

RESOLUTION NO. 8252

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING
NEGATIVE DECLARATION AND CLIMATE ACTION PLAN**

WHEREAS, on February 15, 2011, the Climate Action Plan (CAP) project was initiated to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15% below 2005 emissions levels by 2020; and

WHEREAS, on March 20, 2013, the Planning Commission held a study session on the subject application, and considered evidence presented by City staff and other interested parties; and

WHEREAS, on April 10, 2013 the Planning Commission held a duly noticed public hearing on the Project at which time the Commission considered a written staff report as to the proposed application and its conformity with the requirements of Milpitas Municipal Code, the Negative Declaration, written and oral comments on the Negative Declaration and Climate Action Plan, and all other oral and written comments presented to it. Based on this evidence, the Planning Commission recommended that the City Council adopt the Climate Action Plan, adopt the proposed General Plan Text Amendments (GP13-0002), and adopt the Negative Declaration (Resolution No. 13-014); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and the Planning Commission recommended that they City Council adopt the Negative Declaration; and

WHEREAS, consistent with the CAP, a General Plan Text Amendment is proposed, however, since there are limitations on the number of times any single element of the General Plan can be amended, these amendments will be presented for adoption at a later date, coupled with another General Plan amendment effort; and

WHEREAS, on May 7, 2013, the City Council held a duly noticed public hearing to consider adoption of the Negative Declaration, and approval of the Project.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council further determines, finds and certifies as follows:
 - A. Regarding the Project:
 - i. The proposed project is consistent with the General Plan in that the Climate Action Plan supports the policies of the General Plan.

ii. The proposed project will not adversely affect the public health, safety, and welfare in that the Climate Action Plan is a strategic document that proposes reduction of greenhouse gas emissions.

B. Regarding the Negative Declaration:

i. On the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment.

ii. The negative declaration reflects the lead agency's independent judgment and analysis.

iii. The custodian of the documents and other materials which constitute the record of proceedings for the Project is the City of Milpitas Planning Division located at City Hall, 455 East Calaveras Boulevard, Milpitas, California 95035.

3. The City Council hereby approves and adopts the Climate Action Plan with Negative Declaration.

PASSED AND ADOPTED this 7th day of May 2013, by the following vote:

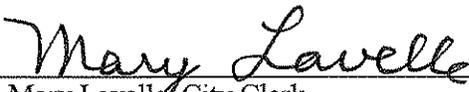
AYES: (5) Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano, Gomez, and Montano

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:



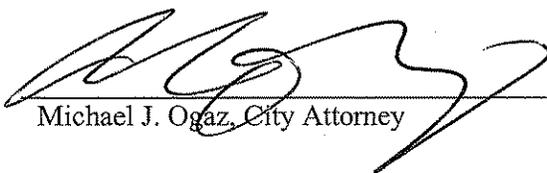
Mary Lavelle, City Clerk

APPROVED:



Jose S. Esteves, Mayor

APPROVED AS TO FORM:



Michael J. Ogaz, City Attorney