



Climate Action Plan Consistency Review Checklist

Introduction

The City of Milpitas (City) adopted a Climate Action Plan Update (CAP Update) in 2022. The CAP Update outlines strategies and measures that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emissions reduction targets. The purpose of the CAP Consistency Checklist (Checklist), in conjunction with the CAP Update, is to provide a streamlined review process for all proposed development projects that are subject to discretionary review and/or trigger environmental review pursuant to the California Environmental Quality Act (CEQA).

Analysis of GHG emissions and potential climate change impacts from new development is required under CEQA. The City's CAP Update is a qualified GHG emissions reduction plan in accordance with State CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP Update.

The purpose of this Checklist is to implement GHG reduction measures from the CAP Update that apply to new discretionary development projects. New development that demonstrates consistency with relevant CAP Update strategies and the City's General Plan 2040 and would not conflict with the City's ability to achieve the identified GHG reduction targets through implementation of applicable measures. Projects that are consistent with the CAP Update, as determined through the use of this Checklist, may rely on the CAP Update and its associated CEQA documentation for the cumulative impact analysis of GHG emissions. Projects that are not consistent with the CAP Update must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in this Checklist to the extent feasible. Projects that are unable to meet the requirements of this Checklist should look to alternative compliance approaches to GHG analyses using the Bay Area Air Quality Management District's CEQA Guidelines. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP Update.

This Checklist may be updated periodically to incorporate new GHG reduction techniques or to comply with later amendments to the CAP Update or local, State, or federal law. Comprehensive updates to this Checklist will be coordinated with each subsequent CAP update. Administrative updates to the Checklist may occur regularly, as necessary for the purpose of keeping the Checklist up-to-date and implementable.

Applicability and Procedures

This Checklist is required only for discretionary projects¹ that are subject to and not exempt from CEQA. Projects that are exempt from CEQA are deemed to be consistent with the City's CAP Update, and no further review is necessary, with the exception of a Class 32 "In-Fill Development Projects" categorical exemption (State CEQA Guidelines Section 15332), for which projects are required to demonstrate consistency with the CAP Update through this Checklist.

General procedures for Checklist compliance and review are described below. Specific guidance is also provided under each of the questions in the Checklist.

- Project applicant completes the Checklist and submits to the City's Planning Department as part of the project's conditions of approval. Refer to the City's [Development Review Handbook](#) for details on the development review process.
- The City's Planning Department, Building Safety & Housing Department, and Public Works Department review the Checklist and make determinations regarding environmental review requirements under CEQA.
- The specific applicable requirements outlined in the Checklist shall be required as conditions of project approval.
- The project applicant must provide written documentation and supporting evidence that demonstrate how the proposed project would implement each applicable Checklist requirement described herein to the satisfaction of the Planning Department, Building Safety & Housing Department, and Public Works Department.
- If a measure is deemed not applicable for reasons other than those outlined in each question or if an exemption does not apply, supporting evidence will need to be provided by the project applicant and would be subject to Planning Department approval. A project may be determined to be inconsistent with the CAP Update if lack of compliance is deemed to be not supported by credible evidence.
- Development projects requiring discretionary review that cannot demonstrate consistency with the CAP Update using this Checklist shall prepare a separate, project-level GHG analysis as part of the CEQA document prepared for the project.

¹ In this context, a project is any action that meets the definition of a "Project" in Section 15378 of the State CEQA Guidelines.

Application Information

Contact Information

Project Name: _____
Property Address and
APN: _____
Applicant Name and
Co.: _____

Contact Phone: _____ Contact
Email: _____

Was a consultant retained to complete this checklist? ☐ Yes ☐ No
If Yes, complete the following:

Consultant Name: _____ Contact
Phone: _____
Company Name: _____ Contact
Email: _____

Project Information

1. What is the size of the project site (gross acres)? _____
2. What are the existing General Plan/zoning
designation(s) for the project site (as stated in the
Milpitas General Plan 2040)? _____

2. Identify all applicable proposed land uses:
☐ Residential (indicate # of single-family dwelling
units): _____
☐ Residential (indicate # of multi-family dwelling
units): _____
☐ Commercial (indicate total square footage): _____
☐ Industrial (indicate total square footage): _____
☐ Other (describe): _____

3. Provide a description of the project proposed. This description should match the basic project
description used for the CEQA document. The description may be attached to the Checklist if
there are space constraints.

General Plan Land Use Consistency

The first step in determining CAP Update consistency for a discretionary development project is to assess the project's consistency with the land use assumptions in the Milpitas General Plan 2040 and zoning designations, which were used to calculate the future GHG emissions forecasts and targets for the CAP Update. If the proposed project is consistent with applicable General Plan and zoning designations, the proposed project may be determined to be within the scope of emissions covered under the CAP Update.

If the project is not consistent with the Milpitas General Plan 2040 and zoning designations, it is possible that the land use changes required for the project could still be consistent with the growth projections used in the CAP Update depending upon the level of proposed changes. The questions below must be completed, as applicable, to determine whether the project is consistent with the City's General Plan 2040 and zoning designations and related GHG emissions forecasts and targets.

General Plan Land Use Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	Yes	No
1. Are the proposed land uses in the project consistent with the Milpitas General Plan 2040 land use and zoning designations? If "Yes" is selected, please skip to the CAP Measures Consistency section of the checklist. If "No" is selected, please proceed to question 2.	<input type="checkbox"/>	<input type="checkbox"/>
2. Is a General Plan amendment and/or rezoning required for the project? If "No" is selected, please skip to the CAP Measures Consistency section of the checklist. If "Yes" is selected, please proceed to question 3.	<input type="checkbox"/>	<input type="checkbox"/>
3. If the proposed project is not consistent with the General Plan land use or zoning designations, does the project include a land use plan and/or zoning designation amendment that would result in an equivalent or less GHG-intensive project when compared to the existing designations? If "Yes" is selected, please attach to this checklist the estimate project emissions under both existing and proposed designation(s) for comparison. Compare the maximum buildout of the existing designation and the	<input type="checkbox"/>	<input type="checkbox"/>

General Plan Land Use Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	Yes	No
<p>maximum buildout of the proposed designation. If the proposed project is determined to result in an equivalent or less GHG-intensive project when compared to the existing designations, proceed to the CAP Measures Consistency section of the checklist.</p> <p>If "No" is selected, the applicant must conduct a full GHG impact analysis for the project as part of the CEQA process. The project shall incorporate each of the applicable measures identified in the CAP Measures Consistency section of the checklist to mitigate cumulative GHG emissions impacts.</p>		

CAP Measures Consistency

The goal of the CAP consistency review process is to evaluate a project's consistency with the applicable strategies and measures of the CAP Update and General Plan 2040. Each Checklist item is associated with a specific GHG reduction measure in the City's CAP Update. "N/A" should only be checked based on the direction provided in each Checklist Item question. All projects for which the measure is applicable must demonstrate that they would implement measures consistent with the Checklist item, or fully substantiate how the item would be infeasible for project implementation. "N/A" responses are subject to Planning Department review and approval. If "No" is provided as a response to a question, the project would be determined to be inconsistent with the CAP Update and General Plan 2040 and result in a significant GHG impact.

CAP Measures Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	Yes	No
1. All-Electric New Buildings (CAP Measure BE-2.1) a) Will the project use electricity as the source of energy for: <ul style="list-style-type: none"> ▪ space heating, ▪ water heating, ▪ fireplaces, ▪ electric vehicle charging ▪ cooking appliances, and ▪ clothes drying appliances? 	<input type="checkbox"/>	<input type="checkbox"/>
b) Will the project install natural gas infrastructure? If "No" is selected in question 1(a), please skip to question 2(a).	<input type="checkbox"/>	<input type="checkbox"/>
c) If the requirements above in questions 1(a)-(b) cannot be met, will the project comply with 2022 Building Energy Efficiency Standards and install electrical conduit and wiring sufficient to operate electrical appliances?	<input type="checkbox"/>	<input type="checkbox"/>

CAP Measures Consistency

Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)		Yes	No
2. Clean Energy (CAP Measure BE-1.1)			
a) Will the project install onsite renewable energy and storage systems capable of meeting anticipated building energy consumption? If "Yes" was selected in question 2(a), no further answers are required.		<input type="checkbox"/>	<input type="checkbox"/>
b) If "No" was selected in question 2(a), will the project require residents/tenants/occupants to participate in a group-buy solar and storage program or opt in to Silicon Valley Clean Energy's carbon-free electricity option?		<input type="checkbox"/>	<input type="checkbox"/>
c) Will the project include a parking structure? If "No" was selected in question 2(c), no further answers are required.		<input type="checkbox"/>	<input type="checkbox"/>
d) If "Yes" was selected in question 2(c), will the project install solar photovoltaics on the parking structure if the structure is above ground?		<input type="checkbox"/>	<input type="checkbox"/>
e) Will the project include heated swimming pools? If "No" was selected in question 2(e), no further answers are required.		<input type="checkbox"/>	<input type="checkbox"/>
f) If "Yes" was selected in question 2(e), will the pool heaters be solar powered?		<input type="checkbox"/>	<input type="checkbox"/>
g) If the requirements above in questions 2(b), (d), and/or (f) cannot be met, do one of the following exceptions apply?		<input type="checkbox"/>	<input type="checkbox"/>
▪ Practical challenges to make satisfaction of the requirements infeasible.		<input type="checkbox"/>	<input type="checkbox"/>
▪ Alternate on-site renewable source used to satisfy measure.		<input type="checkbox"/>	<input type="checkbox"/>
▪ Procurement of renewable electricity.		<input type="checkbox"/>	<input type="checkbox"/>
▪ Ground mounted solar installations as voluntary alternative.		<input type="checkbox"/>	<input type="checkbox"/>
▪ Excludes value of aesthetic exterior alterations from permit valuation.		<input type="checkbox"/>	<input type="checkbox"/>

CAP Measures Consistency

Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	Yes	No
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Please substantiate answer selections for question 2:

3. Sustainable Transportation and Land Use Planning (CAP Measure TR-1.1) a) Will the project achieve a 15 percent reduction in per capita vehicle miles traveled (VMT) compared to the baseline conditions as defined in the City’s SB 743 guidelines?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 3:

4. Electric Vehicle Infrastructure (CAP Measure TR-2.1) a) Will the project install electric vehicle (EV) charging infrastructure consistent with Chapter 19 of the City’s Municipal Code (Green Buildings Standard Code)?	<input type="checkbox"/>	<input type="checkbox"/>
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CAP Measures Consistency

Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	Yes	No
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Please substantiate answer selections for question 4:

5. Reduce Vehicle Idling (CAP Measure TR-2.3) a) Will the project include loading docks? If "No" was selected in question 5(a), no further answers are required.	<input type="checkbox"/>	<input type="checkbox"/>
b) If "Yes" was selected in question 5(a), will there be sufficient electrical power sufficient to support delivery trucks and associated equipment to reduce vehicle idling when making deliveries?	<input type="checkbox"/>	<input type="checkbox"/>

Please substantiate answer selections for question 5:

6. Active Transportation Options (CAP Measure TR-3.3) a) Does the project include land uses other than single-family residential? If "No" was selected in question 6(a), no further answers are required.	<input type="checkbox"/>	<input type="checkbox"/>
b) If "Yes" was selected in question 6(a), will short-term and long-term bicycle parking facilities be provided that comply with the City's standards for bicycle parking facilities?	<input type="checkbox"/>	<input type="checkbox"/>
c) If the project included nonresidential development, will the project provide "end-of-trip" facilities for	<input type="checkbox"/>	<input type="checkbox"/>

CAP Measures Consistency		
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Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	Yes	No
bicyclists, including showers, secure bicycle lockers, and changing spaces?		
d) Will the project have e-bike and e-scooter infrastructure and options?	<input type="checkbox"/>	<input type="checkbox"/>

Please substantiate answer selections for question 6:

7. Waste Reduction (CAP Measure SW-1.1) Will the project meet the requirements of SB 1383?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 7:

8. Construction Demolition (CAP Measure SW-1.4) a) Will the project reach a 75 percent diversion rate for construction and demolition waste?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 8:

9. Landscape Equipment (CAP Measure OT-1.1) a) Will the project install sufficient exterior electrical outlets to charge electric-powered landscaping equipment?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 9:

10. Water Conservation (CAP Measure WA-1.1) a) Will the project install ultra-low-flow water fixtures?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 10:

11. Landscaping (CAP Measure WA-1.2) a) Will the project use drought-tolerant, water-conserving, and/or native landscaping?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 11:

12. Recycled Water (CAP Measure WA-1.3) a) If the project is located along the city's recycled water system (i.e., within the Transit Area Specific Plan planning area), will the project use recycled water for landscape irrigation?	<input type="checkbox"/>	<input type="checkbox"/>
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b) Will the project include a separate piping system for recycled water (i.e., “purple pipes”) for irrigation and outdoor water use?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 12:

13. Heat Island Effect (CAP Measure CS-1.2)	<input type="checkbox"/>	<input type="checkbox"/>
a) Will the project install cool pavements?	<input type="checkbox"/>	<input type="checkbox"/>
b) Will the project plant low-maintenance and drought-tolerant landscaping?	<input type="checkbox"/>	<input type="checkbox"/>
c) Will the project plant shade trees?	<input type="checkbox"/>	<input type="checkbox"/>
d) Will the project include surface parking lot(s)? If “No” was selected in question 13(d), no further answers are required.	<input type="checkbox"/>	<input type="checkbox"/>
e) If “Yes” was selected in question 13(d), will the project reduce heat gain from surface parking lot(s) by a minimum of 50% of the project site’s hardscape?	<input type="checkbox"/>	<input type="checkbox"/>

Please substantiate answer selections for question 13:

14. Energy and Telecommunications Infrastructure (CAP Adaptation Measure 2.5)	<input type="checkbox"/>	<input type="checkbox"/>
a) Will the project include new power and telecommunications lines and/or transformers? If “No” was selected in question 14(a), no further answers are required.	<input type="checkbox"/>	<input type="checkbox"/>

b) If "Yes" was selected in question 14(a), will the project underground power and telecommunications lines and/or transformers?	<input type="checkbox"/>	<input type="checkbox"/>
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Please substantiate answer selections for question 14:

15. Flooding Impacts (CAP Adaptation Measure 3.2)		
a) Is the project located near San Francisco Bay or at flooding risk from local waterways which discharge to San Francisco Bay?	<input type="checkbox"/>	<input type="checkbox"/>

Please substantiate answer selections for question 15:
