

RESOLUTION NO \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE  
PERMIT TO ALLOW A HYDROGEN VEHICLE FUELING  
FACILITY, LOCATED AT 1375 NORMAN AVENUE, SANTA  
CLARA, CA**

PLN2018-13492 (Use Permit)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS  
FOLLOWS:**

**WHEREAS**, on August 28, 2018, Air Products & Chemicals, Inc. ("Property Owner") applied for a Use Permit to allow a hydrogen vehicle fueling facility on a 0.5 acre undeveloped portion of an 11.6 acre parcel located at 1375 Norman Avenue ("Project Site");

**WHEREAS**, the Project Site is currently zoned Heavy Industrial (MH) and has a General Plan land use designation of Low-Intensity Office / Research & Development;

**WHEREAS**, the proposal involves the establishment of a self-serve, unmanned publicly accessible facility that would operate 24 hours a day, seven days a week and include the installation of surface paving, four on-site parking spaces, a fueling station with up to two hydrogen dispenser units, a 36' x 24' overhead canopy, a 40' x 10' x 10' equipment enclosure, site lighting, landscaping, and trash receptacles ("Project"), as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, in order to implement the Project, a Use Permit is required to allow the establishment and operation of the self-service hydrogen fueling facility on the Project Site as an ancillary use to existing hydrogen gas production, storage and distribution operations occurring on contiguous Air Products & Chemicals, Inc. parcels ("Project");

**WHEREAS**, the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. A Mitigated Negative Declaration (MND) was prepared and distributed for the adjacent Air Projects facility at 1700 Russell Avenue from June 19, 2017 to July 19, 2017, and approved

by the Planning Commission on August 9, 2017. The proposed Project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Section 15301 (Class 1), Existing Facilities, in that the proposed Project is a minor modification to the existing facility at 1700 Russell Avenue and involves minor alterations to the Project Site;

**WHEREAS**, the Use Permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and specific locations, could have a detrimental effect on the community in specific instances;

**WHEREAS**, free standing fueling facilities are not expressly authorized in the subject MH zoning district, but pursuant to SCCC Section 18.50.040(d), uses that are not authorized by right but that are appropriate for an industrial area may be conditionally permitted by the Planning Commission with the approval of a Use Permit;

**WHEREAS**, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

**WHEREAS**, on February 15, 2019, notices of the February 27, 2019 public hearing for this project were posted in multiple locations within the City limits, including three locations within 300 feet of the Project Site, and were mailed to all property owners within 500 feet of the Project Site; and,

**WHEREAS**, on February 27, 2019, the Planning Commission conducted a public hearing to consider the proposed project, at which time the Commission invited all interested persons to give testimony and provide evidence, both in support of and in opposition to the proposed project.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby finds that approving a Use Permit to allow the establishment and operation of a hydrogen vehicle fueling facility is consistent with the commercial and public service uses contemplated on this MH zoned property.

3. That the Planning Commission hereby finds as follows:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare, in that the Project would provide a self-serve hydrogen fueling facility with access 24 hours a day, seven days a week to the public and support California Energy Commission efforts to build and expand the hydrogen supply network in northern California to serve the growing market for fuel cell electric vehicles.

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposed use is compatible with the surrounding industrial uses in the vicinity of the Project Site as the Project is an ancillary use to augment existing hydrogen gas production, storage and distribution operations occurring on contiguous Air Products & Chemicals parcels, incorporates fail safe procedures and mechanisms to monitor and shut down facility functions, and is monitored and maintained by the Air Products Equipment Team.

2) The property or improvements in the neighborhood of such proposed use, in that the facility would be designed, built, operated and maintained in compliance with applicable codes, standards, and monitoring protocols set forth in, but not limited to, the California Building Code, National Fire Protection Association, National Electrical Code, American Society of Mechanical Engineers, Occupational Safety and Health Administration, and Compressed Gas Association.

3) The general welfare of the City, in that the proposed use expands the options available to the local and regional population by providing a convenient self-serve

hydrogen fueling facility for fuel cell electric vehicles in proximity to residences and employment and that support reductions in greenhouse gas emissions for improved air quality.

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed and conditioned in a manner to be compatible with adjacent industrial development.

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that the Project involves storage and vehicle fueling of liquid hydrogen and is an ancillary use to augment existing hydrogen gas production, storage and distribution operations occurring on contiguous Air Products & Chemicals, Inc. parcels.

4. That the Planning Commission hereby approves a Use Permit PLN2018-13492 to allow the establishment and operation of a hydrogen fueling facility on the property located at 1375 Norman Avenue, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27th DAY OF FEBRUARY, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval

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