

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6924

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO FINDING
THE PROPOSED CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 2021-
22 CONSISTENT WITH THE CITY OF CUPERTINO GENERAL PLAN

WHEREAS, the City of Cupertino Capital Improvement Program (CIP) guides the funding and scheduling of infrastructure improvement projects over the next Fiscal Year (FY). The current CIP has been updated for the FY 2021-2022 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 May 25, 2021, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by city staff and other interested parties; and

WHEREAS, the Planning Commission has exercised its independent judgment to find that its determination that the CIP FY 2021-2022 Report is consistent with the General Plan is exempt from environmental review under the California Environmental Quality Act ("CEQA"). related to the

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Cupertino 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, 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.

Section 2: The Planning Commission hereby exercises its independent judgment and determines that its consistency determination is not a "project" under the requirements of the California Environmental Quality Act of 1970, together with California Code of Regulations, title 14 ("CEQA Guidelines"),

sections 15000 et seq. (collectively, "CEQA") because it has no potential for resulting in a physical change in the environment. Under CEQA, a project has the "potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment." CEQA Guidelines § 15378(a). The action is a finding of consistency with the General Plan and therefore has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. In the event that its consistency determination 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.

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 2021-2022) conforms to the City's General Plan (Community Vision 2015-2040).

PASSED AND ADOPTED at a Regular Meeting of the Planning Commission of the City of Cupertino the 25th day of May 2021, by the following roll call vote:

AYES: COMMISSIONERS: Chair Wang, Vice Chair Scharf, Saxena,
Madhhipatla

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS: Kapil

ABSENT: COMMISSIONERS:

ATTEST:



Piu Ghosh
Planning Manager

APPROVED:

R Wang
Chair, Planning Commission