

RESOLUTION NO. _____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL AMENDING THE
FY 19/20 NON-POINT SOURCE BUDGET TO INCLUDE AN ADDITIONAL
ALLOCATION OF \$25,000 FOR RESIDENTIAL STORM WATER REBATES**

WHEREAS, the Clean Water and Storm Protection Fee approved by voters in July 2019 is expected to generate revenue of \$1.1 million dollars annually to fund the Clean Water and Storm Protection Program; and

WHEREAS, pursuant to the amended Agreement Between the Santa Clara Valley Water District (Valley Water) and the City of Cupertino For Water Conservation Landscape Conversion and Graywater Laundry to Landscape Programs, the City and Valley Water seek to provide enhanced rebates for installation of rainwater capture devices and landscape conversions; and

WHEREAS, residential property owners have expressed a desire to replace impervious hardscape with a pervious alternatives; and

WHEREAS, the Clean Water and Storm Protection Fee Study approved by Council March 5, 2019 included a budget of up to \$25,000 annually to implement a residential rebate program that would incentivize residential property owners to construct new improvements that decrease storm water runoff from their properties thereby decreasing the amount of pollutants that are carried by stormwater runoff to local waterways; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve an additional allocation of \$25,000 in the FY 19/20 Non-Point Source Budget to be funded by FY 19/20 Clean Water and Storm Protection fees.

BE IT FURTHER RESOLVED that this Resolution 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 Resolution 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 resulting in 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 Santa Clara Valley Water District and City of Cupertino Rainwater Capture programs to provide enhanced rebates for converting impervious surfaces to pervious surfaces would have no or only a de minimis effect on the environment because the conversion from impervious surfaces to pervious surfaces would have a beneficial effect on the environment by decreasing stormwater runoff. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this ___ day of _____, ____, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Grace Schmidt, City Clerk	_____ Date