

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ADOPTING A MITIGATED NEGATIVE DECLARATION, MAKING
FINDINGS WITH RESPECT THERETO, AND ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE SANITARY SEWER CONDITION ASSESSMENT REPAIRS
PROJECT**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City has proposed the Sanitary Sewer Condition Assessment Repairs Project (“Project”) which will construct sewer repairs at various locations;

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”);

WHEREAS, in conformance with CEQA, the MND was noticed and circulated for a 32-day public review period from June 21, 2019 to July 22, 2019 to the State Office of Planning and Research, Santa Clara County Clerk’s Office, and interested parties. A Notice of Intent to Adopt the MND was published in the Santa Clara Weekly, a newspaper of general circulation, on June 6, 2019, and during that entire circulation period no comment letters were received;

WHEREAS, the City Council held a duly noticed public meeting on August 20, 2019 to consider the MND and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, the City Council has reviewed the MND prepared for the Project, City Staff reports pertaining to the MND and all evidence received at the duly noticed public meeting on August 20, 2019. All of these documents and evidence are herein incorporated by reference into this Resolution;

WHEREAS, all potentially significant environmental effects associated with the Project, as approved, can either be substantially lessened or avoided through the inclusion of mitigation

measures proposed in the MND; and

WHEREAS, the City Council, in reviewing the Project as proposed, intends to adopt all mitigation measures set forth in the MND.

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

1. The City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. The City Council hereby finds that the MND has been completed in compliance with CEQA.
3. The City Council hereby finds, pursuant to California Code of Regulations, Title 14, Section 15074, that the Council has reviewed and considered the information and analysis contained in the MND before making its determination, that there is no substantial evidence that the Project will have a significant effect on the environment, and that the MND reflects the Council's independent judgment and analysis, and hereby adopts the MND.
4. The City Council hereby finds that the proposed mitigation measures described in the MND are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Project is approved.
5. Pursuant to California Code of Regulations, Title 14, Section 15074(c), the City Council hereby designates the Director of Public Works as the Custodian of Records for the Project, and the Public Works Division at City Hall, 1500 Warburton 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. That the City Council authorizes the City Manager or his/her designee to File a Notice of Determination.
7. In order to comply with Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP) as attached and referenced

herein. The Program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the party responsible for implementation.

8. 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 OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2019, 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