

RESOLUTION NO. 20-____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE
CUPERTINO PARKS AND RECREATION SYSTEM MASTER PLAN**

WHEREAS, the Cupertino Parks and Recreation System Master Plan project (the "Project") identifies opportunities for park improvements and development, provides guidance for long-term decision making, and is intended to ensure that the City's parks and recreation system meets the needs of the Cupertino community and to guide the City in allocating resources for future development, renovation and management of City park and recreation facilities through the year 2040 ; and

WHEREAS, in October 2019, the City of Cupertino prepared an Initial Study ("IS") and proposed Mitigated Negative Declaration ("MND") for the Project pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 *et seq.*) ("CEQA") together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) (hereinafter, "CEQA Guidelines"); and

WHEREAS, on October 22, 2019, the City issued a Notice of Intent to Adopt an MND; 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 the impacts to a less than significant level; and

WHEREAS, the IS/MND was publicly circulated for 30 days beginning on October 23, 2019 and ending on November 22, 2019, in accordance with the requirements of CEQA; and

WHEREAS, on December 5, 2019, the Environmental Review Committee (ERC) conducted a public hearing and formally reviewed the IS/MND and, with inclusion of suggested Text Revisions to the IS (which were adopted in February 2020), recommended approval of the MND for the Project.

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

1. The City Council makes the following findings and determinations with respect to the IS/MND for the Project:

- a. The City Council has independently reviewed and considered the IS/MND and comments received during the public review period prior to acting on the Project.
 - b. The Text Revisions to the IS in response to input from the ERC 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 have been made 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 directs the City's Public Works Department to file a notice of determination with the County Clerk of Santa Clara County.
 5. 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.

6. This Resolution is effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 18th day of February, 2020, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date