



# MILPITAS PLANNING COMMISSION STAFF REPORT

April 8, 2015

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**APPLICATION:** **Capital Improvement Plan General Plan Conformity Finding**  
To consider a request for a General Plan conformity finding for the proposed City's 2015-2020 Capital Improvement Program.

**RECOMMENDATION:** **Staff recommends that the Planning Commission:**  
Adopt Resolution No. 15-016 finding the 2015-2020 Capital Improvement Program in conformance with the General Plan.

**LOCATION:** Citywide

**PEOPLE:**

Project Applicant: City of Milpitas Public Works Department  
Project Planner: Michael Boitnott, Associate Civil Engineer

**ENVIRONMENTAL:** The General Plan Conformity Finding is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that it's not a project defined by CEQA.

## **EXECUTIVE SUMMARY**

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The City's Capital Improvement Program (CIP) is a five year program that outlines various capital improvements and associated expenditures throughout the City. The CIP is updated annually based on:

- 1) Funding availability and priorities;
- 2) Completion of prior projects;
- 3) Readjustment of infrastructure improvement priorities; and
- 4) Other factors related to necessity, design, and installation of public improvements.

In accordance with California Government Code Section 65401, the Planning Commission is required to review and report to the City Council as to the conformity of the proposed CIP program with the adopted General Plan.

## **BACKGROUND**

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The City's Capital Improvement Program includes a variety of projects and expenditures from funding sources deemed necessary to maintain and improve public services to the City. The following summarizes the 2015-2020 CIP:

### Projects

The projects in the five-year CIP include a variety of utility, street, park and capital improvements. Some examples for fiscal year 2015-2016 include City building improvements; Alviso Adobe renovation; Milpitas Sports Center pool rehabilitation and sports fields; City street resurfacing; Dempsey Road water line, and storm drain replacements; and regional waste water treatment improvements.

Other noted improvements over the entire five-year period (2015-2020) include, but are not limited to:

- Parks – Berryessa Creek trail improvements; International Park; McCandless Park; Creighton Park Renovation, Sandalwood Park Renovation, Sinnott Park Renovation, Starlite Park Renovation, Strickroth Park Renovation, Sports Center Skate Park, Murphy Park and Picnic area improvement; Cardoza Park improvements;
- Streets – City street resurfacing; Soundwall renovations; Bridge improvements;
- Water – Water meter replacement; BART project water improvements; Los Coches water main upgrade; water line seismic improvements;
- Sewer – general sewer system repair and replacement; supervisory control and data acquisition (SCADA); regional waste water treatment improvements; and
- Storm Drain – general storm drain repair and replacement; California Circle pump station improvements; Oak Creek pump station improvements; Pentitencia Creek pump station improvements.

### Funding Sources

The funding allocated for these improvements are from a variety of sources, including: the City's gas tax revenues; General CIP fund; Midtown park fund; general City park fund; sewer infrastructure and sewer treatment fund; general City water fund; TASP fees; and Transit Occupancy Tax (TOT). The largest contributions over the five-year CIP come from the City's water fund (\$19,330,000); the City's sewer fund (\$18,945,000); TASP fees (\$13,480,000); sewer treatment fund (\$10,000,000); the gas tax (\$9,590,000); Park fund (\$7,190,000) and (\$50,605,000) of unidentified funding. Over the five year period, the total expenditures estimated by the CIP is \$160,984,960. Projected spending per year is as follows:

- 2015-2016 – \$22,721,960
- 2016-2017 – \$39,130,000
- 2017-2018 – \$32,508,000
- 2018-2019 – \$21,730,000
- 2019-2020 – \$44,895,000
- *Five year projected total = \$160,984,960*

The projected spending by project category over the next five years includes:

- Water Improvements – 25%
- Park Improvements – 22%
- Sewer Improvements – 21%
- Street Improvements – 15%

- Storm Drain Improvements – 9%
- Community Improvements – 7%

Please see the 2015-2020 CIP, pages Summary 1-10 for the complete summary.

### ***The Application***

The following request is required per California Government Code Section 65401 prior to adoption of the updated Capital Improvement Program:

- *General Plan Conformity Finding:* To find that the City’s proposed 2015-2020 Capital Improvement Program is in conformance with the General Plan.

## **PROJECT DESCRIPTION**

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### ***Overview***

The purpose of this project and purview of the Planning Commission includes finding the proposed 2015-2020 Capital Improvement Program in conformance with the General Plan.

## **PROJECT ANALYSIS**

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The proposed 2015-2020 Capital Improvement Program is consistent with the following General Plan Guiding Principles and Implementing Policies:

## **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 Higuera 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.

## **FINDINGS FOR APPROVAL**

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A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

- 1. The project is consistent with the Milpitas General Plan.*

The project is consistent with this finding and 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 \$35,000,000 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 \$24,850,000 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 \$35,000,000 toward park improvements over the five-years which maintains and strengthens the City as a park-like setting. Specific improvements to Alviso Adobe, Berryessa Creek trail, City buildings and facilities, 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.

#### **ENVIRONMENTAL REVIEW**

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The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The General Plan Conformity Finding is not subject to the CEQA pursuant to CEQA Guidelines Section 15378 in that it's not a project defined by CEQA.

#### **PUBLIC COMMENT/OUTREACH**

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Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the San Jose Mercury News on March 28, 2015 and the Milpitas Post on April 3, 2015. A public notice was also provided on the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

#### **CITY COUNCIL REVIEW**

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The Capital Improvement Program will be considered by the City Council and is tentatively scheduled on the April 21, 2015 Council agenda.

#### **CONCLUSION**

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In summary, the Capital Improvement Program outlines a five-year program for a variety of public infrastructure projects and associated timing, financing and related details. As shown by the analysis incorporated into this report, the City's 2015-2020 CIP is in conformance with the City's General Plan.

#### **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing; and

2. Adopt Resolution No. 15-016 finding the proposed 2015-2020 Capital Improvement Program in conformance with the General Plan.

## **ATTACHMENTS**

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A: Resolution No. 15-016

B: 2015-2020 Capital Improvement Program