

**ACTION MINUTES OF MEETING OF THE ENVIRONMENTAL
REVIEW COMMITTEE HELD ON August 1, 2019**

Committee Members: Kitty Moore, Chair
Chad Mosley, Vice Chair
Ben Fu
Deborah Feng
Darcy Paul
Rhoda Fry, Member at Large

Committee Members absent: None

Staff present: Gian Martire, Associate Planner
Joseph Petta, Assistant City Attorney

Consultant Presenters: Carmen Borg AICP, Urban Planner, Shute, Mihaly &
Weinberger
Terri McCracken, Placeworks

APPROVAL OF MINUTES:

1. July 18, 2019

The minutes of the July 18, 2019 were approved as written

ORAL COMMUNICATIONS: None

(Reserved for persons wishing to address the Committee on issues that are not already included in the regular Order of Business)

WRITTEN COMMUNICATIONS: None

STUDY SESSION:

2. Subject: Presentation of common CEQA documents and terms

Recommended Action: receive presentation and provide any input to Staff

Carmen Borg, from Shute Mihaly & Weinberger, went over the basics of the California Environmental Quality Act (CEQA). The objectives of CEQA are environmental protection, disclosure, and public participation. There are CEQA regulations, guidelines and exceptions. She provided informational resources and links to the Committee.

❑ Additional Discussion

- Environmental Impacts are mitigated and avoided through project development where possible
- Disclosure of environmental impacts to the “lead agency” (decision makers) and to the public
- Public participation is the noticing requirements to the public and surrounding agencies

- Courts are the ultimate arbitrators of CEQA interpretations
- CEQA only applies to discretionary projects
- What kinds of projects are Categorically Exempt, noticing requirements for exemptions
- Negative Declaration - Initial Study indicates that the project poses no environmental impacts
- Mitigated Negative Declaration – Initial Study indicates that the project poses some potential environmental impacts that can be mitigated to be less than significant
- Environmental Impact Report – a more detailed report than an Initial Study, indicates that there may be substantial evidence of environmental impacts. The Report includes technical reports and alternative solutions for the project to reduce the potential impacts.
- The definition of Cumulative Impacts
- Project cumulative impacts vs Citywide EIR, specific plan or program area EIRs
- Documentation names – Notice of Preparation, Notice of Intent, Notice of Availability, Notice of Determination

The Committee asked for training materials (a summary of the presentation) available to future Committee members, a table showing statutory authority, and another table showing the noticing requirements for CEQA documents throughout the life of a project.

A resident spoke about the need for multi-city collaboration for projects at the edges of the City

PUBLIC HEARING:

3. Subject: Development and Use Permits to allow the construction of a 155-room hotel, Architectural and Site approval for a 155-room hotel, Development Agreement and General Plan Amendment for hotel allocation, height and setbacks. A Mitigated Negative Declaration is proposed. Application No(s): ASA-2018-02, DA-2018-01, DP-2018-01, GPA-2018-01, U-2018-02 (EA-2018-03); Applicant(s): Sherly Kwok (De Anza Properties); Location: 10931 N De Anza Blvd. APN #326-10-061

Recommended Action: Conduct the public hearing to determine: 1) that the proposed mitigations are not in conflict with the City's General Plan; and 2) recommend to the City Council the approval of the Mitigated Negative Declaration

- ❑ Geologic/Soils
 - There will be a Stop Work Order in the construction documents should any remains be discovered on site. The site will need to be cleared by a paleontologist before work can continue.
 - The soils report and geophysical survey did not indicate any hazardous contaminants on site requiring mitigations
- ❑ Hydrology
 - The developer will have to provide evidence that the completed hotel will not exhaust the City's waste water systems
 - The hotel meets all C3 requirements for storm water run off
- ❑ Trees/Landscaping
 - A nesting survey will be required prior to the start of any planned construction during the spring months

- No site trees are proposed to be removed, approximately 12 trees will be added to the site
- ❑ Air Quality
 - Standard mitigating measures will be in place during construction to reduce dust and exhaust
 - Dust from the construction trucks entering and leaving the site will need managed
 - The developer will be required to pay a fee to “buy” voluntary carbon offsets (Green House gases) as set and collected by the California Air Resources Board
- ❑ Archeological/Cultural
 - There will be a Stop Work Order in the construction documents should any remains or artifacts be discovered on site. The site will need to be cleared by an archeologist or tribal representative before work can continue.
- ❑ Noise
 - Any installed mechanical equipment will be required to meet the City’s Noise Ordinance
 - The applicant is aware of the City’s Noise Ordinance and permitted construction hours

ACTION: Find that the proposed mitigations are not in conflict with the City’s General Plan; and recommend that the City Council approve a Mitigated Negative Declaration for EA-2018-03 and associated applications

MOTION: Ben Fu

SECOND: Chad Mosley

NOES: none

VOTE: 4-0-1 (Paul absent)

OLD BUSINESS: None

NEW BUSINESS: None

STAFF AND COMMITTEE REPORTS

The City held a meeting at the Lehigh Cement Plant regarding their permits, reclamation project, violations. City Staff, County Staff and various Local and State agency Staff were in attendance.

ADJOURNMENT

Respectfully submitted,

_____/s/Beth Ebben
 Beth Ebben
 Deputy Board Clerk