

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
FOR ADOPTING A GREEN STORMWATER INFRASTRUCTURE PLAN IN  
ACCORDANCE WITH PROVISION C.3.J OF THE MUNICIPAL REGIONAL  
PERMIT**

WHEREAS, the City of Cupertino is a permittee under the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit (MRP) that regulates stormwater discharges from municipal storm drain systems throughout Santa Clara Valley; and

WHEREAS, the City of Cupertino is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), and implements the MRP in collaboration with other members of the SCVURPPP; and

WHEREAS, Provision C.3.j of the MRP requires each permittee to develop a Green Stormwater Infrastructure Plan that demonstrates how permittees will gradually shift from traditional "gray" storm drain infrastructure to a more resilient and sustainable storm drain system comprised of "green" infrastructure, which captures, stores and treats stormwater using natural processes; and

WHEREAS, all permittees under the MRP are required to submit by September 30, 2019 a Green Stormwater Infrastructure Plan to the Regional Water Quality Control Board; and

WHEREAS, the Cupertino Green Stormwater Infrastructure Plan guides the identification, implementation, tracking, and reporting of green stormwater infrastructure projects within the City of Cupertino over the long term; and

WHEREAS, the City of Cupertino is committed to complying with requirements of the MRP and implementing sustainable approaches and practices within the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt and intends to support implementation of the City of Cupertino Green Stormwater Infrastructure Plan to achieve a more sustainable stormwater management system that provides multiple benefits to the community.

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 Plan 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 of a significant effect on the environment. CEQA applies only to projects which have the potential of 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 adoption of a Green Stormwater Infrastructure Plan would have no or only a de minimis impact on the environment. 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 3<sup>rd</sup> day of September, 2019, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

|   |               |
|---|---------------|
| SIGNED:<br><br>_____<br>Steven Scharf, Mayor<br>City of Cupertino | _____<br>Date |
| ATTEST:<br><br>_____<br><br>Grace Schmidt, City Clerk             | _____<br>Date |