

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING TABLE 11.24.150 OF THE CUPERTINO MUNICIPAL CODE
RELATING TO PROHIBITION OF PARKING ALONG CERTAIN STREETS**

The City Council of the City of Cupertino finds that:

1. Whereas, implementation of the elements of the 2016 Cupertino Bicycle Transportation Plan will encourage bicycling, reduce reliance on the single-occupancy vehicle, and have a positive impact on sustainability; and
2. Whereas, the McClellan Road Separated Bikeway Project is identified as a priority project in the 2016 Cupertino Bicycle Transportation Plan; and
3. Whereas, removal of on-street parking is necessary in order to implement the McClellan Road Separated Bikeway Project.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

Table 11.24.150 of the Cupertino Municipal Code is hereby amended as follows.

The Cupertino Municipal Code is hereby amended as shown below. Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.

Street	Sides of Street	Portion
McClellan Road	North	Between Mira Vista Road and a point 750 feet east of Stelling Road, all portions currently or hereafter within the City limits

McClellan Road	South	Between Mira Vista Road and a point 350 feet east of Stelling Road
Pacifica Drive	North	Between a point 30 feet east of De Anza Boulevard and a point 150 feet east of De Anza Boulevard
<u>McClellan Road</u>	<u>Both</u>	<u>Between Mira Vista Road and De Anza Boulevard</u>
<u>Pacifica Drive</u>	<u>Both</u>	<u>Between De Anza Boulevard and Torre Avenue</u>

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or re-adoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

This Ordinance is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this

Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City Code would have no or only a de minimis impact on the environment because the removal of on street parking to allow for the construction of separated bicycle lanes will help reduce traffic congestion and lead to reduced vehicle emissions. Additionally, the Class 1 categorical exemption for the operation, repair, maintenance, or minor alteration of existing public facilities contained in CEQA Guidelines section 15301 also applies. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on July 21, 2020 and **ENACTED** at a regular meeting of the Cupertino City Council on August 18, 2020 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:	
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<p>_____ Steven Scharf, Mayor City of Cupertino</p>	<p>_____ Date</p>
<p>ATTEST:</p> <p>_____ Kirsten Squarcia, City Clerk</p>	<p>_____ Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____ Heather Minner, City Attorney</p>	<p>_____ Date</p>