RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO FINDING THE PROPOSED CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2025 – 2026 CONSISTENT WITH THE CITY OF CUPERTINO GENERAL PLAN

WHEREAS, the City of Cupertino's Capital Improvement Program (CIP) guides the funding and scheduling of infrastructure improvement projects over the coming Fiscal Year. The current CIP recommendations have been updated for the Fiscal Year (FY) 2025-2026 time period for City Council review and consideration; and

WHEREAS, California Government Code Section 65401 requires that City's Planning Commission make a determination that the annual CIP is in conformance with the City's General Plan; and

WHEREAS, on April 22, 2025, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by the City, city staff, and other interested parties.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Cupertino does hereby finds, determines, and resolves as follows:

Section 1: The Planning Commission has duly considered the full record before it, including the staff report and presentation, facts, exhibits, public testimony and other evidence and materials submitted or provided to the Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2: The Planning Commission hereby exercises its independent judgment and determines that the action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3). CEQA Guidelines section 15061(b)(3) states that a project is exempt from CEQA if "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 action is a determination of consistency with the General Plan and therefore it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment.

Section 3: The Planning Commission finds in accordance with the Cupertino Municipal Code (CMC) section 2.32.070 (C) and state law based on the evidence in the public record that the City's CIP (FY 2025-2026) conforms to the City's General Plan (Community Vision 2015-2040.)

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, 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 Resolution 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 that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for 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 proposed action "Adopt a Resolution finding that the Fiscal Year 2025 - 2026 Capital Improvement Program proposal is consistent with the City's General Plan" would have no or only a de minimis effect on the environment because it is an administrative action. The foregoing determination is made by the City of Cupertino Planning Commission in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Cupertino this 22nd day of April 2025, by the following vote:

Members of the Planning Commission

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____ Santosh Rao Chair, Planning Commission	 _____ Date
ATTEST: _____ Piu Ghosh, Planning Manager	 _____ Date