

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, California 95014

DRAFT RESOLUTION

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO FINDING THE THREE  
ADDITIONAL CAPITAL IMPROVEMENT PROJECTS (REGNART CREEK TRAIL, CITYWIDE  
COMMUNITY GARDENS AND THE LINDA VISTA TRAIL) ADDED TO THE FIVE YEAR CAPITAL  
IMPROVEMENT PROGRAM, FISCAL YEARS 2019-20 TO 2023-2024 CONSISTENT WITH THE CITY  
OF CUPERTINO GENERAL PLAN

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SECTION I: PROJECT DESCRIPTION

Project Name: Capital Improvement Program (CIP) Projects: Regnart Creek Trail, Citywide  
Community Gardens and the Linda Vista Trail.  
Applicant: City of Cupertino  
Location: Citywide

SECTION II: FINDINGS

WHEREAS, the City of Cupertino Capital Improvement Program (CIP) guides the funding and scheduling of infrastructure improvement projects over the next five years. The current CIP has been updated for the [FY 2019-2020 to 2023-2024] time period for City Council review and consideration; and

WHEREAS, the City of Cupertino Capital Improvement Program (CIP) was revised and Regnart Creek Trail, Citywide Community Gardens, and the Linda Vista Trail projects were added, necessitating additional Planning Commission review and determination of consistency with the City's General Plan, and

WHEREAS, California Government Code Section 65403 requires that City's Planning Commission to make a determination that all CIP projects are consistent with the City's General Plan; and

WHEREAS, the Planning Division has reviewed the project for compliance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine that the General Plan consistency finding is not subject to CEQA pursuant to California Code of Regulations, title 14, section 15061(b)(3) ("CEQA Guidelines" § 15061(b)(3)) in that the General Plan consistency finding as required by State law is not a "project" as defined under CEQA (CEQA Guidelines § 15378); and

WHEREAS, on November 12, 2019, 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 hereby finds, determines and resolves as follows:

1: The Planning Commission has duly considered the full record before it, including the staff report and presentation, maps, 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.

2: The Planning Commission determines that the General Plan consistency finding is not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3). CEQA Guidelines Section 15061(b)(3) states, "CEQA applies only to projects 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."

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 projects Regnart Creek Trail, Citywide Community Gardens and the Linda Vista Trail are consistent with the City's General Plan (Community Vision 2015-2040).

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PASSED AND ADOPTED this 12<sup>th</sup> day of November 2019, at a Regular Meeting of the Planning Commission of the City of Cupertino by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

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Benjamin Fu  
Director of Community Development

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R "Ray" Wang  
Chair, Planning Commission