

**ACTION MINUTES OF MEETING OF THE ENVIRONMENTAL
REVIEW COMMITTEE HELD ON April 16, 2020**

Committee Members: Kitty Moore, Chair
Chad Mosley, Vice Chair
Piu Ghosh
Liang Chao
Dianne Thompson

Committee Members absent: Ben Fu

Staff present: Gian Martire, Senior Planner
David Stillman, Transportation Manager

Consultant Presenters: Terri McCracken, Associate Principal, Placeworks, Inc.
Demetri Loukas, Principal Project Manager, David J
Powers & Associates, Inc.
Mike Campbell, Project Manager, David J Powers &
Associates, Inc.
Jon Cacciotti, Principal, Civil Engineering Manager, HMM
Engineers

APPROVAL OF MINUTES:

1. December 5, 2019

The minutes of the December 5, 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:

Emails were received for items #2 and #3

PUBLIC HEARING:

2. Application No.(s): EA-2018-04, DP-2018-05, ASA-2018-05, TM-2018-03, TR-2018-22
U-219-03, EXC-2019-03
- Applicant: Mark Tersini (KT Urban)
- Location: 21267 Stevens Creek Blvd APN #326-27-043

Development Permit and associated applications to allow the construction of a mixed use development consisting of 242 housing units, 20,000 square feet of retail space and approximately 37,000 square feet of common space on an 8-acre parcel (Westport (formerly The Oaks Shopping Center)).

Recommendation: Conduct the public hearing and recommend that the City Council approve an Environmental Impact Report

- ❑ Geologic/Soils
 - There will be a Stop Work Order in the construction documents should any remains or artifacts be discovered on site
- ❑ Trees/Landscaping
 - 75 trees will be removed, 400 trees will be replanted
 - No trees will be removed during the nesting season
- ❑ Air Quality/Greenhouse Gas Emissions
 - The project is not in conflict with the Regional Air Quality Plan
 - Standard mitigating measures will be in place during construction to reduce dust and exhaust
 - The direct or indirect GHG emissions will have less than significant impacts on the environment and are not in conflict with any regulations adopted for the purpose of reducing GHG emissions
- ❑ Hazardous Materials
 - There is a less than significant impact from hazardous materials on the site or from being transported away from the site
- ❑ Utilities and Service Systems
 - The project falls below the maximum allowed water/wastewater volume that can be supported by the Cupertino Sanitary District
- ❑ Traffic
 - The traffic study indicates that the traffic increase in the area will not have a significant impact
 - There are no traffic improvements included for the project along Mary Avenue. These improvements are part of a larger City-sponsored project
- ❑ Archeological/Cultural
 - There will be a Stop Work Order in the construction documents should any remains or artifacts be discovered on site
- ❑ Noise
 - Standard mitigating measures will be in place during construction to reduce noise
 - The noise study indicates that the overall noise generated from the project is less than significant
- ❑ Additional Discussion
 - There are four (4) alternatives to the proposed project to mitigate environmental impacts; No changes, Eliminate the retail component of the project, reduce the retail aspect of the project by 50%, reduce retail and convert some high density housing to senior housing
 - A bicycle-pedestrian pathway is proposed along Stevens Creek Boulevard. Further bicycle and pedestrian upgrades for safety and circulation will be addressed in the refinement of the design phase of the project.
 - A Late Response memo will be prepared to address comments brought up by the public during this meeting

RECOMMENDATION: That the ERC has determined that the project may have significant impacts to the environment requiring the preparation of an EIR for the City Council to consider approving

MOTION: Chair Moore

SECOND: Vice Chair Mosley

NOES: none

VOTE: 5-0-0

3. Project Name: Regnart Creek Trail

Applicant: City of Cupertino

Location: between Torre Avenue and E Estates Drive

The project proposes to construct an 0.8 mile shared-use trail (running along Regnart Creek) connecting the Cupertino Civic Center Complex with Wilson Park to the west and Creekside Park to the east. The project also includes site improvements including; various ancillary trail components and features, curb and gutter improvements, fence replacements, gates, a pedestrian bridge, and improvements to the surrounding roadways for bicycle and pedestrian access to the proposed trail. A Mitigated Negative Declaration is proposed.

Recommendation: Conduct the public hearing and recommend that the City Council approve a Mitigated Negative Declaration

- ❑ Geologic/Soils
 - Soils testing will be completed prior to construction to determine the levels, if any, of pesticide contaminants
- ❑ Trees/Landscaping
 - Trees shall not be disturbed during the nesting season
 - No trees will be removed as part of this project
- ❑ Air Quality/Traffic
 - Standard mitigating measures will be in place during construction to reduce dust and exhaust
 - A raised crosswalk with flashing lights will be installed on Blaney Avenue
- ❑ Archeological/Cultural/Biological
 - Potential impacts were identified to special status wildlife and to the grassland habitats
 - Prior to construction studies will be conducted to determine if the special status wildlife are present and at risk
 - There will be a Stop Work Order in the construction documents should any remains or artifacts be discovered on site
- ❑ Hazardous Materials
 - Construction activity may cause exposure to pesticides and other chemicals in the soil left from historic uses in the area (agriculture)
- ❑ Noise
 - Standard mitigating measures will be in place during construction to reduce noise

- A noise study conducted measurements from the middle of the proposed path. The study indicates that decibel levels are less than significant to the abutting property lines. The anticipated noise levels generated from trail users is in conformance with the City's Municipal Code
- Additional Discussion
 - Comments have been received from the public expressing concerns regarding bicycle and pedestrian safety
 - Comment was been received from the public expressing concerns regarding the potential excessive noise by trail users; shouting, music, motorized bicycles, etc.

RECOMMENDATION: The ERC has determined that the proposed mitigations reduce the impacts to less than significant, and recommends that City Council consider adoption of the Mitigated Negative Declaration.

MOTION: Chair Moore

SECOND: Committee member Ghosh

NOES: none

VOTE: 5-0-0

OLD BUSINESS: None

NEW BUSINESS: None

STAFF AND COMMITTEE REPORTS: None

FUTURE AGENDA SETTING:

Clarify the role, scope and the language in the Municipal Code for the Environmental Review Committee

Conduct a joint study session between the Committee and the Planning Commission to discuss the new traffic measuring methodology (VMT)

ADJOURNMENT

Respectfully submitted,

 /s/Beth Ebben
Beth Ebben
Deputy Board Clerk