

**RESOLUTION NO. 14-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING THE CITY COUNCIL FIND THE PROPOSED 2014-2019 CAPITAL  
IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE GENERAL PLAN**

**WHEREAS**, the City of Milpitas Capital Improvement Program (CIP) is a five year program adjusted annually that outlines public improvements and estimated expenditures to construct improvements. The current CIP has been updated for the 2014-2019 time period for City Council review and consideration.

**WHEREAS**, California Government Code Section 65401 requires that public agencies make a determination that the annual CIP is in conformance with the City's General Plan.

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine that the General Plan Conformity Finding is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that the General Plan conformance findings as required by State law is not a project as defined under CEQA.

**WHEREAS**, on March 26, 2014, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence 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 determines that the General Plan Conformity Finding is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 since it is not a project as defined under CEQA.

**Section 3:** - *The Planning Commission makes the following findings based on the evidence in the public record in support of the General Plan Conformity Finding:*

- a) *The proposed 2014-2019 Capital Improvement Program is consistent with the following Milpitas General Plan principles:*

**LAND USE ELEMENT**

**Land Use Guiding Principles**

- **2.a-G-1:** Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.
- **2.a-G-5:** A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.
- **2.a-G-10:** Consider long-term planning and strong land use policy in managing the City's fiscal position.
- **2.a-G-11:** Promote land use policy and implementation actions that improve the City's fiscal sustainability. Maintain and enhance the City's projected total net revenue through amendments made to the General Plan. Discourage proposed re-zonings or other discretionary land use actions that could significantly diminish revenue to the City or significantly increase the City's service costs to the City without offsetting increases in revenue.

**Public Facilities and Utilities Guiding Principles**

- **2.d-G-1:** Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.
- **2.d-G-2:** Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth.

**Public Facilities and Utilities Implementing Policies**

- **2.d-I-1** Coordinate capital improvement planning for all municipal service infrastructure with the location and timing of growth.

**CIRCULATION ELEMENT**

**Street Network and Classification Guiding Principles**

- **3.b-G-1** Develop a street network integrated with the pattern of living, working and shopping areas, and which provides for safe, inviting, convenient, and efficient intermodal movement within the City and to other parts of the region.
- **3.d-G-5** Encourage a mode shift to non-motorized transportation by expanding and enhancing current pedestrian and bicycle facilities to accommodate casual and experienced cyclists and pedestrians.

**Street Network and Classification Implementing Policies**

- **3.d-I-1** Complete the on-street bicycle and the off-street circulation systems as depicted and described in the Bikeways and Trails Master Plans.
- **3.d-I-2** Develop connections between the off-street trail system and on-street bicycle system to fully integrate these facilities. Maximize linkages to other trail and bikeway systems to provide alternative transportation routes for pedestrians and bicyclists.
- **3.d-I-3** View all public capital improvement projects as opportunities to enhance the bicycle and pedestrian systems, and incorporate bicycle and pedestrian facilities into the design of such projects wherever feasible.
- **3.d-I-11** Support Safe Routes to School Projects, including infrastructure improvements and education, as an important source for encouragement of walking and bicycling to school as well as supporting the reduction of greenhouse gas emissions
- **3.d-I-12** Design streets to include detached sidewalks with planting strips or wider, attached sidewalks with tree-wells to encourage pedestrian use and safety, as well as to remove barriers and increase accessibility.

**OPEN SPACE & ENVIRONMENTAL CONSERVATION ELEMENT****Park and Recreational Facilities Guiding Principles**

- **4.a-G-1** Provide a park and recreation system designed to serve the needs of all residents of the community.
- **4.a-G-2** Develop a diversified trail system along stream sides and other public rights of way to provide recreational opportunities and link facilities.
- **4.a-I-3** Provide a system of hiking and riding trails and pathways connecting the Valley Floor Area to Ed Levin Park.
- **4.a-I-7** Where feasible, provide new neighborhood and community parks adjacent to public schools for joint use.
- **4.a-I-8** Explore the feasibility of providing interpretive trails that tie in with the history of Higuero Adobe and Alviso Adobe.
- **4.a-I-9** Explore the feasibility of providing a performing/visual arts center, an historical museum and a gymnasium.
- **4.a-I-10** Implement the goals and objectives of the Park and Recreation Master Plan.

**Historical and Cultural Resources Guiding Principles**

- **4.f-G-1** Preserve existing historical and cultural resources, especially those sites where an Historical Park may prove feasible.

- **4.f-G-2** Undertake efforts that promote Milpitas as a historical community, and undertake efforts to increase public awareness towards preservation.

#### **Historical and Cultural Resources Implementing Policies**

- **4.f-I-1** Continue to maintain, rehabilitate, and restore City-owned historic buildings and sites.
- **4.f-I-2** Acquire historic sites that would benefit from public ownership.

#### **Waste Management and Recycling Guiding Principle**

- **4.h-G-1** Undertake efforts to reduce the generation of waste, increase recycling and slow the filling of local and regional landfills, in accord with the California Integrated Waste Management Act of 1989.

### **SEISMIC AND SAFETY ELEMENT**

#### **Drainage and Flooding Guiding Principle**

- **5.b-G-1** Minimize threat to life and property from flooding and dam inundation.

#### **Fire Safety Guiding Principle**

- **5.c-G-1** Provide high quality, effective and efficient fire protection services for the Milpitas area residents.

The proposed 2014-2019 Capital Improvement Plan is consistent with the General Plan because of the following:

#### **Land Use Element**

The land use guiding principles seek to promote a City-wide land use program that balances land use with community amenities, public services and the creation of a park-like setting within the City. The principles also seek to maintain and improve the City's fiscal position while providing strong land use planning and managing public improvements. In particular, coordinating capital improvement planning in relation to growth and land use is an implementing policy of the General Plan. The update of the 5-year CIP is instrumental in helping to achieve these goals. The CIP is consistent with the principles and policies of the land use element because its primary purpose is to provide for coordinated public improvements in response to the growth, maintenance and safety of the City. The CIP proposes significant investment in City facilities, utilities, streets and parks, all of which contribute to strong land use program. In particular, the CIP proposes approximately \$25,000,000 toward park improvements over the five-years which maintains and strengthens the City as a park-like setting; and utility improvements to water, sewers and storm drains specifically help the City serve property to accommodate growth and development.

#### **Circulation Element**

The Circulation element guides vehicular and non-vehicular travel throughout the City. The CIP must be consistent with this element since the City is primarily responsible for providing and

maintaining the public City streets, sidewalks, and some trails. The General Plan also seeks to reduce reliance on the automobile by providing and emphasizing use of bicycle and pedestrian facilities. The Circulation element specifically seeks to incorporate the design of these facilities into capital improvement projects whenever feasible. The CIP is consistent with these policies because it strives to maintain and provide well designed, efficient transportation systems, including public streets and trails. The CIP includes projects for both improved vehicular and non-vehicular circulation consistent with the goals of the Circulation element. The CIP proposes approximately \$29,000,000 towards street improvements to assist in maintaining vehicular travel in the City. Street resurfacing and reconstruction and traffic signal improvements specifically contribute to achieving these goals. Also, improvements to Berryessa Creek trail also helps achieve the Circulation goals of the City by improving non-vehicular travel throughout the City.

#### Open Space and Environmental Conservation Element

This element provides principles and policies for the City-wide park system which is a specific component of the CIP. Most facilities within the City's park system are provided through the CIP including but not limited to city parks and trails, historic and cultural resources, senior and community centers, and any future facilities added to the park system. The element also seeks to reduce the generation of waste and increase recycling which can also be provided for in the CIP. The CIP is consistent with these policies because it provides for the improvement of public parks and related facilities as identified in the General Plan through allocation of funds for park improvements, maintenance, construction of trails and similar facilities. In particular, the CIP proposes approximately \$25,000,000 toward park improvements over the five-years which maintains and strengthens the City as a park-like setting. Specific improvements to Higuera Adobe, Berryessa Creek trail, City buildings and facilities, and park irrigation system improvements to help conserve water all contribute to achieve the goals of this elements.

#### Seismic and Safety Element

This element seeks to maintain the safety of the community from natural and man-made disasters. In particular, flooding and fire protection are mentioned as specific General Plan principles. The CIP, by its nature, provides for the safety of the community by ensuring fire protection and utilities are continually maintained to provide the highest quality, effective and efficient service available. In particular, seismic improvements to the water system and other utilities help maintain safety in the event of an emergency. General storm drain improvements and pump station repair help to keep water flowing and prevent flooding in periods of heavy rains; and upgrade to fire station and facilities help to ensure City Fire personnel have the resources they need to respond to emergencies. Hence, the CIP is consistent with seismic and safety element of the General Plan.

**Section 6: The Planning Commission of the City of Milpitas hereby adopts Resolution No. 14-013 recommending the City Council finds the proposed 2014-2019 Capital Improvement Program is in Conformity with the General Plan based on the above Findings.**

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on March 26, 2014.

---

Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on March 26, 2014 and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Demetress Morris				
Gurdev Sandhu				
Garry Barbadillo				
Hon Lien (alternate)				