

City of Cupertino  
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**MINUTES OF THE REGULAR MEETING OF  
THE ENVIRONMENTAL REVIEW COMMITTEE  
HELD ON MAY 19, 2022**

**CALL TO ORDER**

Chair Moore opened the meeting at 9:31 a.m.

**ROLL CALL**

Commission Members present:      Kitty Moore, Chair and City Councilmember  
   Matt Morley, Vice Chair and Director of Public Works  
   Dianne Thompson, Assistant City Manager  
   Benjamin Fu, Director of Community Development  
   Steven Scharf, Planning Commission Chair

Commissioners Members absent:      None

Staff present:                                      Piu Ghosh, Planning Manager  
   Brianne Harkousha, Associate Planner  
   Gian Martire, Senior Planner  
   Andre Duurvoort, Sustainability Manager  
   Cyrah Caburian, Administrative Assistant

Outside Panelists:                                Nick Pappani, Raney Planning  
   Emily Marino, Rincon Consultants  
   Matt Maddox, Rincon Consultants  
   Alok Damireddy, District McClellan  
   Emily Marino, Rincon Consultants  
   Matt Maddox, Rincon Consultants

**APPROVAL OF MINUTES**

1. Subject: Approve the October 28, 2021 Environmental Review Committee meeting minutes

Recommended Action: Approve the October 28, 2021 Environmental Review Committee meeting minutes

Fu moved and Thompson seconded.

AYES:                      Moore, Thompson, Fu

NOES:                     None

ABSTAIN:                Morley, Scharf

ABSENT:                 None

VOTE:                     3-0-2-0

**POSTPONEMENTS**

None

## **ORAL COMMUNICATIONS**

Member of the public, Connie Cunningham, spoke regarding redesign of 20680 McClellan Road.

Member of the public, Jennifer Griffin, spoke regarding AB 2011 and potential environmental impacts.

## **WRITTEN COMMUNICATIONS**

None

## **CONSENT CALENDAR**

None

## **PUBLIC HEARINGS**

None

## **OLD BUSINESS**

None

## **NEW BUSINESS**

2. Subject: Consider whether a Mitigated Negative Declaration (MND) is the appropriate environmental document for a project to subdivide and redevelop one single family residential property into six single family residential properties. Permits required include a Zoning Map Amendment Permit to consider rezoning a 1.27-acre parcel from R1-10 to R1-7.5, Tentative Map Permit to consider the subdivision of one parcel into six parcels, and six Two-Story Permits to consider the development of single-family homes. (Application No(s): Z-2021-002, TM-2021-006, R-2021-040, -041, -042 -043, -044, -045, EA-2022-002; Applicant(s): Alok Damireddy (District McClellan LLC); Location: 20860 McClellan Road APN #359-20-030)

Recommended Action: That the Environmental Review Committee consider the Mitigated Negative Declaration the appropriate environmental review document for the proposed project.

Staff member Harkousha provided presentation on the proposed mitigated negative declaration (MND) document, which would include demolition of the structures on the existing lot and removal of unprotected trees to redevelop the property into six single family lots. Public comment received centered around traffic, sizes of garage, parking and sizes of lots.

Findings from the environmental review show no significant impact to the environment. However, two areas on the property were found to have soil contamination, typical of properties used for agricultural purposes in the past, which would require mitigation to reduce the impact to a less significant level. Mitigations were identified in the MND.

Public comment was opened twice during discussion and the following members of the public spoke:

Jennifer Griffin – concern of public utility clearance to current property lines

Lisa Warren – concerned that soil contamination findings not notified to residents

Mynul Hoda – received different plan set from developer than plan submitted to City

Larry Harrison – encouraged remediation between adjacent property owners and developers

Connie Cunningham – encouraged developer to consider multifamily building on project site

Committee members asked questions whether plans submitted to the Committee differ from plans shared with adjacent neighbors (*it was determined no change to the overall project itself*), additional soil testing and determination of adequate soil borings, and concerns of oil leakage from the gas containers in the storage barn and if these would be fully mitigated. These were responded to by staff, project applicant Damireddy and consultant Pappani.

Motion by Moore and second by Morley to accept Mitigated Negative Declaration as the appropriate environmental review document for the proposed project on the condition that additional soil testing be conducted through a scope of work agreed upon by the city's third party reviewer and applicants Geotech specialists, and any additional measures from the peer review be incorporated in the Mitigated Negative Declaration prior to Planning Commission hearing.

Substitute motion made by Moore to continue item upon further soil testing and review of historical uses of the site (Scharf seconded).

Substitute motion by Thompson to accept the Mitigated Negative Declaration as the appropriate environmental review document for the proposed project on the condition that additional testing be conducted through a scope of work agreed upon by the City's third-party reviewer and applicants Geotech specialists and any additional measures from the peer review be incorporated in the Mitigated Negative Declaration prior to Planning Commission and seconded by Morley.

AYES: Morley, Thompson, Fu  
NOES: Moore, Scharf  
ABSTAIN: None  
ABSENT: None  
VOTE: 3-2-0-0

3. Subject: Consider whether a Mitigated Negative Declaration (MND) is the appropriate environmental document for a Hillside Exception to allow a maintenance road within an existing residential property on slopes greater than 30%. (Application No(s): EXC-2019-003, EA-2022-001; Applicant(s): Bruce and Joyce Steakley; Location: 21750 Rainbow Drive; APN #366-03-064)

Recommended Action: That the Environmental Review Committee consider the Mitigated Negative Declaration the appropriate environmental review document for the proposed project.

Staff member Martire provided presentation on proposed access road and maintenance road to allow shorter access to vineyard without going through neighboring property. While no trees are expected to be removed, some are anticipated to be trimmed back to allow for vehicle clearance. Findings from the environmental review show no significant impact to the environment.

Morley moved and Fu seconded.

AYES: Moore, Morley, Thompson, Fu, Scharf  
NOES: None  
ABSTAIN: None  
ABSENT: None  
VOTE: 5-0-0-0

Committee recessed from 11:13 to 11:18.

4. Subject: Climate Action Plan 2.0 Draft Initial Study and Negative Declaration

Recommended Action: Review the draft Initial Study and recommend that the Environmental Review Committee consider a Negative Declaration appropriate for the project.

Staff member Duurvoort provided presentation on initial study of the City's Climate Action Plan (CAP) to attain greenhouse gas emission targets consistent with State regulations, and usage of CAP policies in future project reviews, such as environmental changes requiring installation of needed infrastructure to accommodate transmission of alternative fuels or electric vehicle charging stations. Additional changes to individual projects requiring discretionary approval are still subject to CEQA environmental review.

Member of the public, Jennifer Griffin, supports item and expressed concern State legislature would have on traffic and parking.

Committee asked for distinction between the submitted Negative Declaration versus MND, which were answered by Staff member Duurvoort and Consultant Maddox.

Fu moved and Thompson seconded.

AYES: Moore, Morley, Thompson, Fu, Scharf

NOES: None

ABSTAIN: None

ABSENT: None

VOTE: 5-0-0-0

**STAFF UPDATES AND COMMISSION REPORTS:**

None

**FUTURE AGENDA** (*limitation, cannot discuss*)

- Suggestion by Moore of subsequent items to be distributed with depth of materials.

**ADJOURNMENT**

The meeting was adjourned at 12:06 p.m. to the next regularly scheduled Environmental Review Committee meeting.

Respectfully submitted:

/s/Cyrah Caburian

Cyrah Caburian  
Administrative Assistant