

## CHAPTER 2.84: ENVIRONMENTAL REVIEW COMMITTEE

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### Section

- 2.84.010 Established–Composition.
- 2.84.020 Terms of Office.
- 2.84.030 Chairperson.
- 2.84.040 Meetings–Quorum.
- 2.84.050 Compensation–Expenses.
- 2.84.060 Majority vote required.
- 2.84.070 Records.
- 2.84.080 Duties–Powers–Responsibilities.
- 2.84.090 Guidelines–CEQA.
- 2.84.100 Appeals.
- 2.84.110 Fees.
- 2.84.120 Effect.

### **2.84.010 Established–Composition.**

The Environmental Review Committee (ERC) of the City is established. ERC shall consist of one City Council person, one Planning Commissioner, the City Manager, the Director of Public Works and the Director of Community Development or their designated alternates.

In addition, the chairperson may appoint one at-large nonvoting citizen member to the committee. The at-large member shall receive all agendas, notifications and materials which other members receive and shall be entitled to participate in all discussions at ERC meetings in the same manner as other members of the committee. The at-large member would serve a term of one year; provided, that he or she may be removed at the pleasure of the chair.

(Ord. 1570, § 1, 1991; Ord. 1535, (part), 1990)

### **2.84.020 Terms of Office.**

The terms of staff members are ongoing unless changed by action of the City Council. The term of the City Council person and Planning Commissioner shall be reviewed periodically by the City Council and Planning Commission respectively for reappointment or a new appointment. Because this Committee is composed of staff and members of other bodies it is not directly governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 8 (part), 2018; Ord. 1535, (part), 1990)

#### **2.84.030 Chairperson.**

The Committee shall elect its chairperson and vice-chairperson from among its members and shall appoint a secretary. The secretary need not be a member of the Committee.

(Ord. 1535, (part), 1990)

#### **2.84.040 Meetings–Quorum.**

A. The Environmental Review Committee shall establish a regular time and place of meeting and rules of conduct thereof and shall hold at least two regular meetings each month.

B. A majority of the Environmental Review Committee shall constitute a quorum for the purpose of transacting the business of the Committee.

(Ord. 1535, (part), 1990)

#### **2.84.050 Compensation–Expenses.**

Members shall serve on the Environmental Review Committee without compensation but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid following appropriate action by the City Council.

(Ord. 1535, (part), 1990)

#### **2.84.060 Majority Vote Required.**

A majority vote of the quorum is required to approve a recommendation on any matter that is presented to the Committee which requires a vote.

(Ord. 1535, (part), 1990)

#### **2.84.070 Records.**

The Committee shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council and Planning Commission as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 8 (part), 2018; Ord. 1535, (part), 1990)

#### **2.84.080 Duties–Powers–Responsibilities.**

A. All discretionary projects which are not categorically exempt or otherwise exempted from further environmental assessment, shall be forwarded to the Environmental Review Committee for evaluation under the California Environmental Quality Act.

B. The Committee shall evaluate the initial study of a proposed project to determine whether the project may or may not have a significant effect on the environment.

C. If a determination is made that the project will not have a significant impact on the environment, the Committee will recommend that the final reviewing authority (decisionmaker) grant a negative declaration.

D. If a determination is made that the project may have a significant impact on the environment, the Committee shall require preparation of an environmental impact report (EIR). The major areas of concern, the selection of the preparer and the preparation of the EIR shall be coordinated by the ERC not including the City Council and Planning Commission members.

(Ord. 1535, (part), 1990)

#### **2.84.090 Guidelines—CEQA.**

California Environmental Quality Act guidelines promulgated by the California Secretary of Resources and as subsequently amended are adopted by this reference.

(Ord. 1535, (part), 1990)

#### **2.84.100 Appeals.**

The project sponsor may appeal a decision to prepare an EIR to the City Council. The appeal shall be filed in writing with the City Clerk within five working days of the Committee's decision. If the City Council determines that an EIR is not necessary, the project shall be returned to the ERC for further consideration.

(Ord. 1535, (part), 1990)

#### **2.84.110 Fees.**

The City Council may, by resolution, establish an environmental assessment fee.

(Ord. 1535, (part), 1990)

#### **2.84.120 Effect.**

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council, Planning Commission or City officers.

(Ord. 1535, (part), 1990)