

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE KIFER RECEIVING STATION BATTERY ENERGY STORAGE SYSTEM PROJECT

WHEREAS, the City of Santa Clara ("City") proposes the development of the Kifer Receiving Station Battery Energy Storage System Project adjacent to the existing Kifer Receiving Station ("Project"), which is more fully described in the mitigated negative declaration referenced below;

WHEREAS, the City is the lead agency for the preparation and consideration of environmental documents for the Project, as defined in the California Environmental Quality Act and the State of California Guidelines for the Implementation of the California Environmental Quality Act (collectively, "CEQA");

WHEREAS, pursuant to CEQA, specifically section 15070 of Title 14 of the California Code of Regulations, the City prepared an initial study which identified potentially significant effects on the environment which will be avoided or mitigated through the implementation of the Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP");

WHEREAS, the City prepared the MND and MMRP and circulated these documents for a 20-day public review period on April 27, 2023, in compliance with the requirements of CEQA;

WHEREAS, during the public review period, the City received comments from the Santa Clara Valley Water District;

WHEREAS, the City prepared a "Responses to Comments" document is included in Section 8 of the MND and addresses all comments raised;

WHEREAS, the City conducted its own independent analysis of the MND and MMRP prior to releasing it for public review and determined that the MND and MMRP were appropriate as there is substantial evidence the Project would not result in any significant environmental impacts;

WHEREAS, the Santa Clara City Council has reviewed and considered the MND, MMRP, the comments received to date and the responses prepared, and the City Council, in reviewing the Project as proposed, intends to take actions on the Project in compliance with CEQA; and

WHEREAS, the MND and the MMRP have been attached to the staff report for this environmental approval and the approval of the Project and, by this reference, are incorporated into this Resolution as if fully set forth herein.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That based on the whole record before it, the City Council hereby finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less than significant level by the mitigation measures specified in the MND and MMRP and that there is no substantial evidence that the project will have a significant effect on the environment.
3. That the City Council hereby finds that the MND and MMRP is complete, prepared in compliance with CEQA, and represents the independent judgment of the City Council.
4. That the City Council further finds that the MND and MMRP are adequate to serve as the required CEQA environmental documentation for the Project, and hereby adopts the MND and MMRP for the Project.
5. That the City Council hereby designates the Chief Electric Utility Officer of the City of Santa Clara, Silicon Valley Power as the Custodian of Records for the Project, and the Planning Division at City Hall, 881 Martin Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based.

6. The City Council directs the City Manager or designee to file a notice of determination with the County of Santa Clara and State Clearinghouse.

7. Effective Date. This Resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Mitigated Negative Declaration
2. Mitigation Monitoring and Reporting Program