

DRAFT RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE
MCCLELLAN RANCH WEST PARKING LOT IMPROVEMENT PROJECT
AND APPROVING THE PROJECT

WHEREAS, the McClellan Ranch West Parking Lot Improvement project (the “Project”) will provide a new, “green”, all-weather, meadow-style 27-space main parking area with an opportunity to build a 20-space overflow parking area in the future, should the need arise to be constructed on approximately 0.53 acres of the 1.4 acre project site, with the remaining areas dedicated for restoration planting; and

WHEREAS, in June 2018, the City of Cupertino prepared an Initial Study (IS) with Mitigated Negative Declaration (MND) consistent with California Environmental Quality Act (CEQA) Guidelines sections 15162 and 15163; and

WHEREAS, the MND found that although the Project could have a significant effect on the environment, mitigation measures included in the MND would reduce all of the impacts to a less than significant level; and

WHEREAS, the IS with MND was publicly circulated for 30 days beginning on June 8, 2018 and ending on July 9, 2018, in accordance with the requirements of CEQA; and

WHEREAS, on July 5, 2018, the Environmental Review Committee (ERC) conducted a public hearing and formally reviewed the MND and recommended approval of the MND for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cupertino that:

1. The City Council makes the following findings and determinations with respect to the McClellan Ranch Parking Area MND:
 - a. The City of Cupertino City Council has reviewed and considered the draft MND, comments received during the public review period, and the City’s written responses to any comments prior to acting on the Project.
 - b. The revisions to the MND in response to comments from the Santa Clara Valley Transportation Authority constitute insignificant modifications

under CEQA Guidelines Section 15073.5(c) and no recirculation of the MND is required.

- c. The MND adequately describes the environmental impacts of the Project. On the basis of the whole record before it, the City Council finds that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment.
 - d. The MND has been completed in compliance with CEQA and the CEQA Guidelines.
 - e. The MND is complete and adequate and reflects the City's independent judgment and analysis as to the environmental effects of the Project.
 - f. The City Council has determined that the Project will not have a significant effect on the environment because revisions to the project design have been made or agreed to by the project proponent to mitigate all identified impacts to a less than significant level.
2. The City Council hereby adopts the MND for the Project.
 3. The City Council hereby adopts the Mitigation Monitoring and Reporting Program included in the MND.
 4. The City Council hereby approves and authorizes staff to proceed with the Project.
 5. The City Council directs the City's Public Works Department to file a notice of determination with the County Clerk of Santa Clara County.
 6. Pursuant to CEQA Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its recommendations are located in and may be obtained from, the Office of the City Clerk at 10300 Torre Avenue, Cupertino, California. The City Clerk is the custodian of records for all matters before the City.
 7. This Resolution is effective upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Cupertino on August 21, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved:

Darcy Paul, City Mayor

Attest:

City Clerk