buildings on the north side of the Boulevard; CA State Route



Figure 1: Project Aerial

85 on-ramp to the east; a one-story office building and its parking lot to the east and south, and a two-story office building across Bubba Road to the west.

In May 2012, the Planning Commission approved permits (U-2011-09 and ASA-2011-10) to remodel the previous service station and add a new convenience market use by converting existing automobile service bays and adding 327 square feet. The site was permitted, as conditional uses, to operate for 24-hours, seven days a week, and sell gasoline and alcohol (beer and wine) concurrently, with alcohol sales ceasing at midnight. A 2,580 square foot office building was also approved on the east side of the property as part of the project.

In late 2014 and 2015, the applicant requested the following minor modifications (DIR-2014-13 and DIR-2015-25) to the approved project, which were approved:

- Removal of the office component and replacement with landscaping;
- Height increases of three feet to the north and south elevation entry towers, and a building height increase of six inches;
- Relocation of a transformer to a concrete pad near the trash enclosure at the rear;
- Removal of one parking space along the rear of the property; and
- Addition of three parallel parking stalls along the eastern end of the parking lot.

Proposed Project

The property owner, represented by the project applicant, Kristi Kandel of I&D Consulting, is requesting to expand the previously permitted uses on site to allow dispensing of hydrogen fuel. The proposal is to add two hydrogen fueling dispensers and associated hydrogen fuel equipment, and construct associated site improvements (see red outlines in Figure 1).

This development will be the first hydrogen fueling station in Cupertino. The State of California's Energy Commission is funding \$100 million annually in grants through the Clean Transportation Program, for projects which expand the state's network of hydrogen fueling stations, including the one proposed. This grant supports the development and deployment of new transportation technologies by expanding the availability of alternative fuels and encouraging consumers to choose zero-emission vehicles as alternatives to fossil-fuel vehicles. There are existing hydrogen fueling stations in Saratoga, Campbell, San Jose, Sunnyvale, Mountain View, and Palo Alto.

Modification of Use Permit and Architectural and Site Approval

The project site is in a Neighborhood Commercial Zoning District and auto service stations are permitted with a use permit approved by the Planning Commission. Furthermore, any changes to the site or structures are required to have the design reviewed for compatibility and design standards through an Architectural and Site Approval permit per CMC Chapter 19.168.

Analysis:

Site Planning & Architectural Style

The existing convenience market is located roughly in the center of the 0.77-acre lot with one canopy sheltering four dual-head gasoline dispensers along the Stevens Creek Boulevard frontage and a second canopy sheltering two dual-head gasoline dispensers along the Bubb Road frontage. No changes are proposed to these dispensers or canopies.

The site layout will be modified as follows:

- Two new hydrogen fueling dispensers will be added under the western canopy (see blue dispensers shown in Figure 2);
- Hydrogen equipment will be installed on the eastern portion of the site, in an area that was previously approved for landscaping, including fuel tanks, a transformer and a pedestal meter; and



Figure 2: Hydrogen fueling dispensers under the western canopy viewed from Bubb Road.

- Three parallel parking stalls on the eastern part of the property will be modified to perpendicular stalls in the northeast end of the parking lot.

The setback for the hydrogen equipment is 62' from the north property line, 27' from the eastern property line, and 23' from the southern property line. The equipment is 10'-3" tall and measures 13'-6" by 35' and will occupy 473 square feet. There is a 40' tall vent stack attached to the equipment, which is required by state regulations. The equipment is proposed to be buffered from the drive aisle by four removable bollards and three permanent potted bollards (resembling planter boxes) along the western side of the hydrogen equipment. The equipment and planter boxes are finished with stucco and painted with colors to match the convenience market. The project also requires the installation of a 6' tall hydrogen transformer and a 5' tall hydrogen pedestal meter located closer to a public street as required by PG&E. The applicant proposes to plant evergreen shrubs (see Attachment 3) that is adequate in screening the equipment.

The project is required to make driveway and sidewalk improvements in compliance with the Department of Public Works' standards. The property owner has agreed to construct a 5' monolithic sidewalk along Bubb Road and relocate utilities in the area of the proposed sidewalk within private property. This proposal will require the removal of two street trees: two Maidenhair ginkgo biloba trees (DBH 2" and 3"). These are being reviewed by the Public Work's staff for compliance with their standards. The two driveway curb cuts on Bubb Road will be modified to accommodate the relocated sidewalk. Additionally, the Bubb Road driveway closest to the intersection with Stevens Creek Boulevard will be reduced in width from 35' -7" to 26'-0" for vehicular safety.

As is standard practice for properties within the Monta Vista Village and those fronting higher volume streets, a standard condition of approval is included as part of this project approval which allows the City to require a future reciprocal ingress and egress easement and connection with the property to the south, if the opportunity presents itself.

Adding a hydrogen fueling component to an existing gasoline fueling facility is consistent with the zoning and general plan land use by accommodating commercial uses that will provide a community service and support state and local efforts to reduce motor vehicle emissions. The proposal addresses the following general plan policies including:

- Policy M-8.6 Alternative Fuel Charging Stations: Develop a city-wide strategy to encourage the construction of a network of public and private alternative fuel vehicle charging/fueling stations.
- Strategy ES-2.1.9 Energy Efficient Transportation Modes: Continue to encourage fuel-efficient transportation modes such as alternative fuel vehicles, driverless vehicles, public transit, car and vanpooling, community and regional shuttle systems, car and bike sharing programs, safe routes to schools, commuter benefits,

and pedestrian and bicycle paths through infrastructure investment, development incentives, and community education.

- Policy LU-4.1: Street and Sidewalks: Ensure that the design of streets, sidewalks and pedestrian and bicycle amenities are consistent with the vision for each Planning Area and Complete Streets policies
- Policy LU-25.4 Street Design and Connectivity: [...] Roadway and sidewalk improvements will also improve school routes from the northern neighborhoods to the trischool area.
 - Strategy LU-25.4.1 Interconnected access: Individual properties shall have interconnected pedestrian and vehicle access and shared parking.
- Policy M-3.5 Curb Cuts and Strategy: Minimize the number and the width of driveway openings.
 - Strategy M-3.5.1 Shared Driveway Access: Encourage property owners to use shared driveway access and interconnected roads within blocks, where feasible. Require driveway access closures, consolidations or both when a site is remodeled or redeveloped.
- Policy M-3.8 Bicycle Parking: Require new development and redevelopment to provide public and private bicycle parking.

Trees & Landscaping (WELO)

While reviewing the proposed project, staff discovered that the landscaping installed in the area to the east of the property's parking lot, to replace the previously approved office building, had been removed without permits to install a gravel parking area. To correct the issue, replacement of the landscaping has been included as a condition of approval. The applicant has provided a landscape plan that is generally consistent with the prior approved landscape plan, while providing adequate screening for the proposed hydrogen equipment (see Figure 3 and Attachment 4).



Figure 3: Hydrogen equipment (orange), parking (blue), and landscaping (green) on the eastern end of the property: existing approved conditions (L) and proposed site plan (R).

Furthermore, no private protected trees are planned for removal and, therefore, no tree removal permits are required. All trees will be protected and retained on site.

Bicycle and Vehicular Parking

The existing site is required to provide 10 vehicular parking spaces and two Class II bicycle stalls per the vehicular parking standard of 1 space for each 250 sq. ft. and 1 stall per 1,250 sq. ft. of convenience market area. For the existing and proposed uses on the site, the property owner is proposing to maintain 12 parking spaces and install two new bicycle stalls at the entrance of the convenience market, in order to comply with parking standards.

There are currently eight uni-size parking stalls and one ADA-compliant stall along the southern (rear) property line and three parallel parking stalls along the western side of the landscape area. The proposal will install a curb to separate the paved area and the landscaping area and reorient the three parallel parking stalls to be perpendicular parking spaces. (see existing and proposed parking spaces in blue in Figure 3)

Lighting

Two existing site lights at the eastern end of the parking lot along the landscape curb is proposed to be relocated along the eastern property line. No new site lights are proposed, and no visual impacts are anticipated due to the relocation. A standard condition of approval requires provision of a photometric plan to ensure compliance with the requirements of the Municipal Code, prior to issuance of building permits.

Environmental Assessment

The project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq.) ("CEQA"), together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, "CEQA Guidelines"), pursuant to CEQA Guidelines sections 15301, 15303, 15304, and none of the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 apply.

- The Class 1 exemption applies to existing facilities that involve negligible or no expansion of existing or former use. The proposed project adds equipment and dispensers that do not increase the floor area of structures and adds less than 600 sq. ft. of lot coverage to an existing gas station. Therefore, the proposed modifications at the site do not exceed the threshold for additions to existing structures identified in Section 15301 (e) (50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less). Therefore, the proposed project will not have a significant effect on the environment.

- The Class 3 exemption applies to new construction or conversion of small facilities or structures. The proposed project consists of installation of small new equipment and facilities in small structures that consists of two 7.5' tall hydrogen fueling dispensers that occupy an area of 10 sq. ft. each, one transformer, one pedestal meter and hydrogen fuel storage equipment that occupies 473 sq. ft. on the site. Therefore, pursuant to CEQA Guidelines section 15303 the proposed project will not have a significant effect on the environment.
- The Class 4 exemption applies to minor alterations to land. The proposed project includes sidewalk construction that will remove 2 immature street trees and will involve trenching and backfilling in order to install the proposed new equipment. Since the project does not involve the removal of healthy, mature, scenic trees and the surface where trenching and backfilling will occur will be restored, the project is categorically exempt under CEQA Guidelines section 15304 and will not have a significant effect on the environment.

Other Department/Agency Review

The City's Public Works Department, Environmental Services Division, Building Division, Santa Clara County Fire and Hazardous Materials Department, reviewed the proposal and have provided comments to the project. Their pre-hearing comments/conditions have been incorporated as conditions of approval in the draft resolution (Attachment 1 and 2).

PUBLIC NOTICING AND COMMUNITY OUTREACH

The following table is a brief summary of the noticing done for this project:

Notice of Public Hearing	Agenda
<ul style="list-style-type: none"> ▪ Site Signage (<i>14 days prior to the hearing</i>) ▪ Legal ad placed in newspaper (<i>at least 10 days prior to the hearing</i>) ▪ 30 public hearing notices mailed to property owners within 300 feet of the project site (<i>10 days prior to the hearing</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>) ▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>)

No public comments have been received as of the date of production of this staff report (October 21, 2020).

PERMIT STREAMLINING ACT

This project is subject to the Permit Streamlining Act (Government Code Section 65920 – 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

Project Received: March 5, 2020; *Deemed Incomplete:* April 3, 2020

Project Received: May 28, 2020; *Deemed Incomplete:* June 26, 2020

Project Resubmission: August 26, 2020; *Deemed Complete:* September 23, 2020

Since this project is Categorically Exempt, the City has 60 days (until November 22, 2020) to decide on the project.

CONCLUSION

The proposed project is consistent with the zoning requirements for commercial development and supports General Plan policies for alternative fuel infrastructure construction. The property has adequate space under the existing gasoline canopies for the hydrogen fueling dispensers and available undeveloped land for equipment installation. The hydrogen equipment is located away from adjacent property lines and will be buffered and screened with adequate landscaping material. Furthermore, the equipment will be color matched to be consistent with the existing convenience market. Therefore, staff recommends approval of the Architectural and Site Approval permit, since the plans and conditions of approval address all concerns related to the proposed project.

NEXT STEPS

Should the project be approved, the Planning Commission's decision on this proposal is final unless an appeal is filed within 14-calendar days from the date of the hearing on November 10, 2020. The applicant may apply for building and other permits at the end of the appeal period.

This approval expires on October 27, 2022, at which time the applicant may apply for a two-year extension.

Prepared by: Ellen Yau, Associate Planner

Reviewed by: Piu Ghosh, Planning Manager

Approved by: Benjamin Fu, Director of Community Development

ATTACHMENTS:

1 – Draft Resolution for M-2020-001

2 – Draft Resolution for ASA-2020-002

3 – Plan Set

4 – Approved Landscape Plan from DIR-2015-25

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6911

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
APPROVING A MODIFICATION TO A USE PERMIT TO ALLOW AN
EXPANSION OF OPERATIONS BY INSTALLING TWO HYDROGEN
FUELING DISPENSERS AND ACCESSORY UTILITY STRUCTURES TO AN
EXISTING GASOLINE STATION LOCATED AT 21350 STEVENS CREEK
BLVD.

SECTION I: PROJECT DESCRIPTION

Application No.: M-2020-001
Applicant: Kristi Kandel
Property Owner: BSP Cupertino Union LLC
Location: 21530 Stevens Creek Blvd. (APN#357-20-027)

SECTION II: FINDINGS FOR A USE PERMIT:

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Modification to a Use Permit to consider expanding operations by allowing the installation of two hydrogen fueling dispensers and accessory utility structures and site improvements and landscaping to an existing gasoline fueling station as described in Section I of this Resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Planning Commission has held at least one public hearing in regard to the application; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq.) ("CEQA"), together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, "CEQA Guidelines"), the City staff has independently studied the proposed Project and has determined that the Project is exempt from environmental review pursuant to the categorical exemption in CEQA Guidelines section 15301, 15303, 15304 for the reasons set forth in the staff report dated October 27, 2020 and incorporated herein; and

WHEREAS, on October 27, 2020, the Planning Commission held a duly noticed public hearing to receive public testimony on the Project, including the categorical CEQA exemption in CEQA Guidelines sections 15301, 15303, 15304, and reviewed and considered the information contained in the staff report pertaining to the Project, all other pertinent documents, and all written and oral statements received by the Planning Commission at or prior to the public hearing; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the Planning Commission finds as follows with regard to this application:

1. The proposed development and/or use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

The proposed hydrogen fuel dispensers will integrate into the current pattern of gasoline dispensers at an existing gas station. There will be no changes to the existing convenience market or the canopies that shelter patrons from the elements when fueling up. The proposal will require the installation of additional equipment that is in an undeveloped area east of the convenience market; however, the largest structure is setback more than 60' from the public right of way on Stevens Creek Blvd. and is compatible in size, massing, and color of the existing conditions. The other equipment includes a new transformer and a pedestal meter. These items are not very large, located outside any areas of visibility for thru traffic, and are adequately screened.

2. The proposed development and/or use will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan, underlying zoning regulations, and the purpose of this title and complies with the California Environmental Quality Act (CEQA);

The proposed modification to use will be consistent with the underlying zoning and General Plan land use designations as a neighborhood commercial business with this modification to the use permit (U-2011-09). Additionally, the addition of two hydrogen fueling dispensers is aligned with the City's goals in providing infrastructure, projects, and programs that promote alternative fueling and energy efficient modes of transportation.

WHEREAS, the Planning Commission is the approval authority for this project and granted the authority by the Municipal Code to exercise its independent judgment, based on the record before it, for purposes of the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission takes the following actions:

1. Exercises its independent judgment and determines that the Project is exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15303, and 15304, based on the following evaluations:

- The Class 1 exemption applies to existing facilities that involve negligible or no expansion of existing or former use. The proposed project adds equipment and dispensers that do not increase the floor area of structures and adds less than 600 sq. ft. of lot coverage to an existing gas station. Therefore the proposed addition of hydrogen fueling facilities is less than the threshold for additions to existing structures (Section 15301 (e) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or 10,000 square feet) and will not significantly expand the use beyond the current use that already exists and will not have a significant effect on the environment.
- The Class 3 exemption applies to new construction or conversion of small facilities or structures. The proposed project consists of installation of small new equipment and facilities in small structures that consists of two 7.5' tall hydrogen fueling dispensers that occupy an area of 10 sq. ft. each and accessory hydrogen equipment that occupies 473 sq. ft. on the site. Therefore, the proposed project is within section 15303 and will not have a significant effect on the environment.
- The Class 4 exemption applies to minor alterations to land. The proposed project includes sidewalk construction that will remove 2 immature street trees and will involve trenching and backfilling in order to install the equipment. Since the project does not involve the removal of healthy, mature, scenic trees and the area where trenching and backfilling will occur will be restored, the project is within section 15304 and will not have a significant effect on the environment.

2. Approves the application for a Modification to Use Permit, Application no. M-2020-001 subject to the conditions which are enumerated in this Resolution beginning on PAGE 4 thereof. The conclusions and subconclusions upon which the findings and conditions specified in this resolution are based, including those contained in the Public Hearing record concerning Application no. M-2020-001 as set forth in the Minutes of Planning Commission Meeting of October 27, 2020, are hereby incorporated by reference as though fully set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the foregoing recitals are true and correct and are included herein by reference as findings.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set consisting of 9 sheets, labeled Sheets 1 of 9 through 9 of 9 entitled, "FEFUEL Hydrogen Fueling Station," drawn and submitted by Lars Andersen & Associates, Inc.

2. ANNOTATION OF THE CONDITIONS OF APPROVAL

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

3. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file no. ASA-2020-002 shall be applicable to this approval.

4. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

5. PREVIOUS CONDITIONS OF APPROVAL

The following previous conditions of approval for the project pertaining to use and architectural/site details shall remain in effect:

U-2011-09	All conditions, except that the approval for the 2,580 square foot office building is no longer valid pursuant to DIR-2014-13
ASA-2011-10	All conditions, except that the approved architectural and site details shall be superseded by this approval
DIR-2014-13	All conditions
DIR-2015-25	All conditions

6. INGRESS/EGRESS EASEMENT

Prior to final occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to the approval of the City Attorney, to provide the necessary reciprocal ingress and egress easements to and from the adjoining properties for purposes of pedestrian and vehicular access and cross circulation. The easement language shall provide that construction of any driveways shall be completed to the City's satisfaction at such time as the city can require the adjacent property owners to agree to construct driveway(s) and provide

reciprocal ingress/egress easements through a planning permit. The cost of construction of the connection shall be appropriately apportioned. The agreement language including the driveway(s) and easement layout shall be reviewed and approved by the City prior to recordation with the County Recorder's Office. The easement shall contain a provision that it may not be modified or removed without express written approval from the City.

7. BICYCLE PARKING

The applicant shall provide bicycle parking and bike racks for the proposed project in accordance with the City's Parking Regulations under Chapter 19.124 of the Cupertino Municipal Code.

4. BUILDING AND FIRE CODE

The applicant shall apply for and obtain building permits to allow the construction of the approved project. The applicant shall provide information and plans to allow the Building Official and the Fire Marshall or their designee that the proposed plans comply with Building and Fire Codes in effect at the time of application for a building permit.

5. DEMOLITION REQUIREMENTS

All demolished building and site materials shall be recycled to the maximum extent feasible to the satisfaction of the Building Official. The applicant shall provide evidence that materials were recycled **prior to issuance of final demolition/grading permits.**

6. PRE-CONSTRUCTION MEETING AND CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of construction activities, the applicant shall arrange for a pre-construction meeting with the pertinent departments (including, but not limited to, Building, Planning, Public Works, Santa Clara County Fire Department), **prior to issuance of grading and/or building permits**, to review an applicant-prepared construction management plan including, but not limited to:

- a. Plan for compliance with conditions of approval
- b. Plan for public access during work in the public right-of-way
- c. Construction staging area
- d. Construction schedule and hours
- e. Construction phasing plan, if any
- f. Contractor parking area
- g. Tree preservation/protection plan
- h. Site dust, noise and storm run-off management plan
- i. Emergency/complaint and construction site manager contacts

7. GRADING AND CONSTRUCTION HOURS AND NOISE LIMITS

- a. All grading activities shall be limited to the dry season (April 15 to October 1), unless permitted otherwise by the Director of Public works.
- b. Construction hours and noise limits shall be compliant with all requirements of Chapter 10.48 of the Cupertino Municipal Code.
- c. Grading, street construction, underground utility and demolition hours for work done more than 750 feet away from residential areas shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Grading, street construction, demolition or underground utility work within 750 feet of residential areas shall not occur on Saturdays, Sundays, holidays, and during the nighttime period as defined in Section 10.48.053(b) of the Municipal Code.
- d. Construction activities shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Construction activities are not allowed on holidays as defined in Chapter 10.48 of the Municipal Code. Night time construction is allowed if compliant with nighttime standards of Section 10.48 of the Cupertino Municipal Code.
- e. Rules and regulations pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of an applicant appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
- f. The applicant shall be responsible for educating all contractors and subcontractors of said construction restrictions.

The applicant shall comply with the above grading and construction hours and noise limit requirements unless otherwise indicated.

8. DUST CONTROL

The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site:

- a. Water all exposed surfaces areas (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The applicant shall incorporate the City's construction best management practices into the building permit plan set **prior to any grading, excavation, foundation or building permit issuance.**

9. SIGNAGE

Signage is not approved with this use permit application. Any additional future signage shall conform to the City Sign Code and Monta Vista Design Guidelines.

10. SITE IMPROVEMENTS

All proposed site improvements shall be completed **prior to final occupancy** of any structures/uses approved in conjunction with the project.

11. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

12. INDEMNIFICATION AND LIMITATION OF LIABILITY

As part of the application, to the fullest extent permitted by law, the applicant shall agree to indemnify, defend with the attorneys of the City's choice, and hold harmless the City, its City Council, and its officers, employees, and agents (collectively, the "indemnified parties") from and against any liability, claim, action, cause of action, suit, damages, judgment, lien, levy, or proceeding (collectively

referred to as “proceeding”) brought by a third party against one or more of the indemnified parties or one or more of the indemnified parties and the applicant related to any Ordinance, Resolution, or action approving the project, the related entitlements, environmental review documents, finding or determinations, or any other permit or approval authorized for the project. The indemnification shall include but not be limited to damages, fees, and costs awarded against the City, if any, and cost of suit, attorneys’ fees, and other costs, liabilities, and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, or the parties initiating or bringing such proceeding.

The applicant shall agree to (without limitation) reimburse the City its actual attorneys’ fees and costs incurred in defense of the litigation. Such attorneys’ fees and costs shall include amounts paid to the City’s outside counsel and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City. The applicant shall likewise agree to indemnify, defend, and hold harmless the indemnified parties from and against any damages, attorneys’ fees, or costs awards, including attorneys’ fees awarded under Code of Civil Procedure section 1021.5, assessed or awarded against the indemnified parties. The Applicant shall cooperate with the City to enter a Reimbursement Agreement to govern any such reimbursement.

The Applicant shall agree to (without limitation) reimburse the City for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an Environmental Impact Report, negative declaration, specific plan, or general plan amendment) if made necessary by proceedings challenging the project approvals and related environmental review, if the applicant desires to continue to pursue the project.

The Applicant shall agree that the City shall have no liability to the Applicant for business interruption, punitive, speculative, or consequential damages.

13. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT

10. STREET IMPROVEMENTS & DEDICATION

Roadway improvements along the project will be required to the satisfaction of the Director of Public Works. Street improvements, grading and drainage plans must be completed and approved prior to issuance of Building Permit.

Street improvements may include, but not be limited to, new 5' wide sidewalk along Bubbs Rd and upgrade two driveway approaches to City Standard Detail 1-21. Any existing on-site utilities that are within the public right of way shall be relocated. All improvements must be completed and accepted by the City prior to final building permit acceptance.

11. ACCEPTANCE OF PROPERTY RIGHTS

The Public Works Director, or his/her designee, shall have the authority to accept all offers of dedications, easements, quitclaims and other property rights and interests on behalf of the City.

12. PEDESTRIAN AND BICYCLE IMPROVEMENTS

Developer shall provide pedestrian and bicycle related improvements (e.g. walkway and bicycle racks, etc.) consistent with the Cupertino Bicycle Transportation Plan and the Pedestrian Transportation Guidelines, and as approved by the Director of Public Works.

13. GRADING & DRAINAGE

Drainage shall be provided to the satisfaction of the Director of Public Works. The storm drain system may include, but is not limited to bioretention basins, inlet filters, storm lateral, and measures to reduce the amount of runoff from the site and improve water quality.

All storm drain inlets shall be clearly marked with the words "No Dumping – Flows to Creek" using permanently affixed metal medallions or equivalent, as approved by the Environmental Programs Division.

14. C.3 REQUIREMENTS

C.3 regulated improvements are required for all projects creating and/or replacing 5,000 S.F. or more of impervious surface (collectively over the entire site including previous projects). At building permit stage, submit the C.3 Impervious Surface Form for City's record.

The developer must include the use and maintenance of site design, source control and storm water treatment Best Management Practices (BMPs).

15. IMPROVEMENT AGREEMENT

The project developer shall enter into a development agreement with the City of Cupertino providing for payment of fees, including but not limited to checking and inspection fees, storm drain fees, park dedication fees and fees for under grounding of utilities. Said agreement and fees shall be executed and paid prior to issuance of Building permit.

Fees:

- a. Checking & Inspection Fees: Per current fee schedule: \$891
- b. Storm Drainage Fee: Per current fee schedule: \$821
- c. Transportation Impact Fee: Per current fee schedule: \$81,874 (based on 13 trips X \$6,298 per PM peak-hour trips generated)
- d. Encroachment Permit Fee: Per current fee schedule: \$2,638

Bonds:

- a. Faithful Performance Bond: 100% of Off-site and On-site Improvements
- b. Labor & Material Bond: 100% of Off-site and On-site Improvement

The fees described above are imposed based upon the current fee schedule adopted by the City Council. However, the fees imposed herein may be modified at the time issuance of a building permit in the event of said change or changes, the fees changed at that time will reflect the then current fee schedule.

16. TRANSPORTATION IMPACT FEES

The Project is subject to the payment of Transportation Impact Fees under City's Transportation Impact Fee Program (Chapter 14.02 of the Cupertino Municipal Code).

17. UNDERGROUND UTILITIES

Developer shall comply with the requirements of the Underground Utilities Ordinance No. 331 and other related Ordinances and regulations of the City of Cupertino, and shall coordinate with affected utility providers for installation of underground utility devices. Developer shall submit detailed plans showing utility underground provisions. Said plans shall be subject to prior approval of the affected Utility provider and the Director of Public Works.

18. TRANSFORMERS & CABINETS

Electrical transformers, telephone cabinets and similar equipment shall be placed in underground vaults. The developer must receive written approval from both the Public Works Department and the Community Development Department prior to installation of any above ground equipment. Should above ground equipment be permitted by the City, equipment and enclosures shall be screened with fencing and

landscaping such that said equipment is not visible from public street areas, as determined by the Community Development Department.

19. BEST MANAGEMENT PRACTICES

Utilize Best Management Practices (BMPs), as required by the State Water Resources Control Board, for construction activity, which disturbs soil. BMP plans shall be included in grading and street improvement plans.

20. EROSION CONTROL PLAN

Developer must provide an approved erosion control plan by a Registered Civil Engineer. This plan should include all erosion control measures used to retain materials on site. Erosion control notes shall be stated on the plans.

21. WORK SCHEDULE

Every 6 months, the developer shall submit a work schedule to the City to show the timetable for all grading/erosion control work in conjunction with this project.

22. TRAFFIC CONTROL PLAN

The developer must submit a traffic control plan by a Registered Traffic Engineer to be approved by the City. The plan shall include a temporary traffic control plan for work in the right of way as well as a routing plan for all vehicles used during construction. All traffic control signs must be reviewed and approved by the City prior to commencement of work. The City has adopted Manual on Uniform Traffic Control Devices (MUTCD) standards for all signage and striping work throughout the City.

SECTION V: CONDITIONS ADMINISTERED BY THE ENVIRONMENTAL PROGRAMS DIVISION

23. REVISIONS TO PLANS

The project will be reviewed at the time of building permit submittal and there may be additional requirements related to stormwater pollutant management and solid waste diversion and management. Please see comment 4 below and address each item as it relates to your project. The requirements trigger due to a development/building permit being issued, not due to project scope. If the storm drain inlet trash/hydrocarbon filtering and drain labeling have already been addressed, there will be no further action required; however, please address in your comment response.

24. PROPOSED GRADING

Please include with the resubmittal, a topographical site plan for this property clearly identifying the following: 1) total number and location of all storm drain surface inlets (including bioretention and trench drains), 2) location and flow path of

all underground storm drain lines, and 3) all connection points to the City storm drain system, adjacent private properties, diversion channels, and creeks, and 4) each storm drain inlet and bioretention overflow must have the specific type of certified full trash capture device/treatment system to be installed identified.

25. SHEET 5- PROPOSED GRADING

Due to the County Shelter in Place Order, a pre-comment inspection is unable to be conducted as of the issuance of this comment letter. If the existing storm drain inlets do not currently have full trash capture treatment including hydrocarbon filtration, they will be required as follows: All exterior storm drain inlets (existing and new), including bioretention area overflow catch basins (existing and new) and linear trench drains (existing and new) must be treated with full trash capture systems to prevent litter from entering the City's storm drain system and/or any adjacent creeks or diversion channels. Systems and devices used must be approved by the California State Regional Water Quality Control Board (RWQCB) and selected from the San Francisco Bay RWQCB Certified Full Capture System List of Trash Treatment Control Devices which may be viewed at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.html

26. DEVELOPMENT FORMS

The applicant and property owner must sign and submit to the Environmental Programs Division, the attached "Environmental Programs Division Conditions of Approval for Tenant Improvements and Development" form. The form may be www.cupertino.org/greendev

SECTION VI: CONDITIONS ADMINISTERED BY THE BUILDING DIVISION

27. REVISIONS TO PLANS

Revise the plans to call out the setbacks of the hydrogen equipment to the property lines and provide specifications/listing information for the hydrogen shelter/box.

SECTION VII: CONDITIONS ADMINISTERED BY SANTA CLARA COUNTY FIRE DEPT.

28. REVISIONS TO PLANS

At the time of building permit submittal, submit a complete and accurate set of plans for the hydrogen storage and dispensing facility showing set-backs to buildings, building openings and property/lot lines. Include all cut-sheets, process piping diagrams, and ancillary equipment.

PASSED AND ADOPTED this 27th day of October, 2020, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Moore, Vice Chair Wang, Takahashi, Fung,
Saxena

NOES: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

_____/s/Benjamin Fu
Benjamin Fu
Director of Community Development

_____/s/Kitty Moore
Kitty Moore
Chair, Planning Commission

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6912

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
APPROVING AN ARCHITECTURAL AND SITE APPROVAL TO ALLOW
FOR THE INSTALLATION OF TWO HYDROGEN FUELING DISPENSERS,
ACCESSORY UTILITY STRUCTURES, AND SITE IMPROVEMENTS AND
LANDSCAPING TO AN EXISTING GASOLINE STATION LOCATED AT
21350 STEVENS CREEK BLVD.

SECTION I: PROJECT DESCRIPTION

Application No.: ASA-2020-002
Applicant: Kristi Kandel
Property Owner: BSP Cupertino Union LLC
Location: 21530 Stevens Creek Blvd. (APN#357-20-027)

SECTION II: FINDINGS FOR AN ARCHITECTURAL AND SITE APPROVAL:

WHEREAS, the Planning Commission of the City of Cupertino received an application for an Architectural and Site Approval to consider allowing the installation of two hydrogen fueling dispensers and accessory utility structures and site improvements and landscaping to an existing gasoline fueling station as described in Section I of this Resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Planning Commission has held at least one public hearing in regard to the application; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq.) ("CEQA"), together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, "CEQA Guidelines"), the City staff has independently studied the proposed Project and has determined that the Project is exempt from environmental review pursuant to the categorical exemption in CEQA Guidelines section 15301, 15303, 15304 for the reasons set forth in the staff report dated October 27, 2020 and incorporated herein; and

WHEREAS, on October 27, 2020, the Planning Commission held a duly noticed public hearing to receive public testimony on the Project, including the categorical CEQA exemption in CEQA Guidelines sections 15301, 15303, 15304, and reviewed and considered the information contained in the staff report pertaining to the Project, all other pertinent documents, and all written and oral statements received by the Planning Commission at or prior to the public hearing; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the Planning Commission finds as follows with regard to this application:

1. The proposal, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

The proposal is consistent with the neighborhood commercial use as allowed through the approval of a conditional use permit. The property is located adjacent to Stevens Creek Blvd, a major arterial, and CA State Route 85 and therefore a favorable location for an existing gasoline fueling station and added hydrogen fueling dispensers. The site improvements include reducing the width of a driveway and the construction of a sidewalk along Bubb Road where one did not exist. The project is therefore in a location that is not injurious or detrimental to property and will increase the safety, general welfare and convenience to the public.

2. The proposal is consistent with the purposes of Chapter 19.168, the General Plan, any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, subdivision maps or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:

- a) Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings.

This project does not propose any new buildings, but the new proposed hydrogen equipment does keep in scale with the existing one-story 16' tall convenience market building. The 480 square foot equipment is located more than 60' away from Stevens Creek Boulevard and is measured at a height of under 11'. Additionally, the hydrogen dispensers are consistent in size with the two existing gasoline dispensers where they will be located next to under an existing canopy. Therefore there are no abrupt changes in building scale and a consistent height, and massing is maintained.

- b) In order to preserve design harmony between new and existing building and in order to preserve and enhance property values, the materials, textures and colors

of new building should harmonize with adjacent development by being consistent or compatible with design and color schemes with the future character of the neighborhoods and purposes of the zone in which they are situated. The location, height and materials of walls, fencing, hedges and screen planting should harmonize with adjacent development. Unsightly storage areas, utility installations and unsightly elements of parking lots should be concealed. The planting of ground cover or various types of pavements should be used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees should be avoided. Lighting for development should be adequate to meet safety requirements as specified by the engineering and building departments, and provide shielding to prevent spill-over light to adjoining property owners.

The proposed project will introduce two new hydrogen fueling dispensers that will be located under an existing gasoline fueling canopy. The proprietary dispensers are stylistically different from the traditional gasoline fueling dispensers, but the rectilinear shape and size are reasonably similar. The hydrogen equipment structure, located on the east side of the property, occupies less than 480 square feet of an undeveloped area of the property but will be painted to be consistent with the color scheme of the convenience market. The incorporation of the new dispensers among the existing gasoline dispensers and the location and color-matching proposed for the hydrogen equipment will be consistent with the aesthetic of the existing gas station therefore will harmonize with the current design and use. The existing trash enclosure and most parking spaces will remain at the rear of the property and therefore properly screened from public right of way. The project proposes to remove two street trees but does not propose the removal of any private trees and will introduce screening shrubs along Stevens Creek Blvd. and along the eastern and southern property lines. Additionally, low growing and low maintenance groundcovers are proposed in curbed landscape islands between driveway approaches, around the existing ground sign, and in the undeveloped area east of the hydrogen equipment.

- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures have been designed to minimize traffic hazard, positively affect the general appearance of the neighborhood and harmonize with adjacent development.

No signs are proposed as part of this approval.

- d) With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects by use of buffering, setbacks, landscaping, walls and other appropriate design measures.

This project is a modification to an existing commercial gas fueling station and is located more than 250 feet away from residential located on the other side of Stevens Creek Blvd.

WHEREAS, the Planning Commission has independently reviewed and considered the Project and the basis for the exemption prior to taking any approval actions on the Project, and exercising its independent judgment, based upon the entire record before it, has determined that the Project is exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15303, 15304, which applies to existing facilities that involve negligible or no expansion of existing or former use, to new construction or conversion of small facilities or structures, and minor alterations to land; and

WHEREAS, the Planning Commission is the approval authority for this project and granted the authority by the Municipal Code to exercise its independent judgment, based on the record before it, for purposes of the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the application for an Architectural and Site Approval, Application no. ASA-2020-002 subject to the conditions which are enumerated in this Resolution beginning on PAGE 4 thereof. The conclusions and subconclusions upon which the findings and conditions specified in this resolution are based, including those contained in the Public Hearing record concerning Application no. ASA-2020-002 as set forth in the Minutes of Planning Commission Meeting of October 27, 2020, are hereby incorporated by reference as though fully set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the foregoing recitals are true and correct and are included herein by reference as findings.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set consisting of 9 sheets, labeled Sheets 1 of 9 through 9 of 9 entitled, "FEFUEL Hydrogen Fueling Station," drawn and submitted by Lars Andersen & Associates, Inc.

2. ANNOTATION OF THE CONDITIONS OF APPROVAL

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

3. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file no. M-2020-001 shall be applicable to this approval.

4. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

5. EXTERIOR BUILDING MATERIALS/TREATMENTS

The final building exterior plan shall closely resemble the details shown on the original approved plans. Final building exterior treatment plan (including but not limited to details on exterior color, materials, architectural treatments, doors, windows, lighting fixtures, and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits to ensure quality and consistency. Any exterior changes determined to be substantial by the Director of Community Development shall either require a modification to this permit or a new permit based on the extent of the change.

6. SCREENING

All mechanical and other equipment on the building or on the site shall be screened so they are not visible from public street areas or adjoining developments. Screening materials/colors shall match building features and materials. The height of the screening shall be taller than the height of the mechanical equipment that it is designed to screen. Should above ground equipment be permitted by the City, equipment and enclosures shall be screened with fencing and landscaping such that said equipment is not visible from public street areas, as determined by the Community Development Department. The location of equipment and necessary screening shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

7. UTILITY STRUCTURE PLAN

Prior to issuance of building permits, the applicant shall work with staff to provide a detailed utility plan to demonstrate screening or undergrounding of all new utility structures [including, but not limited to backflow preventers (BFP), fire department connections (FDC), post-indicator valves (PIV), and gas meters] to the satisfaction of the Director of Community Development, Public Works, Fire Department, and applicable utility agencies.

8. SIGNAGE

Signage is not approved with this permit application. Signage shall conform to the City Sign Code.

9. SITE LIGHTING

All lighting must conform to the standards in the Parking Regulations Ordinance, and the final lighting plan (including a detailed photometric plan) shall be reviewed and approved by the Director of Community Development prior to building permit issuance. A report from a licensed lighting engineer may be required to confirm all exterior lighting throughout the site complies with the City's Ordinance.

10. DEMOLITION REQUIREMENTS

All demolished building and site materials shall be recycled to the maximum extent feasible to the satisfaction of the Building Official. The applicant shall provide evidence that materials were recycled **prior to issuance of final demolition/grading permits**.

11. PRE-CONSTRUCTION MEETING AND CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of construction activities, the applicant shall arrange for a pre-construction meeting with the pertinent departments (including, but not limited to, Building, Planning, Public Works, Santa Clara County Fire Department), **prior to issuance of grading and/or building permits**, to review an applicant-prepared construction management plan including, but not limited to:

- a. Plan for compliance with conditions of approval
- b. Plan for public access during work in the public right-of-way
- c. Construction staging area
- d. Construction schedule and hours
- e. Construction phasing plan, if any
- f. Contractor parking area
- g. Tree preservation/protection plan
- h. Site dust, noise and storm run-off management plan
- i. Emergency/complaint and construction site manager contacts

12. GRADING AND CONSTRUCTION HOURS AND NOISE LIMITS

The applicant shall indicate compliance with the following grading and construction hours and noise limit requirements on all demolition, construction and grading permits, and in the construction management plan(s), unless otherwise indicated.

- a. All grading activities shall be limited to the dry season (April 15 to October 1), unless permitted otherwise by the Director of Public works.
- b. Construction hours and noise limits shall be compliant with all requirements of Chapter 10.48 of the Cupertino Municipal Code.

- c. Grading, street construction, underground utility and demolition hours for work done more than 750 feet away from residential areas shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Grading, street construction, demolition or underground utility work within 750 feet of residential areas shall not occur on Saturdays, Sundays, holidays, and during nighttime period as defined in Section 10.48.053(b) of the Municipal Code.
- d. Construction activities shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Construction activities are not allowed on holidays as defined in Chapter 10.48 of the Municipal Code. Night time construction is allowed if compliant with nighttime standards of Section 10.48 of the Cupertino Municipal Code.
- e. Rules and regulations pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of an applicant appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.

The applicant shall be responsible for educating all contractors and subcontractors of said construction restrictions.

13. DUST CONTROL

The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site:

- a. Water all exposed surfaces areas (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the

California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The applicant shall incorporate the City's construction best management practices into the building permit plan set **prior to any grading, excavation, foundation or building permit issuance.**

14. LANDSCAPE PROJECT SUBMITTAL

Prior to issuance of building permits, the applicant shall submit a full Landscape Documentation Package, per sections 14.15.050 A, B, C, and D of the Landscape Ordinance, **for projects with landscape area 500 square feet or more** or elect to submit a Prescriptive Compliance Application per sections 14.15.040 A, B, and C **for projects with landscape area between 500 square feet and 2,500 square feet**. The Landscape Documentation Package or Prescriptive Compliance Application shall be reviewed and approved to the satisfaction of the Director of Community Development prior to issuance of building permits, and additional requirements per sections 14.15.040 D, E, F, and G or 14.15.050 E, F, G, H, and I will be required to be reviewed and approved **prior to final inspections.**

15. LANDSCAPE INSTALLATION REPORT

The project is subject to all provisions delineated in the Landscape Ordinance (CMC, Chapter 14.15). A landscape installation audit shall be conducted by a certified landscape professional after the landscaping and irrigation system have been installed. The findings of the assessment shall be consolidated into a landscape installation report prior to final occupancy and inspections.

The landscape installation report shall include, but is not limited to: inspection to confirm that the landscaping and irrigation system are installed as specified in the landscape and irrigation design plan, system tune-up, system test with distribution uniformity, reporting overspray or run-off that causes overland flow, and preparation of an irrigation schedule.

The landscape installation report shall include the following statement: "The landscape and irrigation system have been installed as specified in the landscape and irrigation design plan and complies with the criteria of the ordinance and the permit."

16. LANDSCAPE AND IRRIGATION MAINTENANCE

Per the Landscape Ordinance (CMC, Chapter 14.15), a maintenance schedule shall be established and submitted to the Director of Community Development or his/her designee, either with the landscape application package, with the landscape installation report, or any time before the landscape installation report is submitted.

- a. Schedules should take into account water requirements for the plant establishment period and water requirements for established landscapes.
- b. Maintenance shall include, but not be limited to the following: routine inspection; pressure testing, adjustment and repair of the irrigation system; aerating and de-thatching turf areas; replenishing mulch; fertilizing; pruning; replanting of failed plants; weeding; pest control; and removing obstructions to emission devices.
- c. Failed plants shall be replaced with the same or functionally equivalent plants that may be size-adjusted as appropriate for the stage of growth of the overall installation. Failing plants shall either be replaced or be revived through appropriate adjustments in water, nutrients, pest control or other factors as recommended by a landscaping professional.

17. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

18. INDEMNIFICATION AND LIMITATION OF LIABILITY

As part of the application, to the fullest extent permitted by law, the applicant shall agree to indemnify, defend with the attorneys of the City's choice, and hold harmless the City, its City Council, and its officers, employees, and agents (collectively, the "indemnified parties") from and against any liability, claim, action, cause of action, suit, damages, judgment, lien, levy, or proceeding (collectively referred to as "proceeding") brought by a third party against one or more of the indemnified parties or one or more of the indemnified parties and the applicant related to any Ordinance, Resolution, or action approving the project, the related entitlements, environmental review documents, finding or determinations, or any other permit or approval authorized for the project. The indemnification shall include but not be limited to damages, fees, and costs awarded against the City, if

any, and cost of suit, attorneys' fees, and other costs, liabilities, and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, or the parties initiating or bringing such proceeding.

The applicant shall agree to (without limitation) reimburse the City its actual attorneys' fees and costs incurred in defense of the litigation. Such attorneys' fees and costs shall include amounts paid to the City's outside counsel and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City. The applicant shall likewise agree to indemnify, defend, and hold harmless the indemnified parties from and against any damages, attorneys' fees, or costs awards, including attorneys' fees awarded under Code of Civil Procedure section 1021.5, assessed or awarded against the indemnified parties. The Applicant shall cooperate with the City to enter a Reimbursement Agreement to govern any such reimbursement.

The Applicant shall agree to (without limitation) reimburse the City for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an Environmental Impact Report, negative declaration, specific plan, or general plan amendment) if made necessary by proceedings challenging the project approvals and related environmental review, if the applicant desires to continue to pursue the project.

The Applicant shall agree that the City shall have no liability to the Applicant for business interruption, punitive, speculative, or consequential damages.

19. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

PASSED AND ADOPTED this 27th day of October, 2020, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Moore, Vice Chair Wang, Takahashi, Fung
Saxena

NOES: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Benjamin Fu

Benjamin Fu

Director of Community Development

/s/Kitty Moore

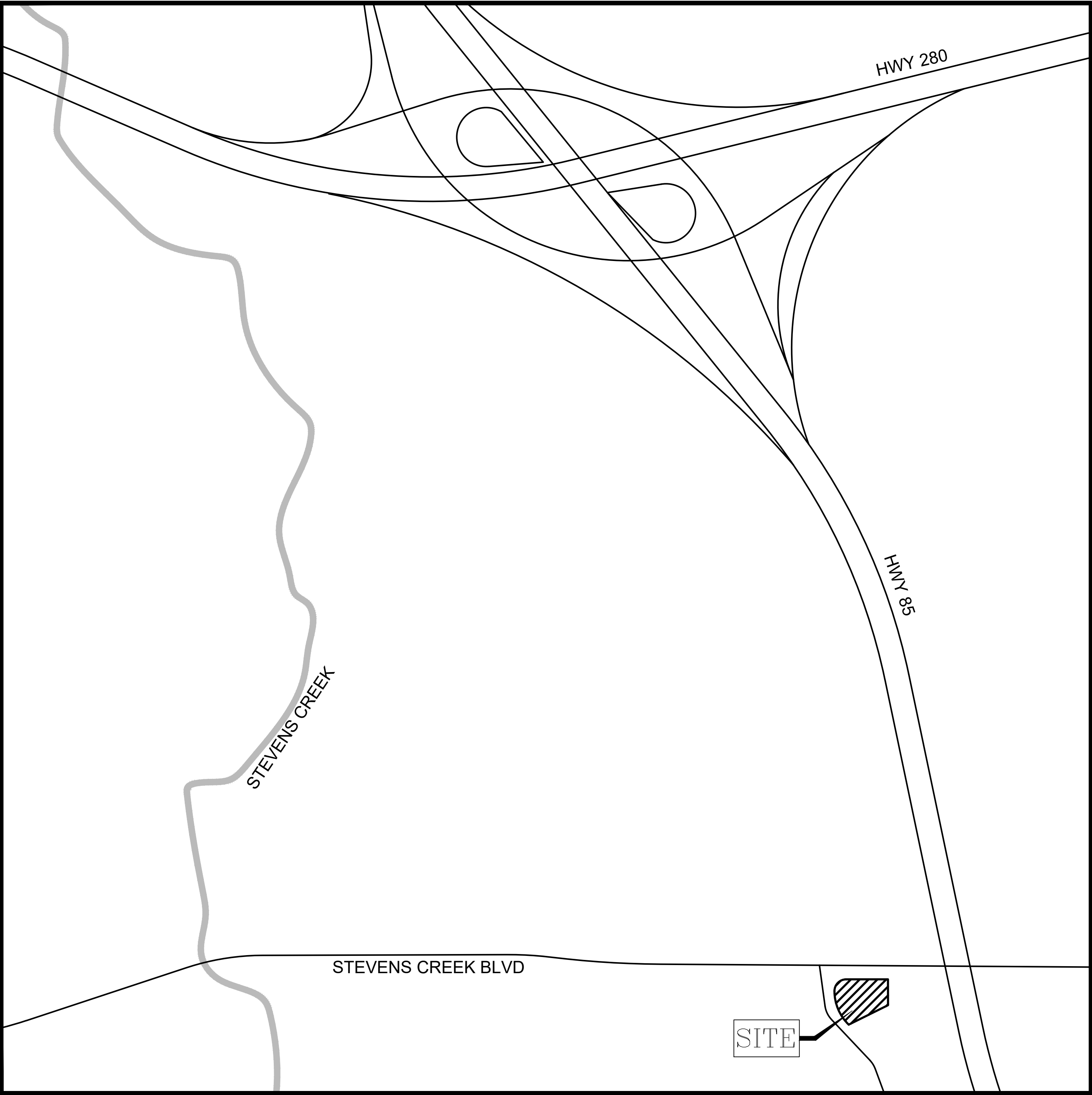
Kitty Moore

Chair, Planning Commission

FEFUEL

HYDROGEN FUELING STATION

21530 STEVENS CREEK BOULEVARD
CUPERTINO, CA 95014



VICINITY MAP

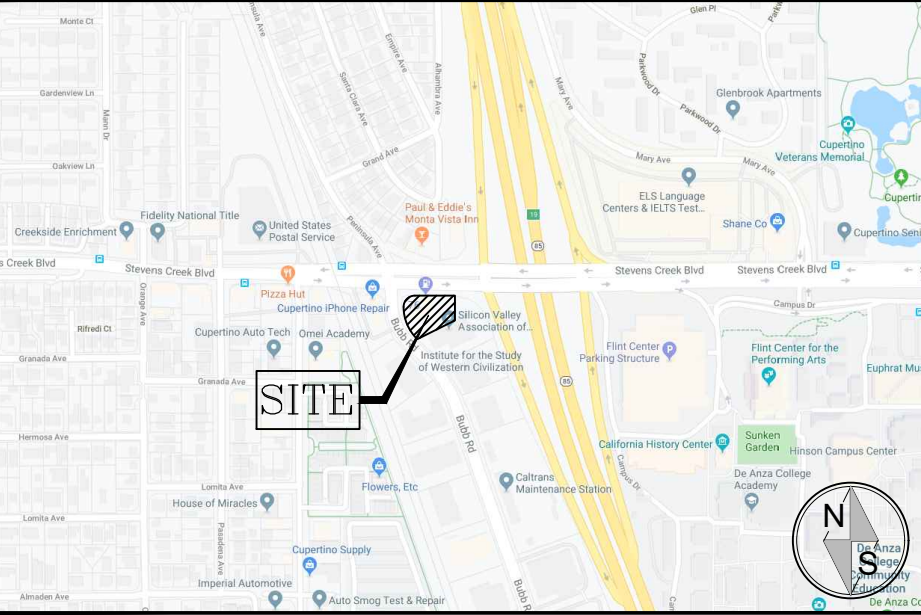
NOT TO SCALE

PROJECT INFORMATION				
PROJECT DESCRIPTION	EXISTING BUILDING, EXISTING SERVICE STATION, AND OVERALL SITE TO REMAIN AS IS. NEW WORK IS LIMITED TO PROPOSED PROJECT AREA FOR A. HYDROGEN EQUIPMENT B. HYDROGEN FUELING DISPENSERS			
PROJECT ADDRESS	21530 STEVENS CREEK BOULEVARD CUPERTINO, CA 95014			
ASSESSOR PARCEL NUMBER	357-20-027			
	P(CN) - NEIGHBORHOOD COMMERCIAL			
LAND USE	EXISTING: NEIGHBORHOOD COMMERCIAL / RESIDENTIAL			
ZONE	PROPOSED: NEIGHBORHOOD COMMERCIAL / RESIDENTIAL			
LOT COVERAGE	EXISTING LOT COVERAGE		2,279 SF (7%)	
	PROPOSED LOT COVERAGE		2,752 SF (8%)	
SETBACKS	SETBACKS	NORTH	EAST	SOUTH WEST
	REQUIRED:	0'	0'	0'
	PROVIDED:	57.6'	86.7'	58.3' 63.2'
	NOTE: H2 EQUIPMENT IS MECHANICAL EQUIPMENT AND NOT A BUILDING/STRUCTURE.			
BUILDING HEIGHT	EXISTING BUILDING HEIGHT PROPOSED BUILDING HEIGHT (NO CHANGE)			16.60' 16.60'
DRAWING INDEX				
SHEET 1	TITLE SHEET			
SHEET 2	EXISTING SITE PLAN			
SHEET 3	PROPOSED SITE PLAN			
SHEET 4	ELEVATIONS / MATERIAL BOARD			
SHEET 5	PROPOSED GRADING PLAN			
SHEET 6	PROPOSED LANDSCAPE PLAN			
SHEET 7	H2 EQUIPMENT LISTING INFORMATION			
SHEET 8	LOT SURVEY			
SHEET 9	LOT SURVEY			

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
4694 WEST JACQUELYN AVENUE – FRESNO, CALIFORNIA 93722
TEL: 559 276–2790 FAX: 559 276–0850 WWW.LARSANDERSEN.COM

LOCATION MAP

NOT TO SCALE



CONTACT INFORMATION

FIRST ELEMENT FUEL INC.
Dave Jordaan
Director of Projects and Construction
<https://www.firstelementfuel.com/>
(714) 720–5472
dave.jordaan@firstelementfuel.com
5281 California Ave, Suite 260,
Irvine, CA 92617

I&D CONSULTING
Kristi Kandel
UPS PO Box 7172 – 280
195 Hwy 50, #104
Stateline, NV 89449–7172
kristi@idconsulting.us
(310) 946–9562

LARS ANDERSEN & ASSOCIATES
Daniel Zoldak
4694 West Jacquelyn Avenue
Fresno, California 93722
DZoldak@larsandersen.com
(559) 276–2790 x117

TITLE SHEET

DATE: 09/23/2020
REVISION DATES:
SITE PLANNER DEREK FINNEGAN

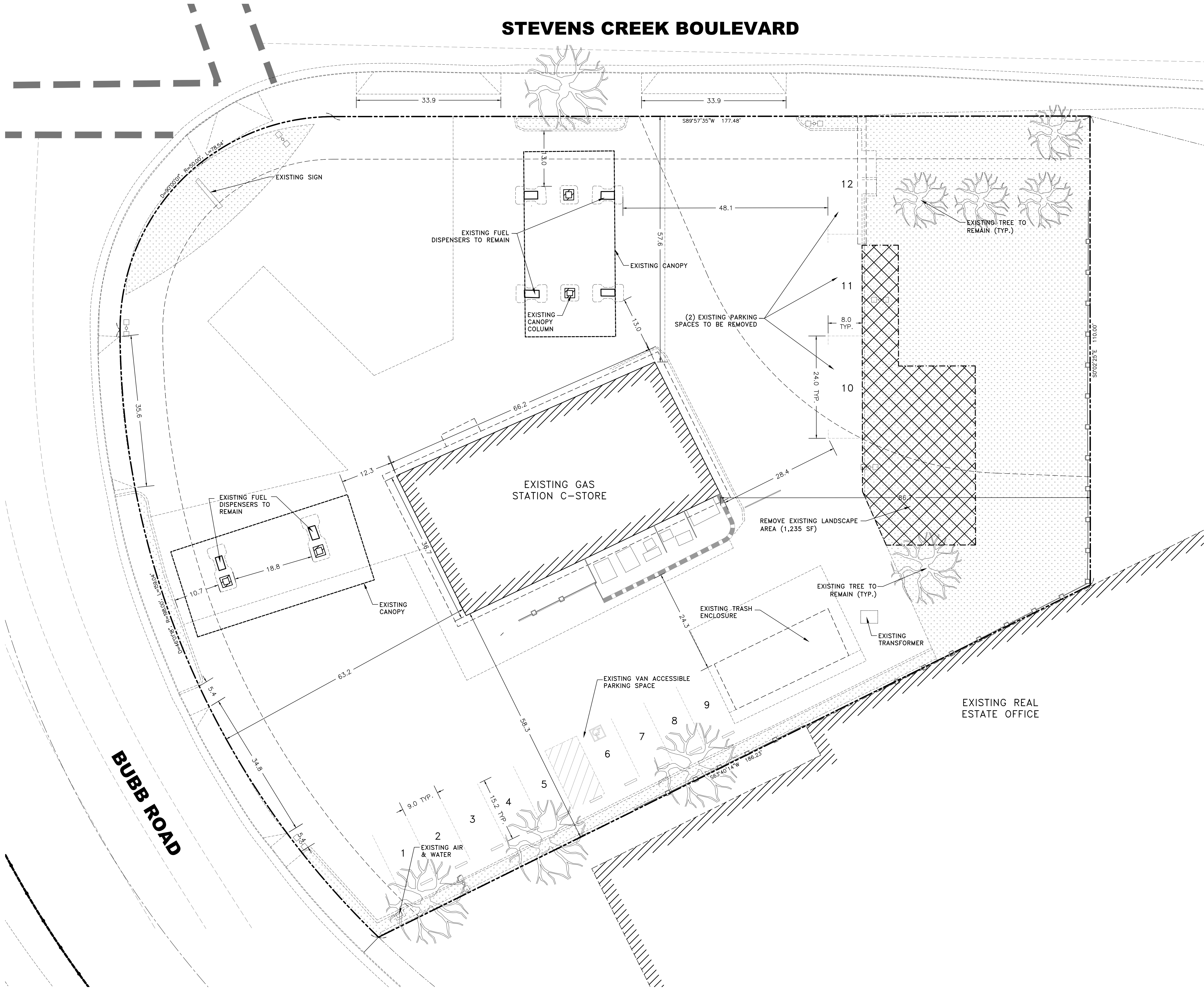


5281 California Avenue,
#260
Irvine, CA 92617

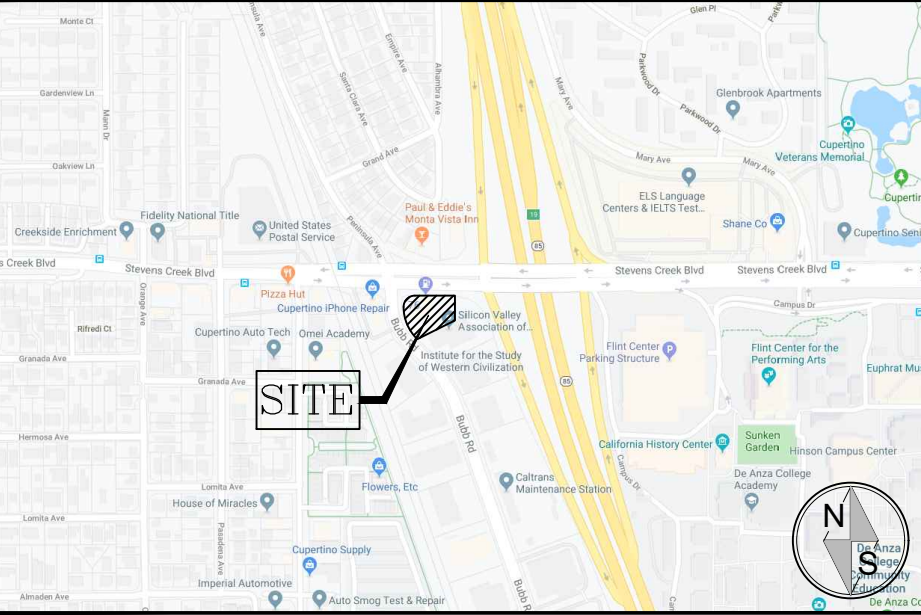
FEF - CUPERTINO

ADDRESS: 21530 STEVENS CREEK BLVD
CUPERTINO, CA 95014
LA PROJECT NUMBER 19046

STEVENS CREEK BOULEVARD



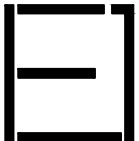
LOCATION MAP NOT TO SCALE



PROJECT INFORMATION

EXISTING SITE PLAN

DATE: 09/23/2020
REVISION DATES:
SITE PLANNER DEREK FINNEGAN



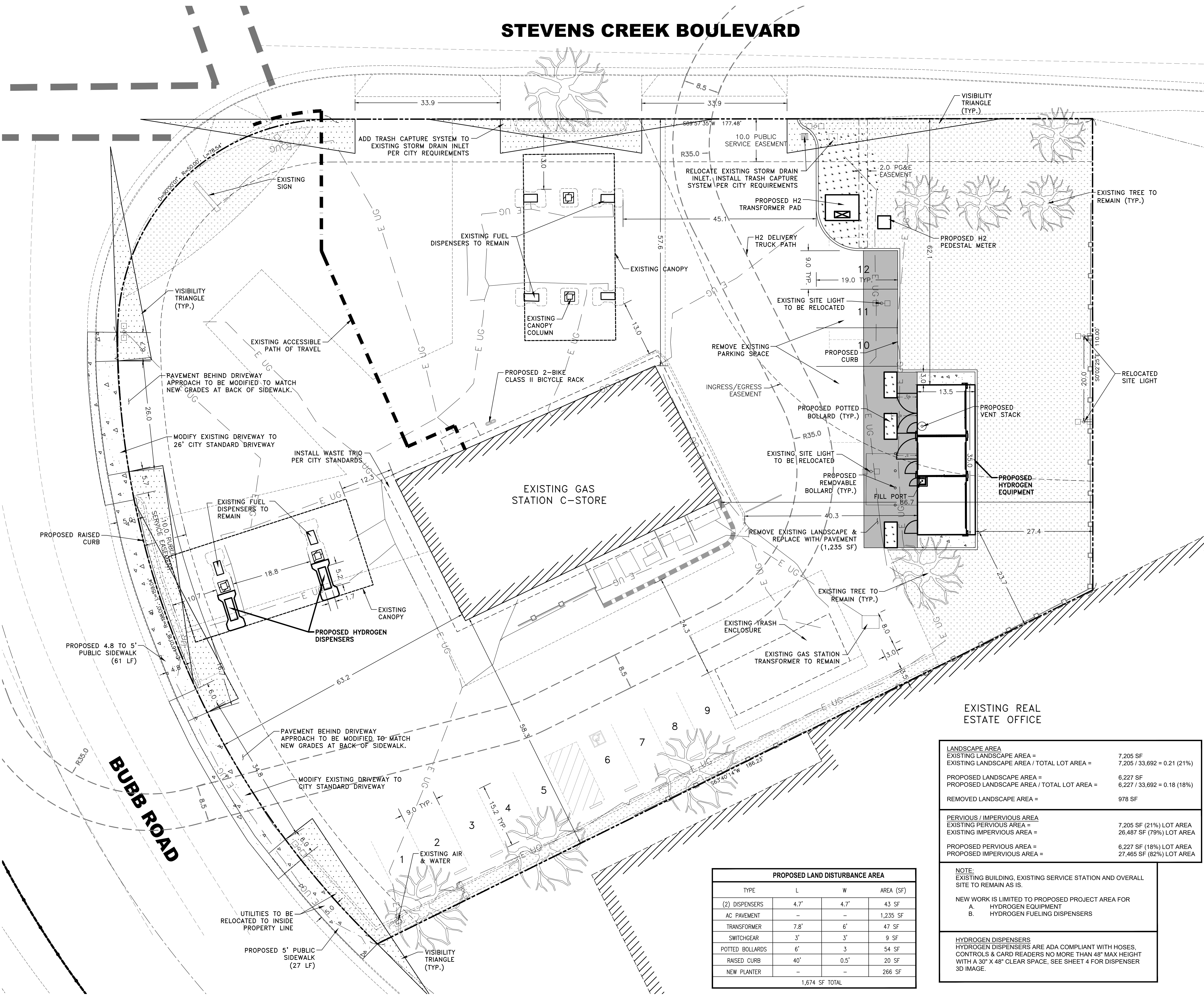
FEFUEL
5281 California Avenue,
#260
Irvine, CA 92617

FEF - CUPERTINO

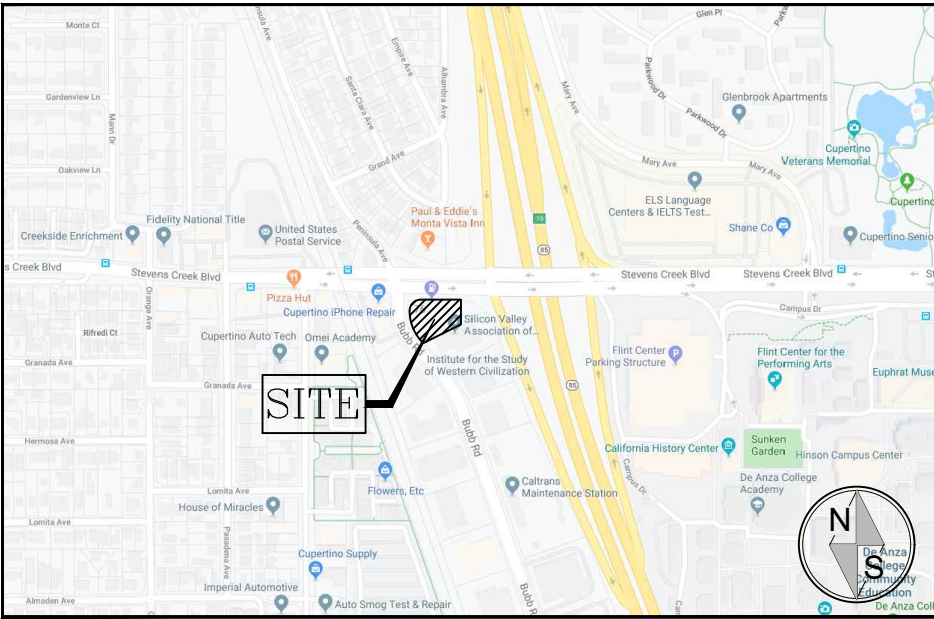
ADDRESS: 21530 STEVENS CREEK BLVD
CUPERTINO, CA 95014
LA PROJECT NUMBER 19046



0' 10' 20'
SCALE 1"=10'



LOCATION MAP NOT TO SCALE



PROJECT INFORMATION

<u>ZONING INFORMATION</u>		357-20-027		
APN:		CITY OF CUPERTINO		
JURISDICTION:		P(CN) - NEIGHBORHOOD COMMERCIAL		
ZONING:		NEIGHBORHOOD COMMERCIAL / RESIDENTIAL		
LAND USE:				
SITE AREA				
GROSS AREA		33,692 SF (0.77 AC)		
NET AREA		23,769 SF (0.54 AC)		
EXISTING LOT COVERAGE		2,279 SF (7%)		
PROPOSED LOT COVERAGE		2,752 SF (8%)		
HOURS OF OPERATION 24/7				
EXISTING USES		GAS STATION		
PROPOSED USES		*SEE PROJECT NARRATIVE*		
BUILDING DATA				
EXISTING BUILDING AREA		2,279 SF		
PROPOSED BUILDING AREA (NO CHANGE)		2,279 SF		
EXISTING BUILDING HEIGHT		16'		
PROPOSED BUILDING HEIGHT (NO CHANGE)		16'		
FAR		0.09		
BUILDING HEIGHT (30' MAX)		16.60'		
NO. OF STORIES		1		
SETBACKS				
	NORTH	EAST	SOUTH	WEST
REQUIRED:	0'	0'	0'	0'
PROVIDED:	57.6'	86.7'	58.3'	63.2'
NOTE: H2 EQUIPMENT IS MECHANICAL EQUIPMENT AND NOT A BUILDING/STRUCTURE.				

PARKING SUMMARY

EXISTING PARKING SUMMARY	
EXISTING STANDARD PARKING PROVIDED	11 STALLS
EXISTING ADA PARKING PROVIDED	1 STALLS
TOTAL EXISTING PARKING PROVIDED	12 STALLS
PARKING REQUIRED PER CITY CODE	
PARKING REQUIRED (@1/250 SF)	9 STALLS
PROPOSED PARKING SUMMARY	
PROPOSED STANDARD PARKING PROVIDED	11 STALLS
PROPOSED ADA PARKING PROVIDED	1 STALLS
TOTAL PROPOSED PARKING PROVIDED	12 STALLS
BICYCLE PARKING	
BICYCLE PARKING REQUIRED	2 STALLS
PROPOSED BICYCLE PARKING	2 STALLS

PROPOSED SITE PLAN

DATE:	09/23/2020
REVISION DATES:	
SITE PLANNER	DEREK FINNEGAN



5281 California Avenue,
#260
Irvine, CA 92617

FEF - CUPERTINO

ADDRESS:	21530 STEVENS CREEK BLVD CUPERTINO, CA 95014
LA PROJECT NUMBER	19046



0' 10' 20'
SCALE 1"=10'

LANDSCAPE AREA	
EXISTING LANDSCAPE AREA =	7,205 SF
EXISTING LANDSCAPE AREA / TOTAL LOT AREA =	7,205 / 33,692 = 0.21 (21%)
PROPOSED LANDSCAPE AREA =	6,227 SF
PROPOSED LANDSCAPE AREA / TOTAL LOT AREA =	6,227 / 33,692 = 0.18 (18%)
REMOVED LANDSCAPE AREA =	978 SF
PERVIOUS / IMPERVIOUS AREA	
EXISTING PERVIOUS AREA =	7,205 SF (21%) LOT AREA
EXISTING IMPERVIOUS AREA =	26,487 SF (79%) LOT AREA
PROPOSED PERVIOUS AREA =	6,227 SF (18%) LOT AREA
PROPOSED IMPERVIOUS AREA =	27,465 SF (82%) LOT AREA
NOTE: EXISTING BUILDING, EXISTING SERVICE STATION AND OVERALL SITE TO REMAIN AS IS.	
NEW WORK IS LIMITED TO PROPOSED PROJECT AREA FOR	
A. HYDROGEN EQUIPMENT	
B. HYDROGEN FUELING DISPENSERS	
HYDROGEN DISPENSERS HYDROGEN DISPENSERS ARE ADA COMPLIANT WITH HOSES, CONTROLS & CARD READERS NO MORE THAN 48" MAX HEIGHT WITH A 30" X 48" CLEAR SPACE, SEE SHEET 4 FOR DISPENSER 3D IMAGE.	

PROPOSED LAND DISTURBANCE AREA			
TYPE	L	W	AREA (SF)
(2) DISPENSERS	4.7'	4.7'	43 SF
AC PAVEMENT	-	-	1,235 SF
TRANSFORMER	7.8'	6'	47 SF
SWITCHGEAR	3'	3'	9 SF
POTTED BOLLARDS	6'	3'	54 SF
RAISED CURB	40'	0.5'	20 SF
NEW PLANTER	-	-	266 SF
1,674 SF TOTAL			



PHOTO 1: VIEW OF THE EXISTING SERVICE STATION LOOKING SOUTH FROM STEVENS CREEK BOULEVARD.



PHOTO 2: VIEW OF THE EXISTING SERVICE STATION LOOKING EAST FROM BUBB ROAD.

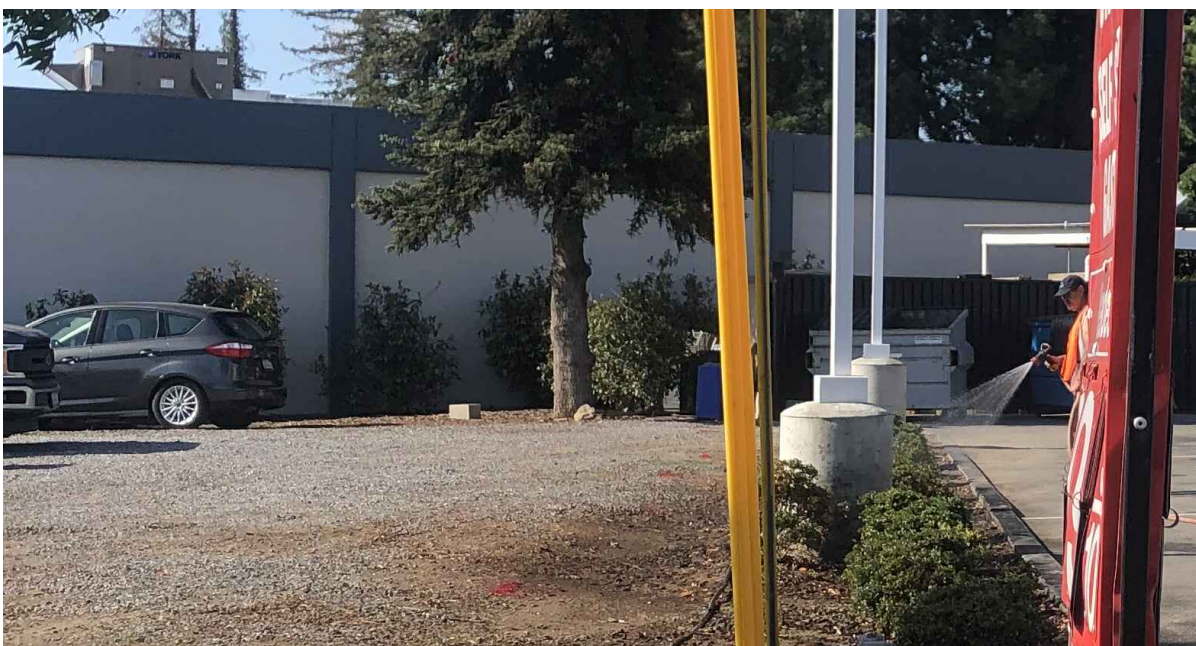


PHOTO 3: PROPOSED EQUIPMENT LOCATION AT SOUTHEAST CORNER OF PROPERTY.

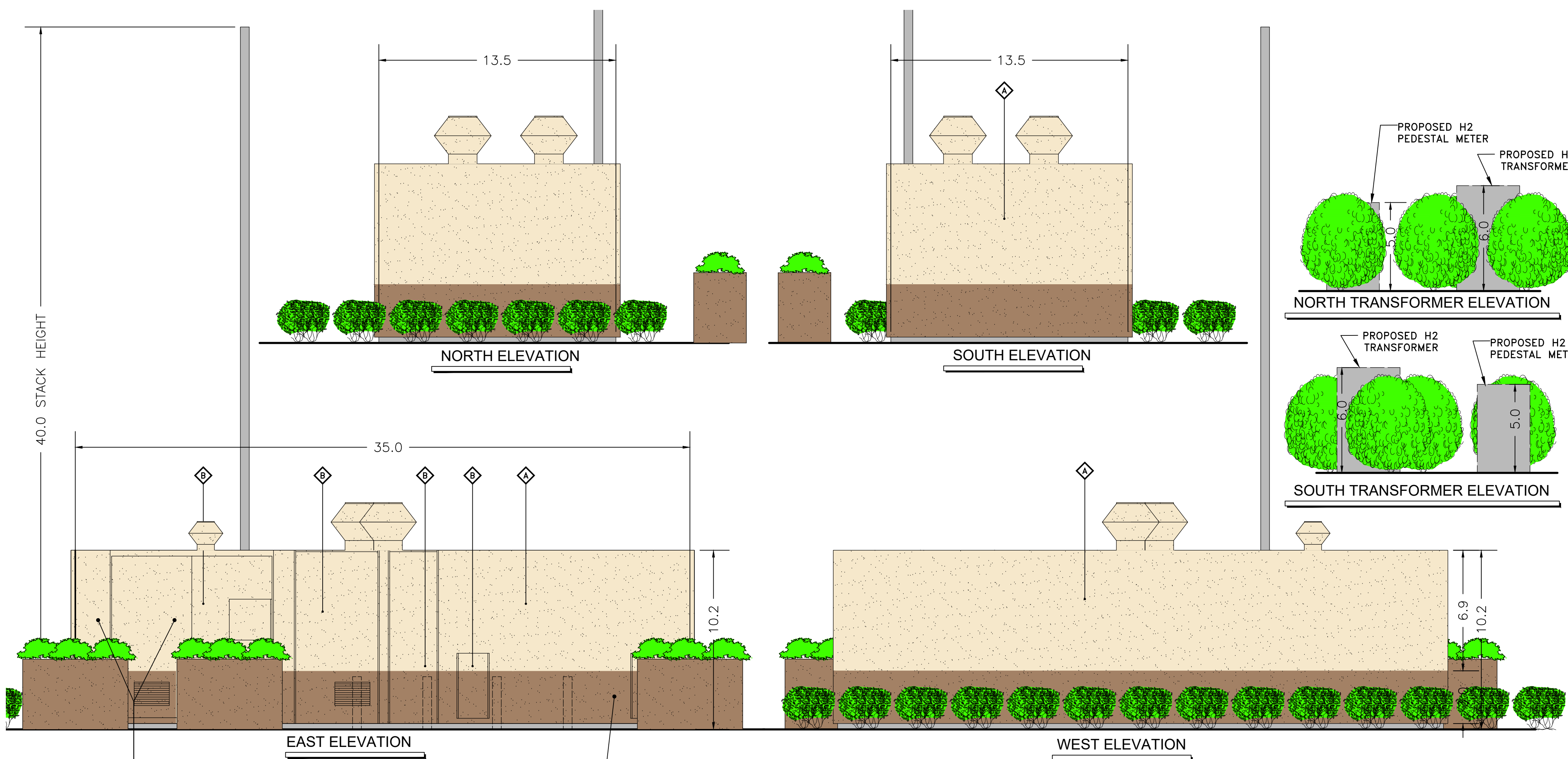


PHOTO 4: PROPOSED DISPENSER LOCATIONS UNDER CANOPY ON END POSITIONS.



HYDROGEN DISPENSER DESIGN

N.T.S.

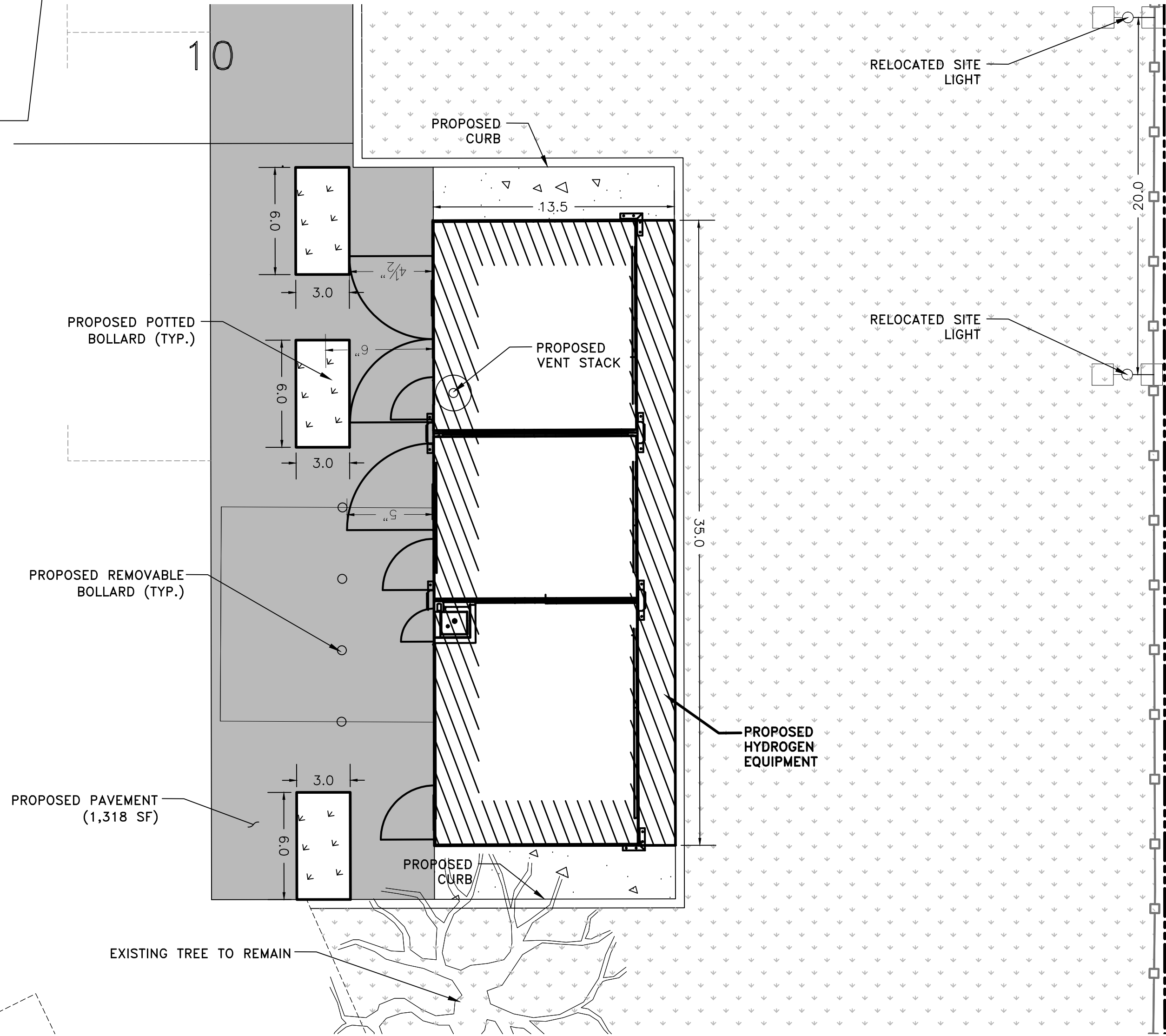


COLOR MATCH EXTERIOR WALL OF EXISTING C-STORE (STUCCO FINISH)

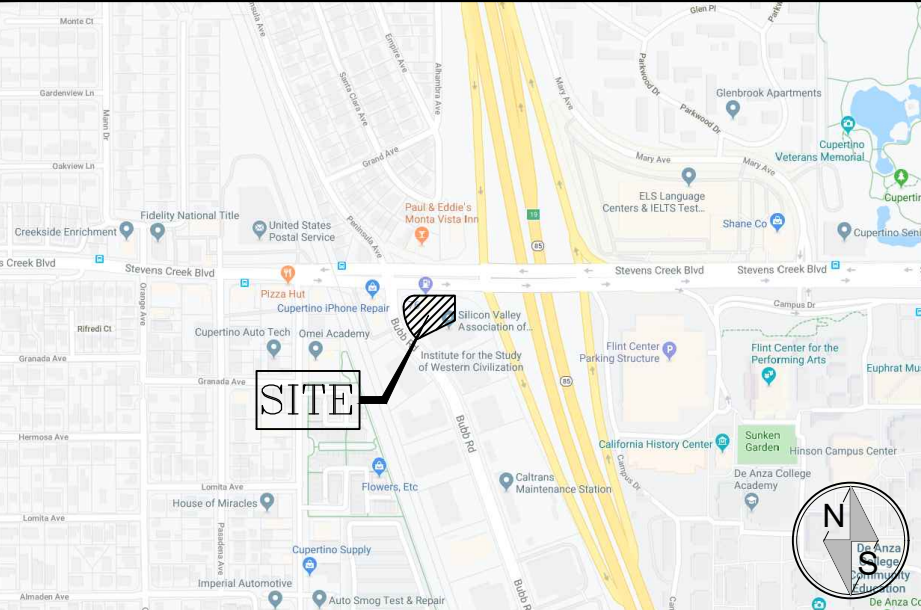


COLOR MATCH DARKEST STONE OF BRICK VENEER ON EXISTING C-STORE (STUCCO FINISH)

FINISH SCHEDULE	
A	PAINT TO MATCH FIELD COLOR OF STUCCO WALL OF ADJACENT BUILDING WITH A STIPPLE/TEXTURED FINISH
B	PAINT TO MATCH FIELD COLOR OF DARKEST BRICK VENEER OF ADJACENT BUILDING WITH A STIPPLE/TEXTURED FINISH
C	EXPOSED METAL DOOR, LOUVER & FRAME TO BE PAINTED TO MATCH MATERIAL A



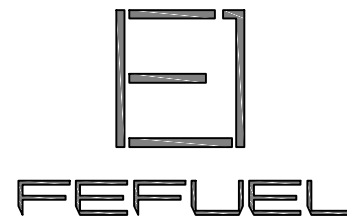
LOCATION MAP NOT TO SCALE



PROJECT INFORMATION

ELEVATIONS/
MATERIAL BOARD

DATE: 09/23/2020
REVISION DATES:
SITE PLANNER: DEREK FINNEGAN



5281 California Avenue,
#260
Irvine, CA 92617

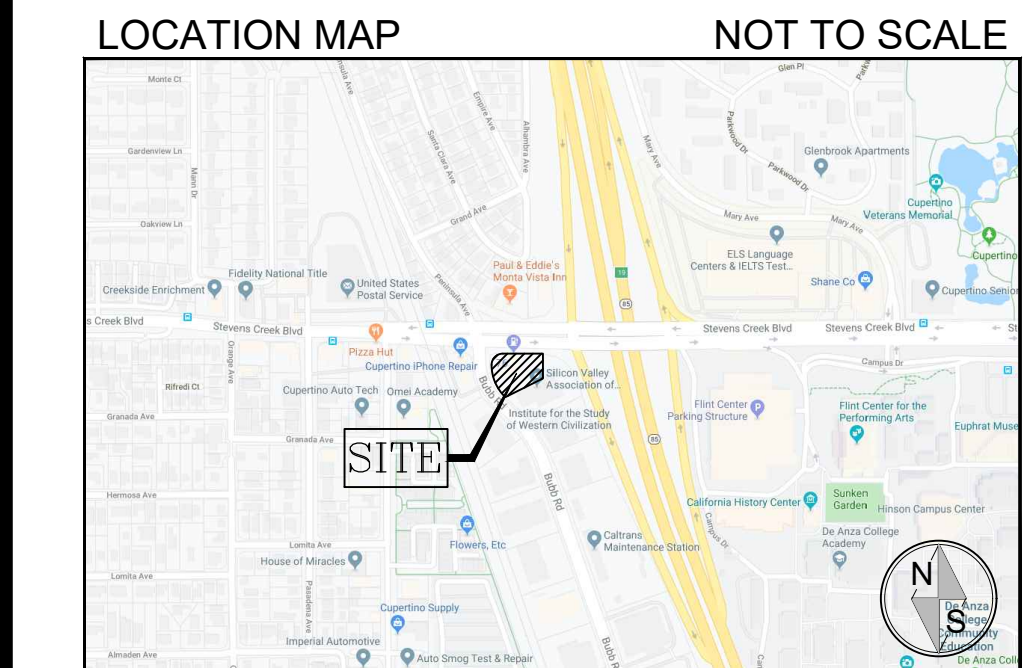
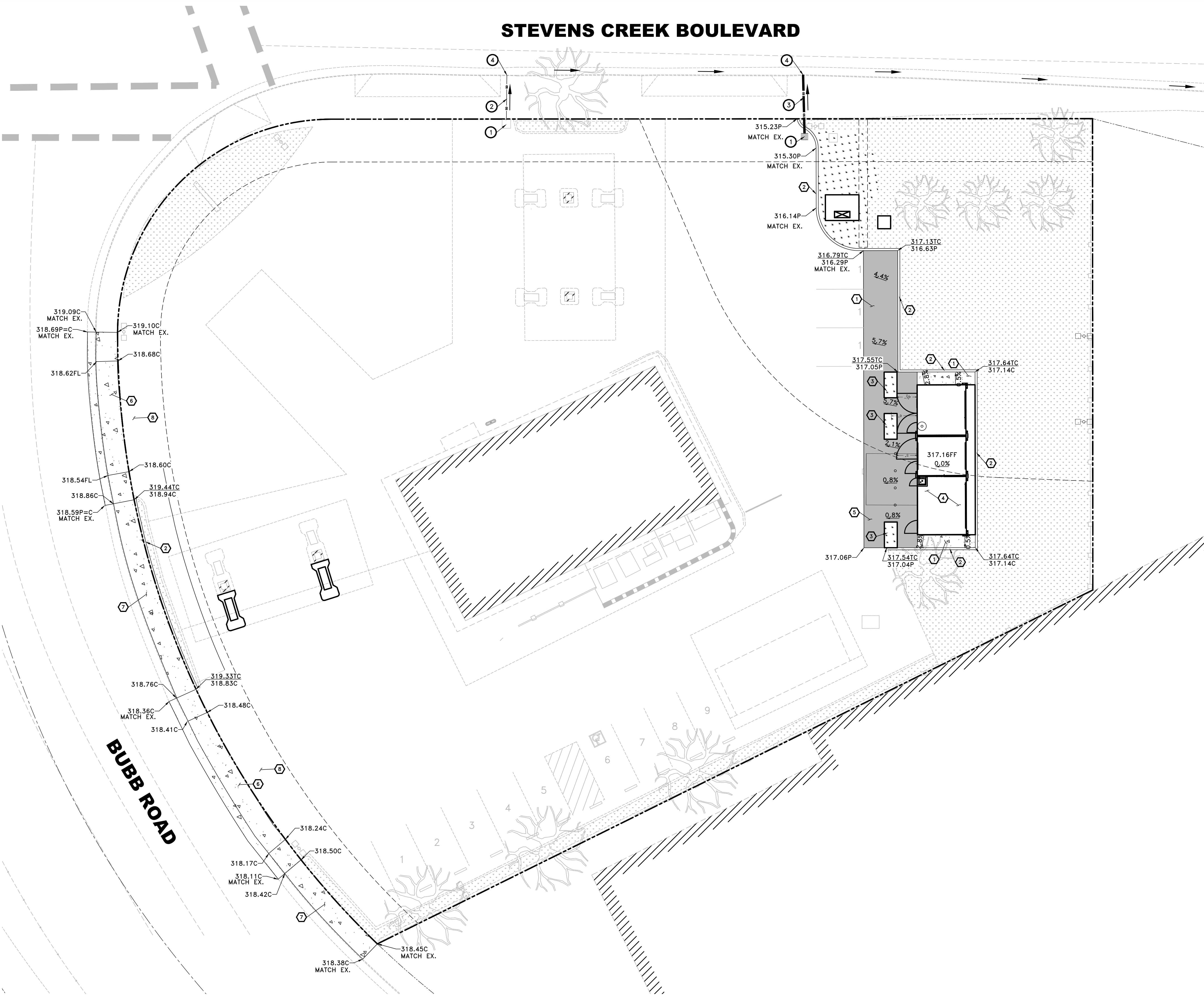
FEF - CUPERTINO

ADDRESS: 21530 STEVENS CREEK BLVD
CUPERTINO, CA 95014

LA PROJECT NUMBER: 19046



0' 4' 8'
SCALE 1"=4'



PROJECT INFORMATION

- GRADING CONSTRUCTION NOTES:**
- 1 PROPOSED CONCRETE PAVEMENT
 - 2 PROPOSED 6" CONCRETE CURB
 - 3 PROPOSED POTTED BOLLARD
 - 4 PROPOSED H2 EQUIPMENT
 - 5 PROPOSED ASPHALT PAVEMENT
 - 6 PROPOSED DRIVEWAY PER CITY OF CUPERTINO STANDARD DETAIL #1-21
 - 7 PROPOSED 4.8' - 5.0' SIDEWALK
 - 8 PAVEMENT BEHIND DRIVEWAY APPROACH TO BE MODIFIED TO MATCH NEW GRADES AT BACK OF SIDEWALK.

- STORM DRAIN SYMBOLS AND NOTES:**
- DIRECTION OF FLOW
 - 1 ADD TRASH CAPTURE SYSTEM TO STORM DRAIN INLET PER CITY REQUIREMENTS. INLET TO BE CLEARLY MARKED WITH "NO DUMPING FLOWS TO CREEK."
 - 2 EXISTING STORM DRAIN PIPE THROUGH SIDEWALK TO REMAIN.
 - 3 STORM DRAIN OUTLET LOCATION.
 - 4 PROPOSED STORM DRAIN PIPE THROUGH SIDEWALK.

PROPOSED GRADING PLAN

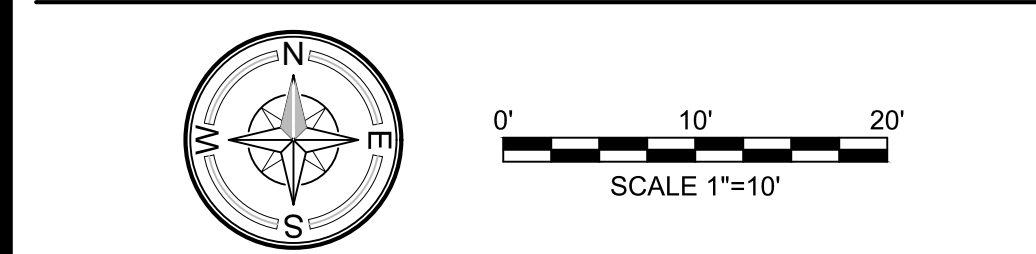
DATE: 09/23/2020
REVISION DATES:
SITE PLANNER: DEREK FINNEGAN

FEFUEL
5281 California Avenue,
#260
Irvine, CA 92617

FEF - CUPERTINO

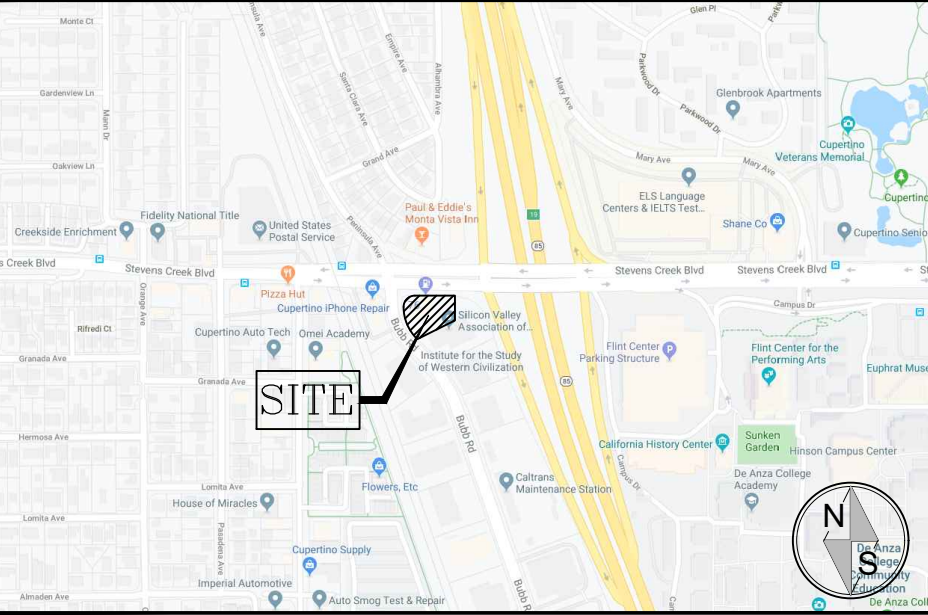
ADDRESS: 21530 STEVENS CREEK BLVD
CUPERTINO, CA 95014

LA PROJECT NUMBER: 19046



STEVENS CREEK BOULEVARD

LOCATION MAP NOT TO SCALE



PROJECT INFORMATION

PROPOSED
LANDSCAPE PLAN

DATE: 09/23/2020
REVISION DATES:
SITE PLANNER DEREK FINNEGAN



5281 California Avenue,
#260
Irvine, CA 92617

FEF - CUPERTINO

ADDRESS: 21530 STEVENS CREEK BLVD
CUPERTINO, CA 95014

LA PROJECT NUMBER 19046



0' 10' 20'
SCALE 1"=10'

BUBB ROAD

LARGE SCREEN SHRUBS
48" MIN HEIGHT

LARGE MASSING OF LOW GROWING
LOW MAINTENANCE GROUNDCOVER
11

LARGE SCREEN OLEANDER
SHRUBS THAT MATCH THE
SHRUBS ON NEIGHBORING
PROPERTY

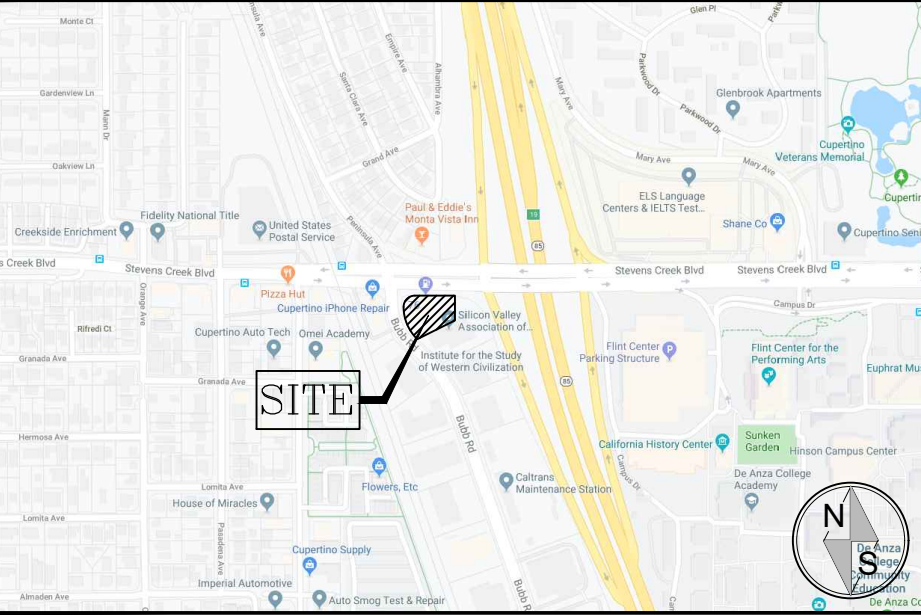
LARGE MASSING OF LOW GROWING
LOW MAINTENANCE GROUNDCOVER

LARGE MASSING OF LOW GROWING
LOW MAINTENANCE GROUNDCOVER

PLANTING LEGEND

BOTANIC NAME	COMMON NAME	WATER USE	SIZE / SPACING
TREES			
	EXISTING TREE TO REMAIN		
SHRUBS / GROUNDCOVER			
1 PHOTINIA x FRASERI	PHOTINIA	MEDIUM	5 GAL./ 7" O.C.
2 PITTOSPORUM TOBIRA 'WHEELERS DWARF'	TOBIRA	MEDIUM	5 GAL./ 5" O.C.
3 RHAPHIOLEPIS 'GULF GREEN'	GULF GREEN HAWTHORN	LOW	5 GAL./ 36" O.C.
4 NERIUM OLEANDER 'PINK BLOOMING'	PINK OLEANDER	LOW	5 GAL./ 7" O.C.
5 ANIGOZANTHOS 'PINK JOEY'	PINK KANGAROO PAW	LOW	5 GAL./ 30" O.C.
6 PHORMIUM 'TINY TIGER'	DWARF NEW ZEALAND FLAX	LOW	1 GAL./ 30" O.C.

LOCATION MAP NOT TO SCALE



CONTACT INFORMATION



The Linde Group: Linde Gases Division LIMITED PRODUCTION CERTIFICATION REPORT

SCOPE OF WORK
Limited Production Certification of a CP 3.0 LH2 System

REPORT NUMBER
103465784COQ-004

ISSUE DATE [REVISED DATE]

26-April-2019

PAGES
3

DOCUMENT CONTROL NUMBER
SFT-ETL LOC-OP-19c (28-July-2017)
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1500 Brigantine Drive
Coquitlam, BC V3K 7C1
Telephone: 604-528-3211
Facsimile: 604-524-9186
www.intertek.com

LIMITED PRODUCTION CERTIFICATION REPORT

Report Number	103465784COQ-004	Original Issued	April 26 2019	Revised	None
---------------	------------------	-----------------	---------------	---------	------

Standard(s)	<ul style="list-style-type: none">ANSI/CSA HGV 4.8 Issued: 2012/12/01 Hydrogen Gas Vehicle Fueling Station Compressor Guidelines and the associated requirements of NFPA 2 Issued: 2011/01/03 Hydrogen Technologies Code; Err. 1: 2011, Chapters 6, 7 and 8Standard for Purged and Pressurized Enclosures for Electrical Equipment [NFPA 496:2016 Ed.2017]Nonincendive Electrical Equipment for Use In Class I And II, Division 2 And Class III, Divisions 1 And 2 Hazardous (Classified) Locations [UL 121201:2017 Ed.9]Electrical Standard for industrial Machinery [NFPA 79:2017 Ed.2018]
-------------	---

Applicant	The Linde Group Linde-Gases Division	Manufacturer	The Linde Group Linde-Gases Division
Address	Seitnerstrasse 70, 82049 Pullach	Address	Seitnerstrasse 70, 82049 Pullach
Country	Germany	Country	Germany
Contact	Mr. Tobias Kederer	Contact	Mr. Tobias Kederer
Phone	+49.89.7446-2366	Phone	+49.89.7446-2366
FAX	N/A	FAX	N/A
Email	Tobias.kederer@linde-gas.com	Email	Tobias.kederer@linde-gas.com

Product Description	
Product	CP 3.0 LH2 System
Brand name	NA
Description	Liquid Hydrogen Storage & Compression Skid for light vehicle fueling
Models	CP 3.0 System USA
Model Similarity	NA
Ratings	480/120/24 VAC/VDC, 144/10/10 A, 50/60 Hz, 3/1 Phase/ DC Class I, Division 2, Group B, T1, Tamb -20°C to 40°C
Other Ratings	MAWP: 1000 Bar IP 66

Model		Labeling				
		Serial No.	LCP No. ANSI/CSA HGV 4.8	LCP No. NFPA 496	LCP No. UL 12.12.01	LCP No. NFPA 2
CP 3.0 System USA		Cyro Pump Room 1161086-1	789736	836324	993619	
CP 3.0 System USA		Overall HEE 1161086-1				836543
CP 3.0 System USA		Electrical Room 1161086-1				976397

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Version: 28-July-2017

Page 2 of 3

SFT-ETL LPC-OP-19c



The Linde Group
Linde-Gases Division
Intertek Report: No: 103465784COQ-004
Issued: 04/26/2019
Revised: None

LIMITED PRODUCTION CERTIFICATION REPORT

Test Summary			
Evaluation Period	March 13, 2019 to April 26, 2019	Project No.	G103465784
Sample Rec. Date	March 13, 2019	Condition	Production
Sample ID	CP 3.0 System USA		
Test Location	Linde AG Carl-von-Linde-Strasse 25, 85716 Unterschleißheim, Germany		
Test Procedure	Testing at Manufacturers Premises (TMP) - Level 1		

Determination of the result includes consideration of measurement uncertainty from the test equipment and methods. The product was tested as indicated below with results in conformance to the relevant test criteria.

The following tests were performed:

Test Description		UL Standard for Safety for Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class III, Divisions 1 and 2 Hazardous (Classified) Locations, UL 121201 Technologies Code, Ninth Edition, Dated September 15, 2017	NFPA 2 Issued: 2011/01/03 Hydrogen Technologies Code	Standard for Purged and Pressurized Enclosures for Electrical Equipment [NFPA 496:2016 Ed.2017]	ANSI/CSA HGV 4.8 Issued: 2012/12/01 Hydrogen Gas Vehicle Fueling Station Compressor Guidelines	Electrical Standard For Industrial Machinery [NFPA 79:2017 Ed.2018]
Functional Tests					14.4	18.6
Continuity of Grounding						18.2
Voltage Test						18.4
Pressure Test			7.1.15.1.1		14.3.1	
Positive Pressure Alarm				4.9.1		

Conclusion

A representative sample of the product covered by this report has been evaluated and found to comply with the applicable requirements of the standards indicated above.

Please note, this Report does not represent authorization for the applicant or manufacturer to apply Intertek Certification Marks.

Completed by:	Steve Wheaton	Reviewed by:	Kevin J. Wolf
Title:	Technical Lead - Alternate Fuels	Title:	Reviewer
Signature:		Signature:	
Reviewed by:	Michael Jalbert	Reviewed by:	Robert Luce
Title:	Project Engineer	Title:	Senior Project Engineer
Signature:		Signature:	

Version: 28-July-2017

Page 3 of 3

SFT-ETL LPC-OP-19c

H2 EQUIPMENT LISTING INFORMATION

DATE: 09/23/2020

REVISION DATES:

SITE PLANNER

DEREK FINNEGAN



5281 California Avenue,
#260
Irvine, CA 92617

FEF - CUPERTINO

ADDRESS: 21530 STEVENS CREEK BLVD
CUPERTINO, CA 95014

LA PROJECT NUMBER 19046

P:\Proj-2019\19046 - FEF Cupertino, CA\DWG\Entitlement Plans\Sheet 8 Lot Survey.dwg 9-23-20 11:56:29 AM D:\megan

Legal Description:

ALL OF LOT 1, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "TRACT NO. 4398 WEST VALLEY INDUSTRIAL PARK", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON DECEMBER 26, 1967 IN BOOK 231 OF MAPS, AT PAGES 50 AND 51.

APN: 357-20-027

SCHEDULE B
EXCEPTIONS FROM COVERAGE

- 1

General and special taxes and assessments for the fiscal year 2019-2020, a lien not yet due or payable.
- 2

The lien of special tax assessed pursuant to Chapter 2.5 commencing with Section 53311 of the California Government Code for Community Facilities District No. 2013-1, as disclosed by Notice of Special Tax Lien recorded January 22, 2014 as Instrument No. 22502535 of Official Records.
- 3

The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
- 4

An easement for ingress and egress and incidental purposes, recorded December 12, 1967 as Instrument No. 3336100 in Book 7960, Page 40 of official records.

In Favor of:

State of California

Affects:

as described therein
- 5

Abutter's rights of ingress and egress to or from the street, highway, or freeway abutting said land have been relinquished in the document recorded December 12, 1967 as Instrument No. 3336100 in Book 7960, Page 40 of official records.
- 6

An easement shown or dedicated on the map of Tract No. 4398 West Valley Industrial Park recorded December 26, 1967 on file in Book 231, Page 50 and 51, of Maps.

For:

Public Service and incidental purposes.
- 7

Covenants, conditions, restrictions and easements in the document recorded February 09, 1968 as Instrument No. 3366639 in Book 8022, Page 156 of Official Records, but deleting any covenant, condition, or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, familial status, disability, handicap, national origin, genetic information, gender, gender identity, gender expression, source of income (as defined in California Government Code § 12955(p)) or ancestry, to the extent such covenants, conditions or restrictions violation 42 U.S.C. § 3604(c) or California Government Code § 12955. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
- 8

An easement for pole line and incidental purposes, recorded April 21, 1970 as Instrument No. 3795146 in Book 8896, Page 331 of official records.

In Favor of:

Pacific Gas and Electric Company, a California corporation

Affects:

as described therein
- 9

An easement for anchorage facilities and incidental purposes, recorded August 17, 1970 as Instrument No. 3857510 in Book 9023, Page 446 of official records.

In Favor of:

The Pacific Telephone and Telegraph Company

Affects:

as described therein
- 10

The terms and provisions contained in the document entitled "Access Agreement" recorded November 16, 2009 as Instrument No. 20507465 of Official Records.
- 11

The terms, provisions and easement(s) contained in the document entitled "Access Easement" recorded November 16, 2009 as Instrument No. 20507468 of Official Records.
- 12

A deed of trust to secure an original indebtedness of \$1,596,000.00 recorded August 22, 2013 as Instrument No. 22359901 of official records.

Dated:

August 13, 2013

Trustor:

BSP Cupertino Union, LLC, a California limited liability company

Trustee:

BBCN Bank

Beneficiary:

BBCN Bank

A document entitled "Assignment of Rents" recorded August 22, 2013 as Instrument No. 22359902 of official records, as additional security for the payment of the indebtedness secured by the deed of trust.
- 13

The terms and provisions contained in the document entitled "Quitclaim Deed and Authorization for Underground Water Rights" recorded December 08, 2014 as Instrument No. 22793742 of Official Records.
- 14

The terms and provisions contained in the document entitled "Notice of City Requirement to Maintain a Protected Landscape" recorded January 26, 2016 as Document No. 23206265 of Official Records.
- 15

A deed of trust to secure an original indebtedness of \$140,000.00 recorded April 20, 2016 as Document No. 23281219 of Official Records.

Dated:

April 01, 2016

Trustor:

BSP Cupertino Union, LLC, a California limited liability company and Northwest DealerCo Holdings, LLC, a Delaware limited liability company

Trustee:

First American Title Insurance Company

Beneficiary:

Phillips 66 Company
- 16

Any right, title or interest of Northwest DealerCo Holdings, LLC, a Delaware limited liability company, as disclosed by the document recorded April 20, 2016 as Document No. 23281219 of Official Records.
- 17

Additional matters, if any, following review by the Company's Waterways and Boundaries Underwriters.
- 18

Rights of parties in possession.

Title Legend:

- Blanket

Indicates Preliminary Title Report Item is BLANKET in nature and affects entire subject parcel and/or other properties.
- Plottable

Indicates Preliminary Title Report Schedule B Item is PLOTTABLE and is plotted hereon.
- Not Plottable

Indicates Preliminary Title Report Schedule B Item is NOT PLOTTABLE due to the nature of its affect.
- Does Not Affect

Indicates that the Preliminary Title Report Item DOES NOT AFFECT the subject property.
- Cannot Be Determined

Indicates that the affect of Preliminary Title Report Item CANNOT BE DETERMINED due to erroneous information or undocumented recording.
- Tax Item

Indicates that the Preliminary Title Report Item is a TAX item or TITLE reference only.

Zoning Information

Source: City of Cupertino, Planning Department
Status:
Zone District: P(CG)
Development Standards - Public and Semi-Public Districts

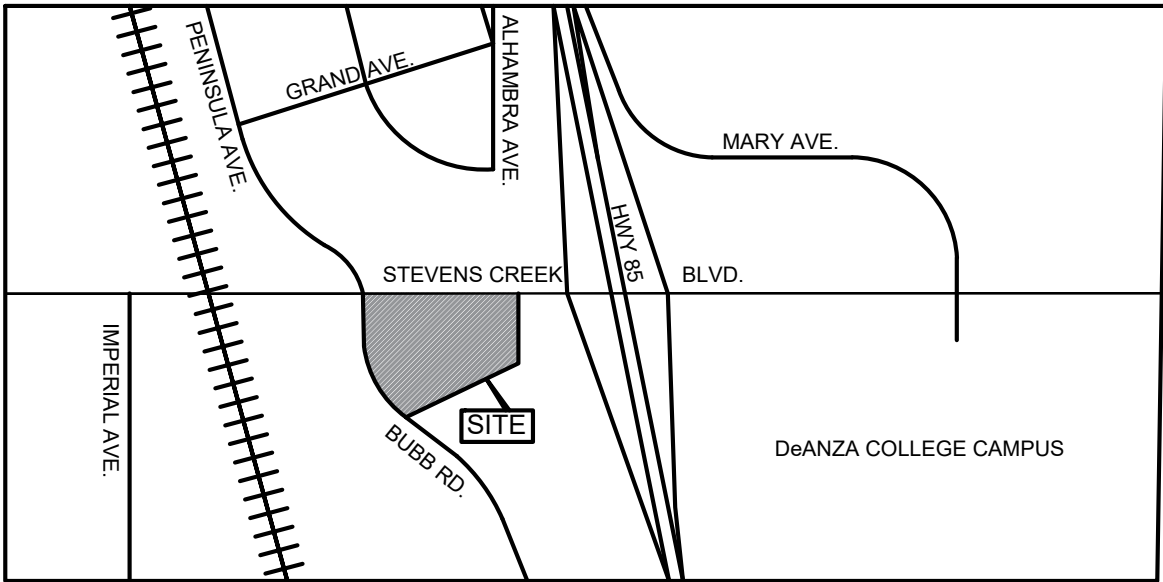
Maximum Height (ft.): 30 ft.
Minimum Setbacks (ft.):
Front
Interior Side: 20ft., or or a total setback equal to one and one-half feet of additional setback for each foot of height of a commercial building measured from its eave line or top of parapet, whichever is more restrictive.
Street Side: 12 ft.
Rear: 20ft., or or a total setback equal to one and one-half feet of additional setback for each foot of height of a commercial building measured from its eave line or top of parapet, whichever is more restrictive.

Floor Space Area Restrictions (%): N/A
Maximum Building Height: 30 ft.

Flood Zone Information

This property lies in Zone "X" as shown on Federal Emergency Management Agency (FEMA) Orange County and Incorporated Areas, California, Map No. 06085C0208H Map Revised: May 18, 2009.

Flood Zone "X" is described as areas determined to be "Minimum Flood Hazard."



Surveyor's Notes

- There are buildings on the property.
- The property consists of 1 Assessor's parcel number.
- The property abuts the following streets: Stevens Creek Boulevard and Burbub Road.
- There are 2 encroachments on the property.

General Site Information

- This Survey is based on field work performed on July 17, 2019 by Lars Andersen & Associates, Inc.
- A Title Report was supplied by First American Title Company, order number NCS-967550-ONT1 dated June 20, 2019.
- The Title to said estate of interest at the date hereof is vested in:
BSP Cupertino Union, LLC, a California limited liability company
- The property consists of Assessor Parcel Number 357-20-027.
- The site address is 21530 Stevens Creek Blvd., Cupertino, CA 95014.
- The property contains 33692 sqft./ 0.773 acres (NET).

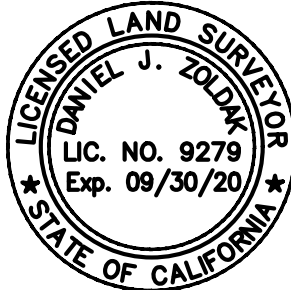
SURVEYOR'S CERTIFICATE

This Survey is made for the benefit of :

FirstElement Fuel Inc.

Date of Plat or Map: August 5, 2019.

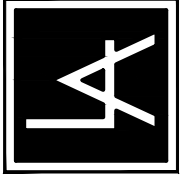
 9/14/20 L.S. NO. 9279



According to Section 8770.6 of the Business and Professions Code, State of California, Professional Surveyors Act, as amended January 1, 1999 the use of the word "certify" or "certification" by a Licensed Land Surveyor or Registered Civil Engineer in the practice of professional engineering or land surveying or the preparation of maps, plats, reports, descriptions, or other surveying documents only constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied.

TOPOGRAPHIC
SURVEY
For
FirstElement Fuel Inc.
located at 21530 Stevens Creek Blvd
City of Cupertino, County of Santa Clara, State of California

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
4694 WEST JACQUELYN AVENUE FRESNO CALIFORNIA 93722
TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM



DATE:	DESCRIPTION	DWG BY:

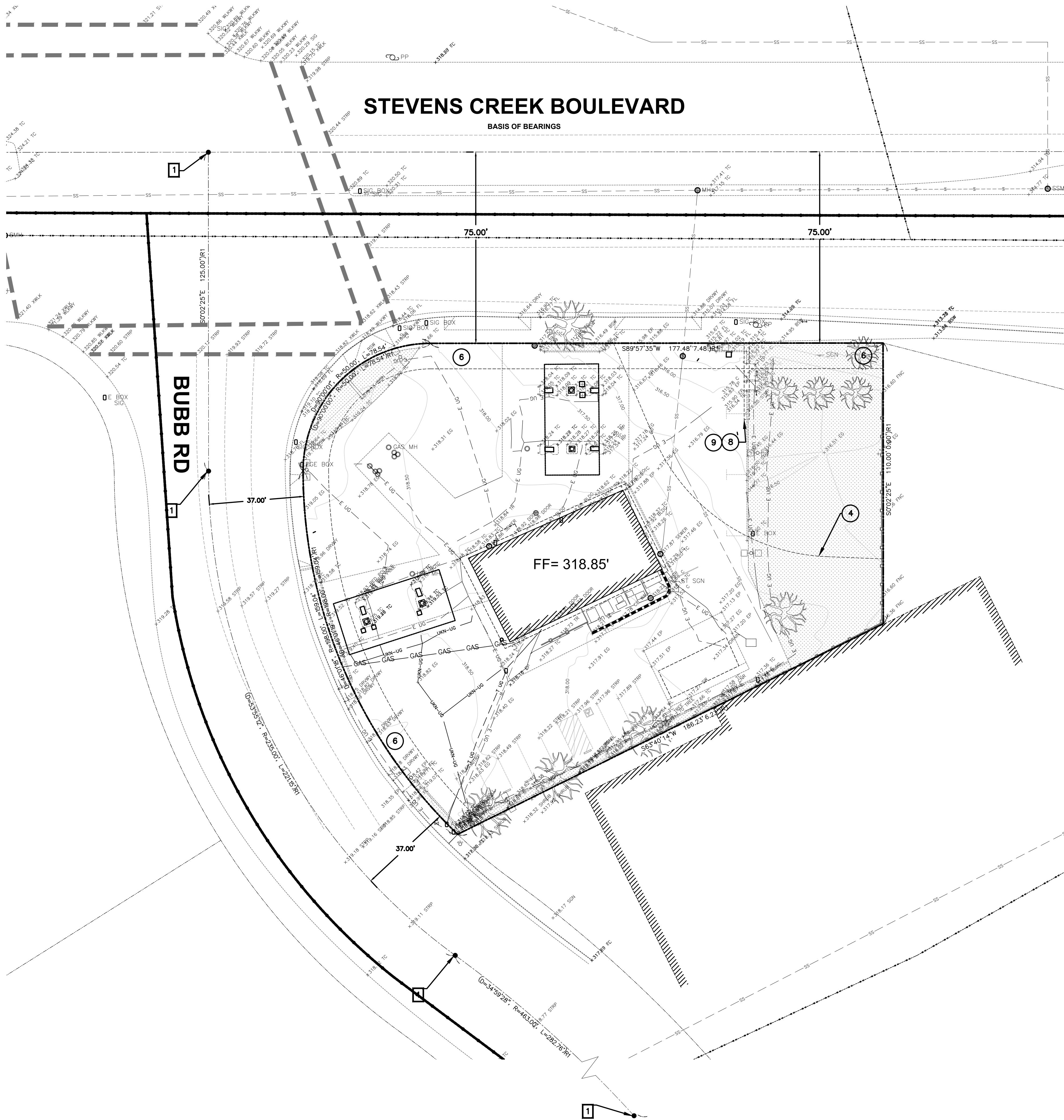
DATE:	08/16/2019
SHEET NO.	8 OF 9

SCALE:	
JOB NO.	19046.00

DRAWN BY:	VINCENT LAZAR
CHECKED BY:	

PREPARED FOR:
 FIRSTELEMENT FUEL
Cupertino, CA

L.A. PROJECT NO. 19046.00



TOPOGRAPHIC LEGEND & ABBREVIATIONS

EXISTING GROUND CONTOUR	533	BSW	BACK OF WALK
EXISTING ELEVATION	533.01 EG	C	CONCRETE
SIGN		DRWVY	DRIVEWAY
PROPERTY LINE		P	PAVEMENT
EASEMENT LINE		EMCS	EMERGENCY
CURB & GUTTER		FL	FLOWLINE
CONCRETE CURB		MH	MANHOLE
FLOWLINE		SDMH	STORM DRAIN MAN HOLE
UNDERGROUND WATERLINE		SSMH	SANITARY SEWER MAN HOLE
UNDERGROUND TELEPHONE LINE		TC	TOP OF CURB
UNKNOWN UNDERGROUND UTILITY		SIG BOX	TRAFFIC SIGNAL BOX
UNDERGROUND ELECTRIC LINE		WALL	WALL
NATURAL GAS		WM	WATER METER
CONCRETE BLOCK WALL		WV	WATER VALVE
FENCELINE			
STORM DRAIN LINE			
SANITARY SEWER MAIN			
BOLLARD			
WATER VALVE			
GUY			
SANITARY SEWER MANHOLE			
STORM DRAIN MANHOLE			
EXISTING FIREHYDRANT			
POWER POLE			
TRAFFIC SIGNAL			
DOOR			

BOUNDARY LEGEND:

- MONUMENT FOUND AND ACCEPTED AS NOTED
- RECORD DATA PER TRACT NO. 4398 FILED IN BOOK 231 OF MAPS, AT PAGES 50, AND 51, SANTA CLARA COUNTY RECORDS.
- EXCEPTIONS TO COVERAGE

FOUND MONUMENT NOTES

- FOUND CITY STANDARD MONUMENT IN MONUMENT WELL PER TRACT NO. 4398

BUILDING DATA
AREA OF EXISTING BUILDING:
2,279 SF

SURVEYOR'S NOTES

- There are buildings on the property.
- The property consists of 1 Assessor's parcel number.
- The property abuts the following streets:
Stevens Creek Boulevard and Bubba Road.

SURVEY DATA:

AREA OF EXISTING PARCEL (TOTAL):
33,692 sqft / 0.77 Acres

BASIS OF BEARINGS:

THE BEARING EAST ALONG THE CENTERLINE OF McCLELLAN ROAD AS SHOWN ON THE RECORD OF SURVEY FILED FOR RECORD IN BOOK 79 OF MAPS, AT PAGE 22, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN HEREON.

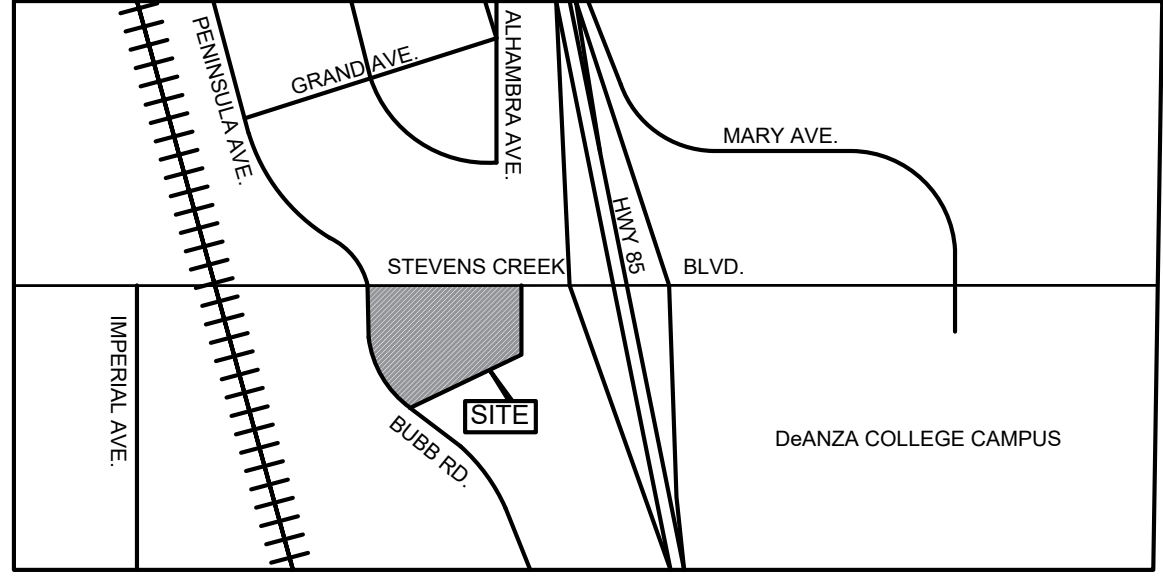
BENCHMARK:

SCVWD Brass disk (R180); on top of the Southerly curb of Stevens Creek Boulevard at approximately 200 feet Westery of Peninsula/Bubba Road and near railroad crossing pole #22118. Also, 2.5 feet North of the railroad corssing lights, and 20 feet west from the center of the tracks.

ELEVATION: 326.91ft (NAVD88)



0' 20' 40'
SCALE 1"=20'



VICINITY MAP
NOT TO SCALE

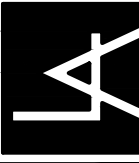
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TOPOGRAPHIC SURVEY

For
FirstElement Fuel Inc.
located at 21530 Stevens Creek Blvd
City of Cupertino, County of Santa Clara, State of California

LARS ANDERSEN & ASSOCIATES, INC.
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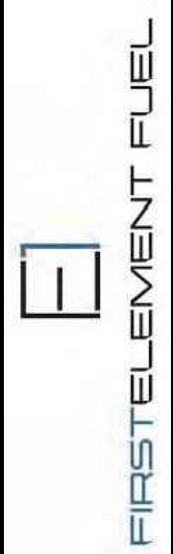


DATE:	08/16/2019
SCALE:	1"=20'
DRAWN BY:	VINCENT LAZAR
CHECKED BY:	

DATE:	08/16/2019
SCALE:	1"=20'
DRAWN BY:	VINCENT LAZAR
CHECKED BY:	

DATE:	08/16/2019
SCALE:	1"=20'
DRAWN BY:	VINCENT LAZAR
CHECKED BY:	

PREPARED FOR:



Cupertino, CA

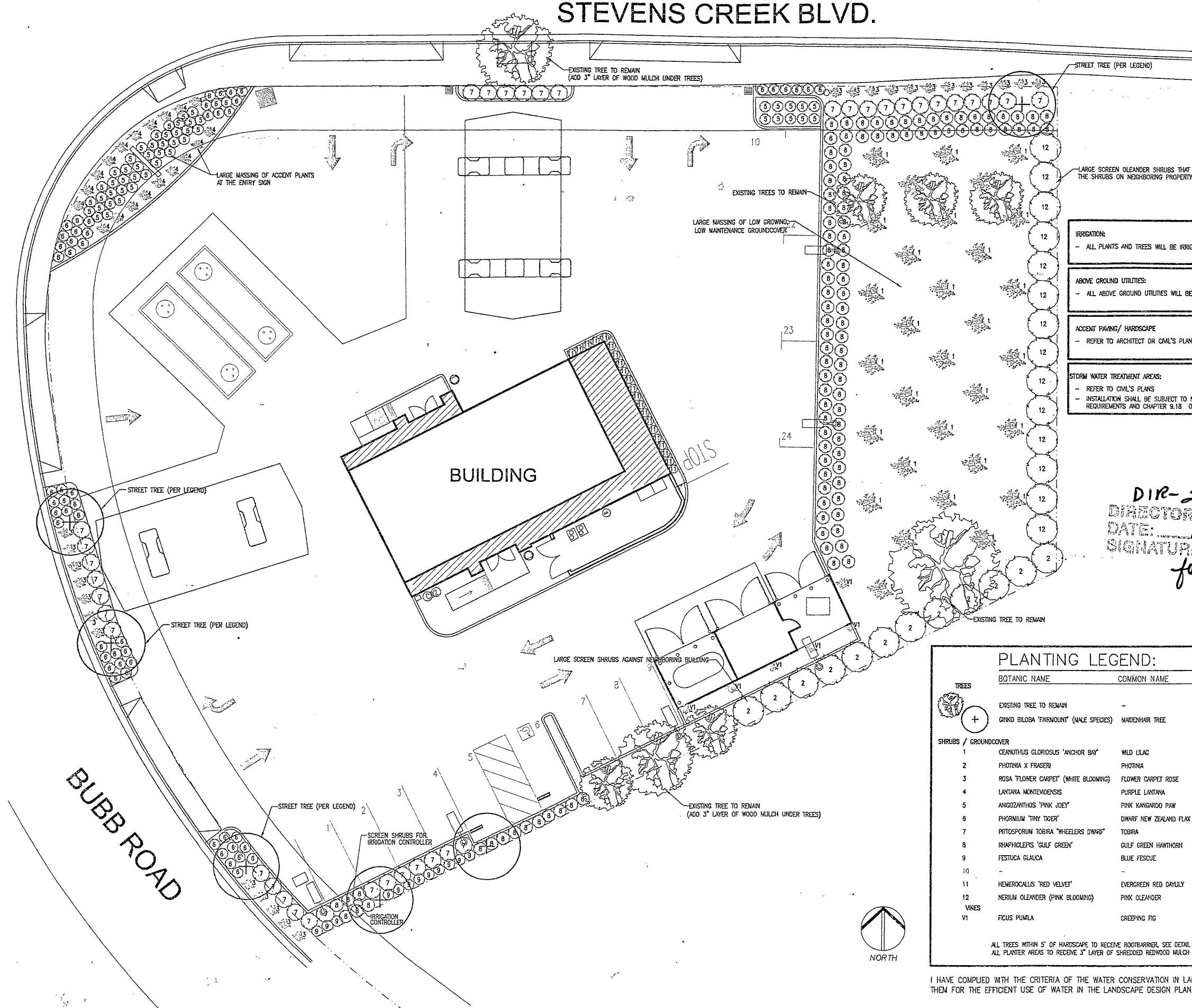
REVISIONS

DATE:	08/16/2019
SCALE:	1"=20'
DRAWN BY:	VINCENT LAZAR
CHECKED BY:	

DATE:	08/16/2019
SCALE:	1"=20'
DRAWN BY:	VINCENT LAZAR
CHECKED BY:	

DATE:	08/16/2019
SCALE:	1"=20'
DRAWN BY:	VINCENT LAZAR
CHECKED BY:	

STEVENS CREEK BLVD.



- IRRIGATION:**
- ALL PLANTS AND TREES WILL BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM. SEE IRRIGATION PLANS
- ABOVE GROUND UTILITIES:**
- ALL ABOVE GROUND UTILITIES WILL BE SCREENED WITH APPROPRIATE EVERGREEN SHRUBS
- ACCENT PAVING/ HARDSCAPE**
- REFER TO ARCHITECT OR CIVIL'S PLANS
- STORM WATER TREATMENT AREAS:**
- REFER TO CIVIL'S PLANS
 - INSTALLATION SHALL BE SUBJECT TO NPDES STORMWATER DISCHARGE PERMIT REQUIREMENTS AND CHAPTER 9.18 OF THE DEPT. MUNICIPAL CODE

DIR-2015-25
 DIRECTOR'S APPROVAL
 DATE: 10-19-15
 SIGNATURE: *[Signature]*
 for COMMUNITY DEV. DIR.

PLANTING LEGEND:

	BOTANIC NAME	COMMON NAME	WATER USE	QUANTITY	SIZE / SPACING	DETAIL
TREES	EXISTING TREE TO REMAIN	-	-	-	-	-
	GINKGO BILOBA 'FARMOUNT' (MALE SPECIES)	MAIDENHAIR TREE	MEDIUM	6	24" BOX	'A', 'B', SHEET LP-2
SHRUBS / GROUND COVER	1 CEANOTHUS GLORIOSUS 'ANCHOR BAY'	WILD LILAC	LOW	31	1 GAL / 12" O.C.	'C', SHEET LP-2
	2 PHOTINIA X FRASERI	PHOTINIA	MEDIUM	12	5 GAL / 7" O.C.	'C', SHEET LP-2
	3 ROSA 'FLOWER CARPET' (WHITE BLOOMING)	FLOWER CARPET ROSE	MEDIUM	24	1 GAL / 4" O.C.	'C', SHEET LP-2
	4 LANTANA MONTEVIDEENSIS	PURPLE LANTANA	LOW	19	1 GAL / 4" O.C.	'C', SHEET LP-2
	5 ANISOZANTHOS 'PINK JOEY'	PINK KANGAROO PAW	LOW	50	5 GAL / 30" O.C.	'C', SHEET LP-2
	6 PHORMIUM 'TINY TIGER'	DWARF NEW ZEALAND FLAX	LOW	58	1 GAL / 30" O.C.	'C', SHEET LP-2
	7 PITOSPORUM TOBIRA 'WHEELERS DWARF'	TOBIRA	MEDIUM	38	5 GAL / 5" O.C.	'C', SHEET LP-2
	8 RHAPHIOLEPS 'GULF GREEN'	GULF GREEN HAWTHORN	LOW	107	5 GAL / 36" O.C.	'C', SHEET LP-2
	9 FESTUCA GLAUCA	BLUE FESCUE	LOW	12	1 GAL / 30" O.C.	'C', SHEET LP-2
	10 -	-	-	-	-	-
	11 HEMEROCALLIS 'RED VELVET'	EVERGREEN RED DAYLILY	MEDIUM	21	1 GAL / 24" O.C.	'C', SHEET LP-2
	12 NERIUM OLEANDER (PINK BLOOMING)	PINK OLEANDER	LOW	14	5 GAL / 7" O.C.	'C', SHEET LP-2
	VINES	-	-	-	-	-
	V1 FICUS PUMILA	CREeping FIG	MEDIUM	6	5 GAL / 10" O.C.	'E', SHEET LP-2

ALL TREES WITHIN 5' OF HARDSCAPE TO RECEIVE ROOTBARRIER. SEE DETAIL 'B' SHEET LP-2
 ALL PLANTER AREAS TO RECEIVE 3" LAYER OF SHREDDED REDWOOD MULCH

I HAVE COMPLIED WITH THE CRITERIA OF THE WATER CONSERVATION IN LANDSCAPING ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

L&L landscaping design build

160 Alamo Plaza #787
 Alamo, CA 94507
 phone: (925) 519-4700
 www.landllandscape.com



7 - ELEVEN

21530 STEVENS CREEK BLVD.
 CUPERTINO, CA 95014

designed by RK
 drawn by RK
 date 9.16.2015

revisions

PLANTING PLAN

plan scale: 1" = 10'

DIGALERT

800.642.2444
 Call 2 Full Working Days in Advance