

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
(APPROVING/DENYING) AUTHORIZATION OF WESTPORT CUPERTINO (OAKS  
SHOPPING CENTER) DEVELOPMENT PROPOSAL TO PROCEED WITH A  
GENERAL PLAN AMENDMENT APPLICATION DURING THE 2017 SECOND YEAR  
CYCLE

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PROJECT DESCRIPTION

Application No: GPAauth-2017-02

Applicant: KT Urban

Location: 21267 Stevens Creek Blvd.

APN(s): 326-27-039, -040 and -041

WHEREAS, on September 1, 2015, the City Council adopted procedures for considering future General Plan amendments, including to review prospective applications twice a year and decide which are authorized to proceed with a General Plan Amendment application (Resolution no. 15-078); and

WHEREAS, the Council criteria for determining whether an application will be authorized for processing is as follows:

- a. General Plan goals achieved by the proposed project, including, but not limited to, the following:
  - (i) Site and architectural design and neighborhood compatibility;
  - (ii) Brief description of net fiscal impacts (sales tax, transient occupancy tax or other revenue provided by the project), including the extent to which the project would diversify the City's economic base;
  - (iii) The provision of affordable housing; and
  - (iv) Environmental Sustainability.
- b. General Plan amendments (and any other zoning amendments or variances) requested.
- c. Proposed voluntary community amenities, defined as (i) school resources, (ii) public open space, such as parks and trails, (iii) public facilities and utilities, such as library, community center or utility systems and (iv) Transportation facilities with an emphasis on city-wide bicycle, pedestrian and transit improvements, such as community shuttles, pedestrian and bicycle bridges, and transit centers/stations

d. Staff time and resources required to process the project; and

WHEREAS, the City Council initial decision to authorize an applicant to proceed with a General Plan Amendment application, does not in any way presume approval of the proposed amendment or project. Said decision only authorizes staff to process the Application; and

WHEREAS, the City received the subject Application by May 15, 2017, the deadline to be considered in the 2017 second cycle of the General Plan Amendment application review process; and

WHEREAS, on August 1, 2017, the City Council held a public hearing, and after closing the public hearing considered whether to allow the applicant to proceed with the General Plan Amendment application based on the relevant criteria; and

WHEREAS, this Resolution is not a project within the meaning of section 15378 of the California Environmental Quality Act ("CEQA") Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. 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 of a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of relevant criteria, maps, facts, exhibits, testimony, staff reports, public comments, and other evidence submitted in this matter, the City Council of the City of Cupertino hereby (APPROVES/DENIES) authorization for the subject Application to proceed with a General Plan Amendment application.

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PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Cupertino the 15th day of August 2017, by the following vote:

Vote: Members of the City Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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Grace Schmidt  
City Clerk

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Savita Vaidhyanathan  
Mayor, City of Cupertino