



## CITY MANAGER'S OFFICE

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

June 25, 2020

TO: The Honorable Mayor and Members of the City Council  
FROM: Deborah L. Feng, City Manager  
SUBJECT: Items of Interest

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### **In This Issue**

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## **General City News and Updates**

### **City Communications Regarding COVID-19 (Coronavirus)**

The City of Cupertino continues to monitor the effects of the coronavirus (COVID-19) as the safety of our residents remains our highest priority. All City facilities remain closed until further notice. While City Hall is closed to the public, the City continues to provide essential services online at [cupertino.org](http://cupertino.org) and by phone at (408) 777-3200. These essential services include responding to 311 requests and maintaining the City's infrastructure, among others. For detailed and up-to-date information regarding COVID-19, visit [U.S. Centers for Disease Control and Prevention \(CDC\)](https://www.cdc.gov/) and [Santa Clara County Public Health Department](https://www.sccphd.org/).

### **Cupertino Coffee Talks Goes Virtual**

The world has gone virtual and so has Cupertino Coffee Talks. Grab a cup of coffee or tea and join Councilmember Liang Chao and City Manager Deb Feng on Friday, June 26 from 8:30 to 9:30 a.m. Residents and business owners/operators are invited to this casual virtual meeting where they can discuss any topic they want with two of the City's decision makers.

Participate in this webinar by registering [here](#) (after registering, you will receive a confirmation email containing information about joining the webinar).

### **New Cupertino Solidarity Webpage**

The City of Cupertino stands in solidarity with the Black community and demands that all Black lives matter. The City encourages the community to stand together through a peaceful exchange and discourse to enact change and move forward towards a future with more equity and inclusion.

This new [Cupertino Solidarity webpage](#) will be used to inform the community on efforts and actions taken by the City. This is just one part of a much larger and longer conversation that will take place as we move forward.

A recording of a community forum was recently added to the Cupertino Solidarity webpage. The City hosted a meeting in cooperation with the Santa Clara County Sheriff's Office-West Valley Division in regards to policing in Cupertino. The City and the Sheriff's Office, which the City contracts for law enforcement services, have received many inquiries about policies and training regarding use of force. The event was opened by Mayor Steven Scharf, moderated by City Manager Deb Feng and featured Captain Ricardo Urena.

### **City Providing \$50,000 in Emergency Assistance Funds to Residents**

The City of Cupertino has partnered with West Valley Community Services to provide \$50,000 in emergency assistance funds to Cupertino residents impacted by COVID-19. Beginning on June 12, 2020, eligible households can receive up to \$3,000 in funds on a first-come first-serve basis while funds are available. Household income must be less than or equal to 100% of the Area Median Income (AMI). Please contact West Valley Community Services for an application through [email](#) or call (408) 366-6092.

## **City Summer Camps Continue Online and In-Person**

The City of Cupertino's Parks and Recreation Department continues to expand its virtual and in-person summer camp offerings. Pick from a variety of summer camps that fit your schedule and child's interests.

City summer camps begin each week and run all the way through mid-August. Check out the latest summer camp offerings at [cupertino.org/camps](https://cupertino.org/camps).

## **Middle School Bike Skills Program Returns**

Cupertino Safe Routes to School is pleased to announce the return of our Middle School Bike Skills program this summer! This bike safety program prepares rising 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> graders for biking to school and beyond. Participants will learn:

- Basic traffic laws
- Where to be on the road
- How to navigate intersections
- The most common types of bike crashes and how to avoid them
- Proper hand signals and how to let drivers know their intentions

The program includes an evening, interactive online class to learn bike skills in addition to an on-bike, in-person half-day camp to practice bike skills and go for a group bike ride. The in-person camps will be held outdoors with a limit of six students and will be conducted in a way that maintains social distancing protocols between households. With reduced vehicles on the road during the current Shelter-in-Place Order, now is a good time to learn bike safety skills. Learn more [here](#).

## **Cart Rentals Resume at Blackberry Farm Golf Course**

Electric cart rentals will be available at Blackberry Farm Golf Course beginning Friday, June 19. One cart will be rented per person, unless two individuals are from the same living unit. Address verification will be required for two people riding in one cart. Limited carts available. Find Blackberry Farm Golf Course contact information and other details [here](#).

## **Blackberry Farm Pool and Cafe will Remain Closed for the Season**

The City of Cupertino will keep the Blackberry Farm pool and cafe closed for the remainder of the season due to the ongoing COVID-19 pandemic. The City believes this decision is in the best interest of our community and understands the disappointment of not being able to visit the Blackberry arm pool and cafe this summer. The City looks forward to welcoming guests back when it is safe to do so.

## **Phase 1 of City's Video Surveillance System Complete**

The City's Infrastructure Division has completed Phase 1 of the City's Video Surveillance System Project. The work consisted of installing, testing, and maintaining surveillance cameras across six City facilities. As part of Phase 1, a total of 31 cameras have been installed where cashiering functions or secure safes are located. The cameras are located at City Hall, Blackberry Farm, Blackberry Farm Golf Course, Quinlan Community Center, Senior Center, and Sports/Teen Center. The system will store data for 30 days locally, followed by 365 days in the cloud. It will

also provide investigative tools for City staff to review past occurrences and, if applicable, the Santa Clara County Sheriff's Office.



This Video Surveillance System Project is part of the FY20 Council Work Plan. This is the latest initiative in the City's IT Department's ongoing effort to provide quality, safety, cost-effect technical solutions. Phase 2 will consist of installing cameras in main hallways and lobbies, and is slated to happen in the fall of 2020.

### **Local Green Building Ordinance Analysis**

The City's Sustainability Division is pleased to report results from an analysis of Cupertino's local Green Building Ordinance. The City Council requested in the FY 2019-20 City Work Program a review of the California Green Building Standards (CALGreen) voluntary tiers for consideration in our local Green Building Ordinance. On October 24, 2019, the Sustainability Commission affirmed that the existing Green Building Ordinance was stronger than the voluntary CALGreen Tiers and met the goals of the Climate Action Plan without requiring any changes. While this was expressed at the November 19, 2019 Council study session, Council requested that the Ordinance be revisited with a comparison to other cities. After a comparison with other jurisdictions was prepared, the Sustainability Commission voted on June 18, 2020, to recommend the current Green Building Ordinance as is, aligned to third-party rating systems. The existing Cupertino local Green Building Ordinance combined with the all-electric reach code adopted in December 2019, make significant contributions to achieving the goals set out in the Climate Action Plan. The attached report outlines the analysis, Sustainability Commission discussion, comparison of local Green Building Ordinances, and the environmental outcomes of a typical project.

## **Results of Employee Commute Pilot Program**

The Sustainability Division of the City of Cupertino is happy to report on progress of an employee alternative commute pilot program. The Council Work Program for FY 2019-20 requested that staff develop a program to reduce employee reliance on single-occupancy vehicles. A total of 29% of full-time employees participated in the pilot program and logged a collective 2,500 alternative trips to and from work. The attached staff report describes program design, incentives, findings, and recommendations for the next phase of this program. Staff secured grant funding that will allow the pilot to continue into the next fiscal year.

## **COVID-19 Business Information**

### **City Approves Emergency Relief Grant Program for Small Businesses**

The City of Cupertino has created a new program to provide one-time emergency grants of \$5,000 to eligible small businesses to provide working capital during the COVID-19 pandemic.

The Small Business Emergency Relief Grant Program was approved by City Council at its June 17 meeting. The City will utilize its CDBG-CV CARES Act fund allocation of \$229,017 to provide grants to eligible businesses with 25 or fewer employees that include low-moderate income individuals. The grants do not need to be repaid.

The City Council approved a framework for the emergency relief grant program to include eligibility criteria. Applications will be scored on a point system. More details, including how to apply, will be released when the program is fully developed.

For questions or more information about this program, contact Economic Development Manager Angela Tsui at [angelat@cupertino.org](mailto:angelat@cupertino.org) or (408) 777-7607.

### **City Working with Businesses to Reopen Safely**

The City is working on ways to safely expand the retail/commercial activities of local businesses with a no-cost special temporary permit for outdoor dining to be allowed by a City urgency ordinance. City staff is processing applications for Temporary Outdoor Dining permits and continues to work with dining establishments on ensuring reopening operations safely. Find forms, accurate protocols, and other resources [here](#).

### **Additional Business Updates**

- City staff continues to distribute disposable masks to local businesses and community groups for use by frontline workers and residents.
- Peet's Coffee on Stevens Creek Boulevard (next to Panera) has closed permanently as a direct result of the COVID-19 pandemic.

The latest news on Federal, State, and regional financial assistance programs and other helpful resources for employers, employees, and local small businesses affected by the pandemic can be found on the City's website at [cupertino.org/covid19businessinfo](http://cupertino.org/covid19businessinfo).

## City Hall Contact Information

The City continues to provide essential services by phone or online. Find more information [here](#).

Department	Phone Number	Email Address	Hours
Front Desk	(408) 777-3200	PIO@Cupertino.org	M-Th 7:30 am-5:30 pm F 7:30 am-4:30 pm
City Manager's Office	(408) 777-3212	Manager@Cupertino.org	M-Th 7:30 am-5:30 pm F 7:30 am-4:30 pm
City Clerk's Office	(408) 777-3223	CityClerk@Cupertino.org	M-Th 7:30 am-5:30 pm F 7:30 am-4:30 pm
Building Division	(408) 777-3228	Building@Cupertino.org	M-F 7:30 am-4:00 pm
Planning Division	(408) 777-3308	Planning@Cupertino.org	M-F 7:30 am-4:00 pm
Public Works	(408) 777-3354	Engineering@Cupertino.org	M-Th 7:30 am-5:30 pm F 7:30 am-4:30 pm
Finance Division	(408) 777-3220	FinList@Cupertino.org	M-Th 8:00 am-5:00 pm F 8:00 am-4:00 pm
Quinlan Community Center	(408) 777-3120	Recreation@Cupertino.org	Returning calls within 24 hours
Senior Center	(408) 777-3150	SeniorCntr@Cupertino.org	Returning calls within 24 hours
County Sheriff's Office Non-Emergency	(408) 299-2311	Sheriff@Cupertino.org	M-F 8:00 am-5:00 pm

\*Please note some lines may be unattended from 12:00 p.m. to 1:00 p.m.

## Upcoming Agenda Items

Attached is the City Council agenda forecast through July 21.

## Law Enforcement

Attached are the Sheriff's weekly reports for June 8 – June 21.



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# CITY OF CUPERTINO

## Upcoming Draft Agenda Items

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### City Council

**Tuesday, July 7, 2020**

#### **Study Session**

**20-7102**                    Subject: Study session to review the General Plan Amendment (GPA) procedure (added by Chao/Paul on 2/18/20)

#### **Consent Calendar**

**19-6438**                    Subject: Approve the June 16 City Council minutes

**20-7698**                    Subject: Application for Alcohol Beverage License for Hans, Inc (dba Spice Klub), 10310 S. De Anza Boulevard

**20-7768**                    Subject: Accept Offer of Dedication and Waiver of Future Reimbursement from the property owner at 20820 McClellan Place related to the McClellan Road Separated Bikeways-Phase 2 Project

**20-7770**                    Subject: Approve the June 5 City Council minutes

#### **Public Hearings**

**20-6826**                    Subject: Municipal Code Amendments to regulate Short-Term Rental activity in the City. A new Chapter 5.08 (Short Term Rental Activity) is proposed and amendments are proposed to Chapter 3.12 (Transient Occupancy Tax), Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones) and Chapter 19.120 (Home Occupations), of the Cupertino Municipal Code. Application No(s): MCA-2018-02; Applicant(s): City of Cupertino; Location: Citywide

**20-7381**                    Subject: Approve renewal of the following fees:

1. Existing (1992) storm drain fees collected on property tax bills for each parcel at no increase in rates for FY 2020-2021: \$12/single family parcel, \$144/acre for commercial/apartments/industrial parcels, \$36/acre for unimproved parcels; and
2. 2019-approved Clean Water and Storm Protection Fee calculated for each parcel and collected on property tax bills or billed directly for any parcels that cannot be collected on County tax bills, for FY 2020-2021

#### **Ordinances and Action Items**

**20-7611**                    Subject: Ordinance adding Chapter 2.20.120 to the Cupertino Municipal Code requiring online or electronic filing of campaign statements; Update on City website tool for publishing campaign finance data.

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20-7349            Subject: Adopt a resolution approving the purchase of property along the west side of Lawrence Expressway, between Highway 280 and Bollinger Road, commonly known as the Lawrence-Mitty property (APN 375-21-001 and 375-22-001) from the County of Santa Clara, in the amount of \$2,690,000, authorizing the City Manager to execute all the necessary documents to complete the acquisition of the property

20-7776            Subject: Approving an Internal Audit Charter

**Reports by Council and Staff (10 Minutes)**

20-7004            Subject: Presentation on Civic Center Parking Analysis and Recommendations

20-7672            Subject: City Manager update on COVID-19 response efforts

19-6414            Subject: Report on Committee assignments

**Tuesday, July 21, 2020**

**Ceremonial Matters & Presentations**

19-6493            Subject: Proclamation declaring August 6 as West Valley Community Services Day

**Consent Calendar**

19-6298            Subject: Award of the Sports Center Seismic Retrofit

19-6439            Subject: Approve the July 7 City Council minutes

20-7242            Subject: Award of McClellan Rd Separated Bikeway Ph 2

20-6916            Subject: Award contract for 2020 Pavement Maintenance Phase 2 Project

20-6917            Subject: Approve cost share agreement with the City of San Jose for resurfacing of Bollinger Road

20-7772            Subject: City of Cupertino Assessment of Fair Housing (AFH)

**Second Reading of Ordinances**

20-7612            Subject: Municipal Code Amendment to add a chapter to the Cupertino Municipal Code requiring electronic filing of campaign statements

20-6851            Subject: Second reading of the Municipal Code Amendments to regulate Short-Term Rental activity in the City. A new Chapter 5.08 (Short Term Rental Activity) is proposed and amendments are proposed to Chapter 3.12 (Transient Occupancy Tax), Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Use in Agricultural and Residential Zones) and Chapter 19.120 (Home Occupations), of the Cupertino Municipal Code. Application No(s): MCA-2018-02; Applicant(s): City of Cupertino; Location: Citywide

**Public Hearings**

20-7615            Subject: Hearing to approve lien assessment and collection of fees on private parcels resulting from abatement of public nuisance (weeds and/or brush) for the annual Weed and Brush Abatement Programs.



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20-7773                    Subject: Work Program- Housing Survey

**Ordinances and Action Items**

20-7771                    Subject: DOLA extension

**Reports by Council and Staff (10 Minutes)**

20-7673                    Subject: City Manager update on COVID-19 response efforts

19-6415                    Subject: Report on Committee assignments



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## Upcoming Draft Agenda Items

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### City Council

#### Date to be Determined

#### Study Session

- 17-3360      Subject: Annual Placeholder for 2nd meeting in May - Budget Study Session
- 17-3361      Subject: Annual Placeholder for 2nd meeting in February - Study Session on Council Work Program for fiscal year
- 19-5827      Subject: Study Session on the process to review development applications and determine consistency with the General Plan policies and Zoning Code regulations. (Chao/Paul added 7/16/19).
- 19-5915      Subject: Study Session regarding potential voluntary community benefits that would advance General Plan policies (Chao/Willey added 7/16/19).
- 19-6198      Subject: Placeholder for amending fee schedule (April 2020), including an increase on the retrieval of temporary signs picked up from right of way (real estate and/or political signs)
- 19-6264      Subject: Study Session regarding status of the Objective Standards Update to General Plan and Zoning Ordinance FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide), provide direction to staff (continued from 10/1/19). SPECIAL MEETING?
- 19-6267      Subject: Study Session to look at the Environmental Review Committee (ERC) scope and amend the Cupertino Municipal Code to reflect the additional scope (Paul/Chao 8/6/19), (Paul/Scharf 10/1/19).
- 19-6284      Subject: Study session regarding potential ordinance updates/cleanup on banning gas powered lawn equipment (Paul/Chao added on 8/6/19).
- 19-6347      Subject: Discussion of De Anza student housing issues (Scharf/Chao added 10/15/19).
- 19-6767      Subject: Study Session on easements (Scharf added 12/17/19)
- 19-6769      Subject: Study Session on housing with concurrent draft survey (Willey/Scharf added 12/17/19)
- 20-7303      Subject: Continued Study Session on Density Bonus Law (Chao/Scharf added 4/7/20)
- 19-6595      Subject: Study Session on Apple's bay area affordable housing projects (Willey/Paul added on 11/19/19).

20-7769            Subject: Study Session on weed and brush abatement (Chao/Willey added 6/16/20)

20-7774            Subject: Fiber Optics Wireless Master Plan

**Council Goal Setting**

19-6496            Subject: Work Program update

19-6274            Subject: Annual Placeholder - Council Goal Setting (late Feb)

**Ceremonial Matters & Presentations**

19-6199            Subject: Annual placeholder to present proclamation declaring one week in May as National Public Works Week

18-4445            Subject: Annual Placeholder for second meeting in September - Proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week.

**Consent Calendar**

17-3362            Subject: Annual Placeholder for first meeting in March - Approve the City Work Program for fiscal year \_\_\_\_\_

17-3363            Subject: Annual Placeholder for first meeting in June in even-numbered years - Call an election for Councilmembers

19-5984            Subject: Junipero Serra Trail Design

19-6290            Subject: Award of the McClellan Road Separated Bikeway Phase 3 (De Anza Blvd/Pacifica/McClellan Intersection modifications) project

19-6293            Subject: Award construction contract for the Linda Vista Trail project

19-6296            Subject: Award of the Regnart Road Improvements Phase 1 project

**Public Hearings**

15-0973            Subject: HOC setback requirements

**Ordinances and Action Items**

19-5786            Subject: Neighborhood Community Garden Selection/Program Criteria

19-5997            Subject: Authorize an amendment of the FY 2019-20 Capital Improvement Program to include a 100% Solar Electric Vehicle Public Charging Station at Cupertino Sports Center

18-4699            Subject: Annual Placeholder for 1st or 2nd meeting in January - Council Committee appointments

19-5342            Subject: Mobile vendor ordinance

19-6498            Subject: Council discussion on the FASTER initiative to raise sales tax 1% (Sinks/Scharf 11/5/19).

19-6291            Subject: Award of the Bike Boulevard Improvements (Phases 1-3)

19-6771            Subject: Via Pilot Shuttle and AB 5 Update

20-6914            Subject: Transportation Impact Fee Study (Sinks/Paul/Scharf added 1/21/20)

- 20-7211            Subject: Municipal code amendment regarding the allocation of the City Attorney's time (Scharf/Paul added 3/3/20)
- 20-7212            Subject: RV parking ordinance
- 20-7233            Subject: Sales tax for 2020
- 20-7234            Subject: Transient occupancy tax (TOT) increase for 2022
- 20-7262            Subject: Approving an Internal Audit Charter
- 19-6712            Subject: Take position on PG&E regarding separate district
- 20-7344            Subject: Discuss the City's position on development (Willey/Chao added 4/22/20)
- 20-7438            Subject: Establish further clarification and guidelines for the permitting of small cells and to present the potential updates to Council (Chao/Willey/Scharf)
- 20-7448            Subject: Traffic Impact Fee
- 20-7609            Subject: Consider Establishing Library Field as a City Park (Chao/Scharf added 5/19/20)
- 20-7671            Subject: Revisit establishing a transportation commission before the start of the annual commission recruitment cycle in September (Chao/Paul added 6/2/20)

**Reports by Council and Staff (10 Minutes)**

- 19-5610            Subject: City Hall Update
- 19-5061            Subject: Water Asset Municipal Water System Option Update



**Santa Clara County Office of the Sheriff**  
**Weekly Activity Summary**  
**6/8/2020 – 6/14/2020**  
**CUPERTINO**



**PATROL ACTIVITY SUMMARY**

DATE	BEAT	ACTIVITY	COMMENTS
6/8	C9	Illegal Dumping	At 10:59 AM on 5/31, two suspects dumped commercial quantities of construction waste in the victim business's dumpster at the Torre Professional Center on Torre Avenue. The victim business paid approximately \$1,000 to have the waste removed. One suspect is known, the other is unknown and both are at large.
6/8	C7	Commercial Burglary	Between 3:30 PM on 6/4 and 7:15 AM on 6/8, unknown suspect(s) entered the Santa Clara Valley Audubon Society's building at the McClellan Ranch Preserve on McClellan Road by removing a window screen, then opening the window, and took cash and an electronic tablet for a total loss of about \$660.
6/8	C3	Shoplifting	At 4:41 PM on 6/5, an unknown suspect took about \$348 of store merchandise without paying from Target in the Bottegas Cupertino shopping center on Stevens Creek Boulevard.
6/8	C3	Shoplifting	At 6:08 PM on 6/6, an unknown suspect took about \$510 of store merchandise without paying from Target in the Bottegas Cupertino shopping center on Stevens Creek Boulevard.
6/8	C3	Shoplifting	At 11:16 AM on 6/7, two unknown suspects took about \$438 of store merchandise without paying from Target in the Bottegas Cupertino shopping center on Stevens Creek Boulevard.
6/8	C4	Residential Burglary	Between 6:00 PM and 10:00 PM on 6/7, unknown suspect(s) entered the garage of a residence in the 10000 block of Randy Lane through an unsecured door and took a cellular phone, glassware, pills and a wallet for a total loss of about \$8,640.
6/8	C9	Petty Theft	Between 9:00 PM on 6/7 and 1:53 AM on 6/8, unknown suspect(s) took a bicycle from the front porch of an apartment at the Biltmore Apartments on S. Blaney Avenue for a total loss of about \$500.
6/8	C9	Petty Theft	Between 9:00 PM on 6/7 and 5:30 PM on 6/8, unknown suspect(s) took a bicycle from a bike rack in the front yard of a residence in the 10000 block of S. Blaney Avenue for a total loss of about \$450.
6/8	C5	Vehicle Burglary, Vandalism	At 3:14 PM, two unknown suspects broke through a window of vehicle parked at Target at Main Street Cupertino on Stevens Creek Boulevard and took a backpack for a total loss of about \$730.
6/8	C3	Shoplifting	At 7:26 PM, the suspect took about \$433 of store merchandise without paying from Target in the Bottegas Cupertino shopping center on Stevens Creek Boulevard. The suspect is known and at large.
6/9	C9	Vehicle Burglary	Between 3:00 AM on 6/8 and 7:50 AM on 6/9, unknown suspect(s) broke through a window of a vehicle parked in the 600 block of Phil Court and took cash, coins and earrings for a total loss of about \$25.
6/9	C7	Petty Theft	Between 9:30 PM on 6/8 and 6:00 PM on 6/9, unknown suspect(s) entered an unlocked vehicle parked in the driveway of a residence in the 1100 block of Hollyhead Lane and took cash and a gym bag for a total loss of about \$230.

**PATROL ACTIVITY SUMMARY**

DATE	BEAT	ACTIVITY	COMMENTS
6/9	C9	Vehicle Burglary, Petty Theft, Possession of a Controlled Substance ARREST	At 4:20 AM, deputies responded to the 800 block of Alderbrook Lane on report of an in-progress burglary. An investigation revealed two suspects broke through a window of one vehicle and entered a second vehicle which was left unlocked. The suspects took an art caddy from the first vehicle and a wallet from the second. The suspects were stopped in a vehicle a short time later and were found in possession of the stolen property in addition to Methamphetamine. Both suspects were arrested and booked into Main Jail.
6/10	C3	Injury Collision, Possession of Drug Paraphernalia ARREST	At 2:32 AM, deputies responded to an injury collision at N. De Anza Boulevard and Lazaneo Drive. An investigation revealed the suspect driver was in possession of drug paraphernalia, in violation of the suspect's probation terms. The suspect was cited and released.
6/10	C5	Vehicle Burglary	Between 5:57 PM and 6:18 PM, unknown suspect(s) broke through windows of a vehicle parked at the Cupertino Village shopping center on N. De Anza Boulevard and took assorted electronics and two wallets for a total loss of about \$21,155.
6/10	C7	Vandalism	At 6:40 PM, unknown suspect(s) threw a bottle through the rear window of a vehicle parked in the driveway of a residence in the 10000 block of Rae Lane. The total amount of damage was about \$700.
6/10	C3	Organized Retail Theft	At 7:04 PM, two suspects entered Target in the Bottegas Cupertino shopping center on Stevens Creek Boulevard, acted in concert, and took about \$538 of store merchandise without paying. Both suspects are known and at large.
6/11	C9	Grand Theft, Vehicle Tampering	Between 6/5 and 6/11, unknown suspect(s) tampered with a vehicle parked in the 19000 block of Barnhart Avenue and stole a catalytic converter for a total loss of about \$2,700.
6/11	C7	Petty Theft, Forgery	Between 10:00 AM on 6/10 and 10:00 AM on 6/11, unknown suspect(s) entered an unlocked vehicle parked in the 10000 block of Orange Avenue and took cash and a checkbook for a loss of about \$100. The suspect(s) then forged and cashed a check from the checkbook for a loss of approximately \$450.
6/11	C6	Commercial Burglary	At 4:10 AM, unknown suspect(s) entered the Beacon gas station on Stevens Creek Boulevard by breaking the glass front door and took a cash box for a total loss of about \$250.
6/11	C2	Stolen Vehicle	Between 12:00 PM and 2:30 PM, unknown suspect(s) stole a vehicle parked at the Foothill Heights Apartments on N. Foothill Boulevard. The vehicle, which was left unlocked with a key in the ignition, had an unknown value.
6/12	C7	Residential Burglary	Between 5:51 AM on 6/8 and 1:15 PM on 6/12, unknown suspect(s) entered a residence in the 11000 block of Linda Vista Drive using unknown means and took cash and jewelry for an unknown total loss.
6/12	C9	Reckless Evading	At 2:08 AM, deputies attempted to stop a motorist in the area of Stevens Creek Boulevard and Interstate 280 for traffic violations, but the suspect driver did not yield and recklessly evaded. The pursuit was terminated and the suspect driver is unknown and at large.

**PATROL ACTIVITY SUMMARY**

<b>DATE</b>	<b>BEAT</b>	<b>ACTIVITY</b>	<b>COMMENTS</b>
6/12	C2	Commercial Burglary, Vandalism	At 4:50 AM, unknown suspects entered the 76 gas station on Homestead Road by using a vehicle to ram into the front of the store and took a safe. The total amount of loss is unknown.
6/12	C3	Ignition Interlock Device, Unlicensed Driver ARREST	At 11:35 PM, deputies stopped a motorist at Highway 85 and Stevens Creek Boulevard for a traffic violation. An investigation revealed the suspect driver was driving a vehicle without an ignition interlock device and was not following license limitations as set forth by court order. The suspect was cited and released.
6/13	C7	Grand Theft	Between 12:00 PM on 6/12 and 11:00 AM on 6/13, unknown suspect(s) stole a catalytic converter from a vehicle parked in the 7400 block of Rainbow Drive for a total loss of about \$2,000.
6/13	C2	Residential Burglary	Between 5:00 PM on 6/12 and 7:15 AM on 6/13, unknown suspect(s) entered the garage of a residence in the 21000 block of Fitzgerald Drive by prying a door open. The garage was searched, but nothing was taken.
6/13	C7	Grand Theft	Between 5:00 PM on 6/12 and 3:30 PM on 6/13, unknown suspect(s) stole a catalytic converter from a vehicle parked in the 20000 block of Garden Manor Court for a total loss of about \$2,000.
6/13	C8	Possession of a Controlled Substance ARREST	At 1:08 AM, deputies made contact with a pedestrian in the area of S. De Anza Boulevard and McClellan Road. An investigation revealed the suspect pedestrian was in possession of Methamphetamine and had three outstanding warrants. The suspect was arrested and booked into Main Jail.
6/13	C8	Misappropriation of Lost Property ARREST	At 9:06 PM, deputies responded to a disturbance call at the McClellan Square shopping center on S. De Anza Boulevard. An investigation revealed the suspect was in possession of a wallet belonging to someone else. The suspect was cited and released.
6/13	C3	Open Container, Possession of a Controlled Substance ARREST	At 11:00 PM, deputies stopped a motorist at Stevens Creek Boulevard and Mary Avenue for a traffic violation. An investigation revealed the suspect driver had an open container of Marijuana inside the vehicle and was in possession of Xanax. The suspect was cited and released.
6/14	C9	Residential Burglary	Between 8:00 AM on 6/8 and 7:50 PM on 6/14, unknown suspect(s) entered a residence in the 10000 block of Martinwood Way by breaking a rear sliding glass door and took jewelry and a safe for an unknown total loss.
6/14	C9	Stolen Vehicle	Between 4:00 PM on 6/13 and 12:00 PM on 6/14, unknown suspect(s) stole a vehicle parked in the 10000 block of S. Tantau Avenue. The vehicle had an unknown value.
6/14	C3	Non-Injury Collision	Occurred at 9:30 AM at Stevens Creek Boulevard and Mary Avenue.
6/14	C9	Recovered Stolen Vehicle	At 1:01 PM, deputies recovered a vehicle, previously stolen from San Jose, in the 5900 block of Sutton Park Place. The suspect(s) are unknown and at large.



**Santa Clara County Office of the Sheriff**  
**Weekly Activity Summary**  
**6/15/2020 – 6/21/2020**  
**CUPERTINO**



**PATROL ACTIVITY SUMMARY**

DATE	BEAT	ACTIVITY	COMMENTS
6/15	C7	ID Theft, Theft by Credit Card	Between 5/15 and 6/15, unknown suspect(s) used the victim's personal information to open two credit card accounts and made fraudulent purchases totaling approximately \$250. The victim lives in Cupertino.
6/15	C8	Grand Theft, Vehicle Tampering	Between 10:00 AM on 6/14 and 10:30 AM on 6/15, unknown suspect(s) tampered with a vehicle parked in the 20000 block of Via Palamos and stole a catalytic converter for a total loss of about \$2,500.
6/15	C3	Petty Theft, Theft by Credit Card	Between 2:00 PM and 3:30 PM on 6/14, unknown suspect(s) took a wallet from a purse while the victim shopped at Stein Mart in the Homestead Square shopping center on Homestead Road and used a credit from the wallet to make fraudulent purchases totaling approximately \$8,835.
6/15	C8	Vehicle Burglary, Vandalism	Between 10:30 PM on 6/14 and 8:00 AM on 6/15, unknown suspect(s) broke the windows of seven vehicles parked in the 10000 block of Terry Way and took a GPS unit and pair of sunglasses from two of the vehicles. The total amount of loss and damage was about \$2,560.
6/15	C3	Shoplifting	At 3:35 PM, two unknown suspects took about \$715 of store merchandise without paying from Target in the Bottegas Cupertino Shopping Center on Stevens Creek Boulevard.
6/16	C7	Theft By False Pretenses	Between 8:50 AM on 6/10 and 10:46 AM on 6/16, the victim contacted unknown suspect(s) regarding an online posting of a house for rent. The suspect(s) claimed to be the homeowner and instructed the victim to submit an application. After receiving the application, the suspect(s) then provided the victim with a lease agreement and bank account information for payment. The victim provided payment only to later learn it was a scam. The total loss was about \$5,500. The victim lives in Cupertino.
6/16	C4	Possession of Controlled Substances ARREST	At 12:04 AM, deputies stopped a motorist at N. De Anza Boulevard and Mariani Avenue for a traffic violation. An investigation revealed the suspect passenger was in possession of Ecstasy, MDMA and Xanax without a prescription, in violation of the suspect's probation terms. The suspect was cited and released.
6/16	C7	Harassing Electronic Communication	Between 2:22 PM and 2:30 PM, the suspect sent the victim harassing text messages. The victim lives in Cupertino. The suspect is known and at large.
6/17	C4	Residential Burglary	Between 8:00 PM on 6/16 and 1:00 PM on 6/17, unknown suspect(s) entered the open garage of an apartment at the Aviare Apartments on N. De Anza Boulevard and took two bicycles for a total loss of about \$2,200.
6/17	C9	Commercial Burglary	Between 4:04 AM and 4:40 AM, unknown suspect(s) entered multiple buildings and offices at Cupertino High School on Finch Avenue by breaking glass doors and windows. It is unknown if anything was taken.
6/17	C3	Shoplifting ARREST	At 8:53 AM, the suspect took a drink without paying from Panera Bread on Stevens Creek Boulevard for a loss of about \$4. The suspect was cited and released.
6/17	C3	Non-Injury Collision	Occurred at 1:01 PM at Glencoe and Garden Gate Drives.



**PATROL ACTIVITY SUMMARY**

<b>DATE</b>	<b>BEAT</b>	<b>ACTIVITY</b>	<b>COMMENTS</b>
6/17	C9	Organized Retail Theft	At 7:54 PM, two unknown suspects entered Walgreens in the Pacific Rim shopping center on Bollinger Road, acted in concert, and took about \$327 of store merchandise without paying.
6/17	C8	Carry Concealed and Loaded Firearm with Altered Serial Number on Person in Public Place, Possession of Controlled Substance ARREST	At 11:30 PM, deputies made contact with three people at a residence in the 20000 block of Sunrise Drive. An investigation revealed the suspect had a concealed, loaded firearm with an altered serial number on his person and was also in possession of Xanax pills without a prescription. The suspect was arrested and booked into Mai Jail.
6/19	C3	Reckless Evading	At 12:21 AM, deputies attempted to make contact with two people in a suspicious vehicle parked at the Cupertino Inn on N. De Anza Boulevard, but the suspect driver fled at a high rate of speed and recklessly evaded. The pursuit was terminated and the suspect(s) are unknown and at large.
6/19	C9	Non-Injury Hit and Run Collision	Occurred at 8:46 AM at Miller Avenue and Vicksburg Drive.
6/19	C2	Non-Injury Collision	Occurred at 1:05 PM at Phar Lap Drive and Stevens Creek Boulevard.
6/19	C8	Public Disturbance, Assault and Battery, Under the Influence of a Controlled Substance, Possession of Drug Paraphernalia ARREST	At 3:42 PM, deputies responded to a disturbance call at the Cupertino Crossroads shopping center on Stevens Creek Boulevard. An investigation revealed the suspect was causing a disturbance at multiple businesses, lunged at and frightened the victim, was under the influence of a controlled substance and in possession of drug paraphernalia, in violation of the suspect's probation terms. The suspect was arrested and booked into Main Jail.
6/19	C9	Vandalism, Petty Theft	At 10:30 PM, an unknown suspect broke a video surveillance camera system at a residence in the 20000 block of Stevens Creek Boulevard and stole a camera for a total loss of about \$1,500.
6/20	C6	Theft by False Pretenses	Between 6/4 and 6/20, unknown suspect(s) e-mailed the victim and tricked the victim into purchasing and sending multiple Apple gift cards for a total loss of about \$10,000. The victim lives in Cupertino.
6/20	C7	Recovered Stolen Vehicle	At 9:48 AM, deputies recovered a vehicle, previously stolen from San Jose, in the 21000 block of Lomita Avenue. The suspect(s) are unknown and at large.
6/20	C8	Shoplifting	At 8:00 PM, two unknown suspects took an unknown amount of store merchandise without paying from CVS in the McClellan Square shopping center on S. De Anza Boulevard.
6/20	C9	Shoplifting	At 9:19 PM, two unknown suspects took about \$900 of store merchandise without paying from Walgreens in the Pacific Rim shopping center on Bollinger Road.
6/21	C7	Commercial Burglary, Possession of Burglary Tools, Resist Arrest ARREST	At 5:07 PM, deputies responded to Lincoln Elementary School on McClellan Road on report of someone breaking windows with a hammer. Deputies located the suspect nearby and an investigation revealed the suspect entered classrooms by breaking windows and was in possession of burglary tools and stolen property. The suspect, who resisted deputies, was ultimately arrested but released to a guardian.



## SUSTAINABILITY DIVISION

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## STAFF REPORT

June 25, 2020

### Subject

Discussion and FY19/20 Work Program Item: Review of Green Building Code

### Background

In 2015, the City Council adopted the City's [Climate Action Plan \(CAP\)](#)<sup>1</sup> to put Cupertino on the path to achieve a 15% reduction in carbon emissions by the year 2020, 49% reduction by 2035, and 83% by 2050. The first goals of the CAP are to increase energy efficiency in homes and buildings, and to increase the use of carbon-free energy communitywide.

Related Climate Action Plan measures include:

- C-E-1 building energy usage.
- C-E-5 solar development.
- C-T-7 EV infrastructure.
- C-W-1 water conservation.
- C-SW-3 construction & demolition diversion.
- C-G-1 urban forest and cool roofs.

### California Green Building Standards Code (CALGreen)

Since the mid 2000s, numerous local governments in California have implemented green building ordinances. In 2007, the California Building Standards Commission (CBSC) began developing a statewide green building code to meet the goals of California's AB32 initiative, which established a comprehensive program of cost-effective reductions of greenhouse gas emissions (GHG). The result was the first-in-the-nation Green Building Standards Code contained in Part 11 of the California Building Standards Code. This code section is often referred to as CALGreen. The goals of CALGreen are (1) reducing GHG from buildings; (2) promoting environmentally responsible, cost-effective, healthier places to live and work; (3) reducing energy and water consumption; and (4) responding to the environmental directives of the California Governor's Office.

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<sup>1</sup> <https://www.cupertino.org/our-city/departments/environment-sustainability/climate-action>

The first edition of CALGreen contained only voluntary measures and was effective statewide beginning in 2009. Mandatory measures were then required beginning in 2011. As is common with other sections of the California Building Standards Code, CALGreen is updated on a three-year code cycle to adopt emerging and established construction best practices.

Later editions of CALGreen also included additional measures that were voluntary statewide but could be adopted as requirements by local agencies to benefit their local conditions. These voluntary measures are known as CALGreen Tier 1 and Tier 2, indicating their relative aggressiveness compared to the mandatory measures. These voluntary tiers are the subject of the study requested by the Sustainability Commission and City Council.

### Cupertino’s Green Building Ordinance – History and Features

Cupertino’s local green building ordinance went into effect in 2013. The ordinance provides rules for mixed-use developments, non-residential renovations, new non-residential construction, major multi-family residential renovations greater than 35,000 square feet, and single-family residential construction of more than nine homes. The ordinance guides the design, construction, retrofit, operation and demolition of properties in Cupertino, and was intended to go above and beyond the statewide CALGreen mandatory measures. This was accomplished by aligning the standards to third-party rating systems developed and maintained by the US Green Building Council and Build It Green, otherwise known as the Leadership in Energy and Environmental Design (LEED) and GreenPoint Rated (GPR) rating systems. A summary of Cupertino’s green building ordinance is below.

## **New Construction**

<b>Project Type</b>	<b>Minimum Green Building Requirement</b>
<b>Residential</b>	
Single Family and Multi-family homes equal to or less than 9 homes	CALGreen Building Code minimum
Single Family and Multi-family homes equal to or greater than 9 homes	<ul style="list-style-type: none"> <li>• GreenPoint Rated or</li> <li>• LEED Silver</li> </ul>
<b>Nonresidential</b>	
Small: less than 25,000 SF	CALGreen Building Code minimum
Mid-size: 25,000-50,000 SF	<ul style="list-style-type: none"> <li>• LEED Certified</li> </ul>
Large: greater than 50,000 SF	<ul style="list-style-type: none"> <li>• LEED Silver</li> </ul>

## Renovations and Additions

Project Type	Minimum Green Building Requirement	Required Verification
<b>Residential</b>		
Single Family	CALGreen Building Code in accordance with CALGreen's minimum thresholds	City Review
Multi-Family (minor)	CALGreen Building Code in accordance with CALGreen's minimum thresholds	City Review
Multi-Family (major): Renovations and/or additions with a FAR increase of $\geq 50\%$ and at least 35,000 SF, and that replace or substantially alter the HVAC systems and at least two of the following: building envelope, hot water system, lighting system.	<ul style="list-style-type: none"> <li>GPR certified at min. 50 pts or</li> <li>LEED Certified or</li> <li>LEED EBOM Certified or</li> <li>Alternate Reference Standard per Section 101.10.2</li> </ul>	<ul style="list-style-type: none"> <li>Third Party GPR or LEED certification as applicable</li> <li>Alternate Reference Standard</li> </ul>
<b>Nonresidential</b>		
Minor: Renovations and/or additions that do not meet the higher thresholds for "major" renovations and additions outlined below.	CALGreen Building Code	City Review
Major: Renovations and/or additions with a FAR increase of $\geq 50\%$ and at least 35,000 SF, and that replace or substantially alter the HVAC systems and at least two of the following: building envelope, hot water system, lighting system.	<ul style="list-style-type: none"> <li>LEED Certified applicable only to area of renovation/addition or</li> <li>LEED EBOM Certified or</li> <li>Alternate Reference Standard per Section 101.10.2</li> </ul>	<ul style="list-style-type: none"> <li>Third Party GPR or LEED certification as applicable</li> <li>Alternate Reference Standard</li> </ul>
<b>Mixed Use</b> For new and renovation/addition projects with residential and non-residential components, the use shall comply by either: <ol style="list-style-type: none"> <li>Meeting the applicable requirements for each use; or</li> <li>Meeting the applicable requirements for the use that comprises the majority of the project's square footage where uses are attached and/or combined in a building.</li> </ol>		

Even though there have been different versions throughout the years, the basis of LEED is a point system where building projects are required to fulfill all prerequisites and minimum program requirements, while additional measures are combined across sustainability categories to earn points. These categories are similar to the CALGreen categories of Planning and Design, Energy Efficiency, Water Efficiency and Conservation, Material Conservation and Resource Efficiency, and Environmental Quality. There are four different certification levels: Certified, Silver, Gold, and Platinum. When a project applicant proves it meets the prerequisites in each category, and a certain number of points, the USGBC will issue a LEED certificate for the achieved level of environmental performance. In Cupertino, a mid-sized new development must earn a minimum of 40 points for Certified, and a larger project must earn 50 points for Silver. A project must receive third-party verification and the certificate within 18 months of project completion to be compliant with Cupertino's ordinance.

No major changes have been made to Cupertino's green building ordinance since its adoption. However, by aligning with the LEED and GPR rating systems, the measures have been updated on average every 3 years, with the intent to both reflect advances in the construction industry and to promote emerging commercially available technology and practices.

A developer or property owner planning a project must show compliance with the Cupertino Green Building Ordinance, in addition to the CALGreen mandatory measures. This is described in the Cupertino Municipal Code, Title 16, section 58.250 (Verification) and requires that the project is registered with a third-party rating system and obtains official certification.

#### Consideration of CALGreen Tier 1 and Tier 2 Measures

In August 2019, the Sustainability Commission, Sustainability Division, and Building Division were tasked to study updates to the Green Building Ordinance and to consider a decarbonization building code that takes advantage of the carbon-free electricity source from Silicon Valley Clean Energy (SVCE). The Commission suggested that staff consider building electrification and additional infrastructure for electric vehicle (EV) charging. Commissioners expressed preference for more aggressive all electric measures, but with consideration of the implications for home renovation and housing affordability.

The Commission also provided feedback to staff to consider adopting CALGreen Tier 1 or Tier 2, or some combination of both. Staff studied the CALGreen Tier 1 and Tier 2 voluntary measures for further environmental performance beyond the existing standards. It was found that the existing Cupertino green building ordinance, which requires third-party green building certification (LEED or GreenPoint Rated) for new construction is already quite robust. The Sustainability Commission affirmed that the existing green building code was stronger than the voluntary CALGreen Tiers and met the goals of the CAP, without requiring any changes. While this was expressed at the

November 19, 2019 Council study session, on December 17, 2019 Council requested that the green building code be revisited with a comparison to other cities.

The Sustainability Commission revisited the Green Building Ordinance to compare it to green building codes in other cities. The Sustainability Commission voted on June 18, 2020 to recommend the current green building ordinance remain as is, aligned to third-party rating systems.

### **Discussion**

To demonstrate how the current Green Building Ordinance compares to the CALGreen Tiers, the following table shows a comparison between a recently completed project in Cupertino with the current standards.

The subject of the study is the 148-room, 5-story Hyatt House Hotel adjacent to the intersection of North Wolfe Road and Interstate 280. This project was awarded LEED gold certification in February 2020. The finding is that the project met most of the measures of CALGreen voluntary tiers, and in some categories went beyond CALGreen. The current ordinance allows projects to be recognized for going beyond the mandatory measures. This is unique to third-party rating systems and is not part of the CALGreen Tiers. In this regard, the LEED rating system rewarded additional environmental measures where the CALGreen Tier 1 or Tier 2 prescriptive measures would not. The project's complete LEED certificate and scorecard can be viewed at the [USGBC website](https://www.usgbc.org/projects/hyatt-house-cupertino)<sup>2</sup>.

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<sup>2</sup> <https://www.usgbc.org/projects/hyatt-house-cupertino>

**Recently Completed LEED Project in Cupertino and Comparisons to CALGreen Tiers**  
*Green highlights indicate where the Tier 1 or Tier 2 measure was achieved with a comparable LEED point. Yellow indicates where Cupertino's recently adopted reach code would have addressed the CALGreen measure.*

<b>CALGreen Category</b>	<b>Environmental Performance Goal</b>	<b>Tier 1</b>	<b>Tier 2</b>
Planning and Design	Designated Parking for Fuel Efficient Vehicles	10% of total spaces * Cupertino's recently enacted reach code would have required at least 10% of total parking spaces.	12% of total spaces
	Electric Vehicle Charging	8% of total spaces	10% of total spaces* * Cupertino's recently enacted electric building reach code requires Tier-2 level of electric vehicle charging stations.
	Cool Roof	Solar Reflective Index of 75/16	Solar Reflective Index of 82/27
		1 additional elective	3 additional electives
Energy Efficiency	Energy Performance	Outdoor Lighting 90%	Outdoor Lighting 90%
		Solar water-heating system if applicable	Solar water-heating system if applicable
		Day lighting	Day lighting
		Energy budget of 95%/90%	Energy budget of 90% or 85%
	Indoor Water Use	12% savings	20% savings
Water Efficiency and Conservation		1 additional elective	3 additional electives
	Construction Waste Reduction	At least 65% reduction	At least 80% reduction
Material Conservation and Resource Efficiency	Recycled Content	10% recycled content	15% recycled content
		1 additional elective	3 additional electives
	Low-VOC Resilient Flooring	90%	100%
Environmental Quality	Low-VOC Thermal Insulation	Comply with VOC limits	Install no-added formaldehyde insulation
		1 additional elective	3 additional electives
		1 additional elective from any category	3 additional electives from any category

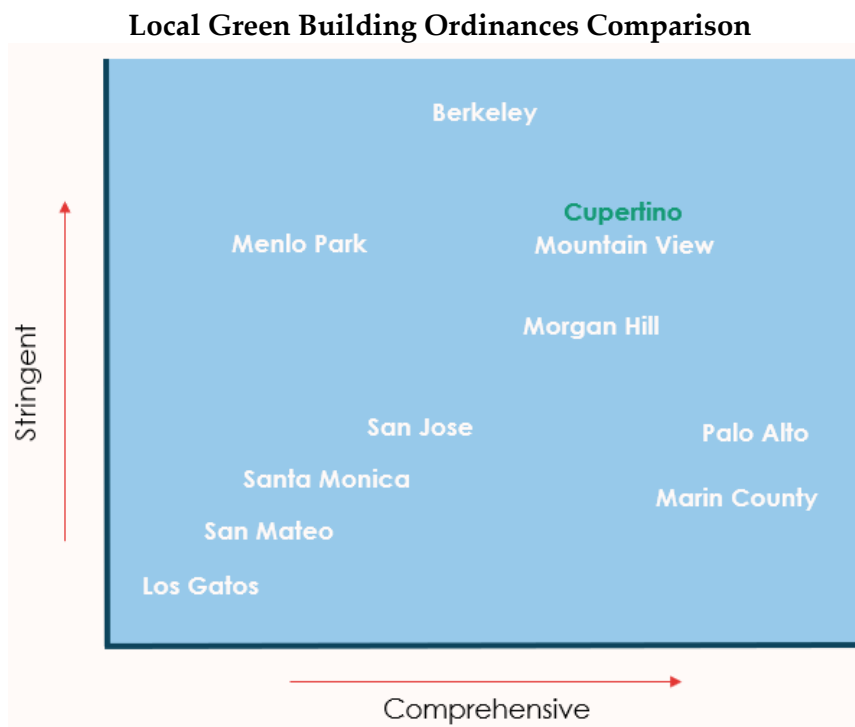
### Electric Vehicle Requirements and CALGreen Amendments

Residents are showing a significant interest in electric vehicles. For example, the number of registered plug-in vehicles in Santa Clara County increased by 31% in 2018. Since 2016, the number of electric vehicles registered in Cupertino more than doubled. As of October 2018, Cupertino's electric vehicle ownership rate of 6% is higher than the County's overall rate of 4%.

On December 17, 2019, City Council adopted an increased level of electric vehicle charging infrastructure for all newly constructed buildings as part of the all-electric reach code. These levels correspond to those required by Tier 2 of CALGreen. This all-electric reach code includes designated parking for fuel-efficient vehicles and electric vehicle charging stations as shown in the above table in the yellow highlighted boxes.

### Comparison to Other Cities

As part of public outreach and study, Cupertino's consultant prepared a comparison table of the existing green building ordinance with other agencies in California that have a comparable local green building ordinance. The study compared local green building ordinances in terms of both stringency and applicability which is summarized in the following tables. For example, Palo Alto requires new construction to be built to CALGreen Tier 2 standards, which is very comprehensive but only requires energy efficiency, not electrification. On the other hand, Menlo Park requires all-electric and solar, which is stringent but not comprehensive in terms of the sustainability measures or level of verification.





Local Green Building Ordinances in California with Features Comparable to Cupertino						
	CALGreen Voluntary Tiers	All-Electric	Electric- Preferred	Third Party Certification	Extra Solar	Extra EV
<b>Cupertino</b>	CALGreen Minimum	NonRes, MFR, and SFR/ADU new construction		LEED Silver or GreenPoint Rated certificate		X
<b>San Mateo</b>	CALGreen Minimum		All-electric or more energy efficiency measures			
<b>Palo Alto</b>	CALGreen Tier 2 for all new construction	Starting April 2020				
<b>Marin County</b>	CALGreen 2019 Tier 1 for all new construction		All-electric or CALGreen Tier 1			X
<b>Santa Monica</b>	CALGreen Minimum		All-electric or CALGreen Tier 1		X	
<b>San Jose</b>	CALGreen Minimum	SFR ADU	All-electric or more energy efficiency features			X
<b>Menlo Park</b>	CALGreen Minimum	NonRes, MFR, SFR for space, water heating, clothes drying			X	
<b>Morgan Hill</b>	CALGreen Minimum	NonRes, MFR, and SFR new construction		LEED or GreenPoint Rated certificate		
<b>Mountain View</b>	CALGreen Minimum	NonRes, MFR, and SFR new construction		LEED "intent" but no certificate required	X	X
<b>Berkeley</b>	CALGreen Minimum	Natural gas infrastructure ban	All-electric or more energy efficiency features		X	X
<b>Los Gatos</b>	CALGreen Minimum					

Abbreviations key

**SFR:** Single family residential; **ADU:** Accessory dwelling unit; **NonRes:** non-residential building; **Solar:** Local ordinance requires higher level of solar energy than State minimum; **EV:** Local ordinance requires more electric vehicle charging ports than State minimum

The finding from the policy comparisons is that the existing Cupertino green building ordinance, which requires third-party green building certification (LEED or GreenPoint Rated) for new construction is already generating environmental performance outcomes comparable to CALGreen Tier 2. The findings from the comparison to other cities are that the only neighboring agency to have green building requirements similar in terms of comprehensiveness and stringency is Mountain View which requires LEED Gold compared to Cupertino's LEED Silver. However, it is worth noting that the City of Mountain View does not require third-party certification but rather depends on City staff to review a checklist. While there are many qualifications to the comparison, staff considers the Cupertino ordinance to be stronger by requiring a third-party certification for compliance.

The Hyatt House project example shows that similar or better environmental measures were put into place compared to the CALGreen Tier 1 or Tier 2. The developer in this case was motivated to seek higher levels of environmental performance, and thus the recognition of a Gold or Platinum certification.<sup>3</sup> This market-based recognition is one significant benefit of aligning with a third-party system such as LEED, as the prescriptive nature of CALGreen does not allow for this type of motivation.

Staff also found that the public comments received during the public outreach period focused largely on the benefits of all-electric reach code, which implemented in January 2020. The all-electric reach code achieves a major reduction in GHG from new development in Cupertino.

Cupertino's Green Building Ordinance is designed to automatically evolve with the third-party rating system updates. LEED standards are updated by the US Green Building Council, currently on version 4.1. This alignment ensures the green building ordinance is updated to industry-standard green construction practices while avoiding the need to study and adopt a new ordinance each code cycle. By contrast, cities that adopt the CALGreen voluntary Tiers must consider and adopt these measures every three years. The avoided costs for Cupertino's current practice are estimated at \$50,000 - \$60,000 each code cycle. These savings are the result of avoiding consultant and legal costs associated with studying and implementing green building measures specifically for Cupertino.

### Conclusion

After considering CALGreen Tier 1 and Tier 2, as well as the all-electric reach code, the Sustainability Commission voted on June 18, 2020 to recommend the current green building ordinance remain as is, aligned to third-party rating systems. The current ordinance is stronger than the voluntary CALGreen Tiers in terms of breadth and stringency of measures, third-party verification, and market-based recognition. The LEED rating system requires (as mandatory) some measures across each of the CALGreen

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<sup>3</sup> Communication from the project's LEED consultant to the Cupertino Planning Division

categories of environmental performance. The third-party verification is required and mandates that projects include a green building professional from design to final project close-out. The market-based recognition of LEED has an advantage over the prescriptive CALGreen Tiers – specifically, developers are motivated to achieve higher levels of performance under the existing Cupertino Green Building ordinance compared to the prescriptive checklist adopted by some other cities.

Based on the analysis of options available, cost/benefit to the City, and contribution to the Climate Action Plan, it is recommended that Council make no changes to the City's Green Building Ordinance at this time.

**Sustainability Impact**

As described above, the adopted all-electric buildings reach code makes a significant contribution to achieving the goals it set out in its Climate Action Plan. By virtue of the third-party rating systems, the green building ordinance continues to incorporate the best practices in green construction.

**Fiscal Impact**

Maintaining the existing Green Building Ordinance is not anticipated to result in additional costs to the City. Building officials are already transitioning to enforcement of the new California Building Standards as occurs normally on a three-year cycle. The new CALGreen code, effective January 2020, has mandatory requirements that continue to push all types of construction projects towards sustainability. Adopting Tier 1 or Tier 2 of CALGreen would require that Cupertino study and adopt these Tiers again every three years, presenting an estimated cost to the city of \$50,000 to \$60,000 for the required public outreach, consulting, and legal compliance.

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Approved by: Dianne Thompson, Assistant City Manager



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## STAFF REPORT

June 25, 2020

### **Subject**

Employee Alternative Commute Pilot Program Results and Next Steps

### **Background**

Transportation and traffic congestion remain top issues for Bay Area commuters throughout the region. The City Council has made transportation a top priority for the City and is working with staff on the most pressing transportation issues. The alternative commute pilot for staff was placed on the FY 2019-20 City Work Program to encourage employees to use alternative modes of transportation such as walking, biking, transit, and carpool to relieve road congestion, reduce harmful emissions, and improve employee health.

The City was able to participate in a multi-city, federally-funded demonstration program.<sup>1</sup> Prospect Silicon Valley received the federal grant and initiated the Bay Area Fair Value Commute Demonstration Project (FVC Demonstration Project) in partnership with UC Berkeley, Prospect Silicon Valley, Palo Alto, Menlo Park, and Mountain View. Cupertino joined the Demonstration Project in August 2019. The FVC Demonstration Project provided technical support, ride tracking software (RideAmigos), and a \$5,000 direct grant to Cupertino. The resources provided by the FVC Demonstration Project proved to be valuable, especially the RideAmigos software which was used by employees to log their trips, to provide an audit trail for approval and incentive payment, and to provide real-time feedback and analysis of employee commuting patterns. The FVC Demonstration Project, along with the RideAmigos subscription, ended in March 2020. Staff plans to continue the employee alternative commute pilot program in Cupertino and make changes based on lessons learned and best practices from the FVC Demonstration.

The City allocated \$60,500 from the General Fund for the employee commute pilot program. The City received a grant from the Demonstration Project of \$5,000 and the RideAmigos software subscription valued at \$15,000 for one year. The expenses for the duration of the pilot program amounted to around \$9,000 not including the software cost. Expenses from August 2019 to March 2020 included the cost of initiating the

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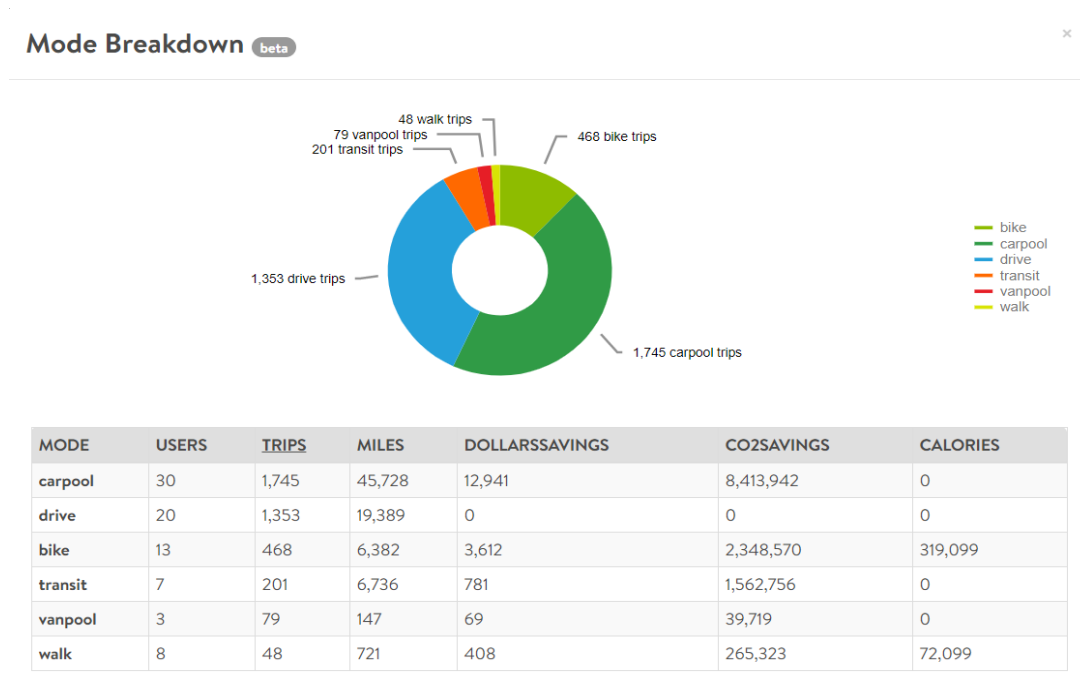
<sup>1</sup> Federal Transit Administration Mobility on Demand (MOD) Sandbox Program.

<https://www.transit.dot.gov/research-innovation/mobility-demand-mod-sandbox-program>

program, paying incentives and reimbursement to staff, and purchasing six electric bicycles and supplies for the City Bike Fleet.

### Discussion

In Cupertino, 59 staff members (29% of full-time employees) participated in the pilot program and logged 2,541 alternative trips from August 2019 to March 2020. The below chart illustrates the mode breakdown of trips logged during this period. Alternative commute methods made up 65% of trips while driving alone only made up about 35%. These trips avoided over 12.6 million pounds of CO2 emissions.



### Designing the Alternative Commute Incentives

The FVC Demonstration Project provided staff with technical support in designing pilot program benefits. The program offered a menu of options in the categories of Rewards/Prizes, Transportation Subsidies, Parking Cashout, and Policies to Discourage Driving that would help FVC Demonstration Project partner cities think beyond the boundaries of their existing programs and gauge what was feasible within their respective organizations.

After assessing Cupertino’s options and accepting technical support from the FVC Demonstration Program, the pilot was designed to provide users with reimbursements, monthly challenges, and gift card drawings.

Users would get reimbursed up to \$2 per alternative trip to/from work up to a maximum of \$75 per month. Participants were required to fill out a form and get approval from their supervisor to receive the reimbursements on their next paycheck. The RideAmigos

platform allowed the administrators to create monthly challenges such as “Transit Tycoon” where the user with the most transit trips would win a \$20 gift card of their choice.

The Sustainability Division created a bike commuting policy and purchased 6 electric bicycles along with safety equipment with the help of the grant from the Fair Value Commute Demonstration Project. The Bike Commuting policy allowed for staff to use these e-bikes to commute to and from work. Individuals are often hesitant to invest into purchasing a bike for bike commuting without fully knowing if it is feasible for them and this policy addressed that hurdle by allowing employees to try out bike commuting first. This increased the use of the bike fleet e-bikes so that commuters could see if they wanted to purchase one for themselves.

Other cities used similar incentive structures building upon existing elements and in some cases creating new incentives for employees to reduce single occupancy vehicles. Comparisons of program elements are included in the table below. The table indicates if the program element was newly created or existing before the FVC Demonstration Project. All programs included behavior change elements such as gift card drawings and challenges, to reward participation and high performers.

<b>Alternative Commute Program Elements</b>			
<b>City</b>	<b>Transit Reimbursement</b>	<b>Trip Incentives</b>	<b>Other</b>
Palo Alto	Pre-tax 25% transit subsidy (existing); Caltrain Go Pass (existing);	\$20 / month bicycle, walk, or carpool voucher (existing prior to pilot)	Increased the parking at transit subsidy to 100%, previously was 25%.
Menlo Park	\$75 commuter check (existing), Caltrain Go Pass (existing)	\$1.50/day transportation allowance (existing): altered to include first/ last mile trips	\$40 / month for transit parking; e-scooter/e-bike loan program (existing)
Mountain View	\$100 transit subsidy (existing)	\$3/day	e-bike loan program; \$30-\$50 walk or bike reimbursement (existing); Scoop carpool (existing); Guaranteed ride home (existing); bike parking, showers, lockers (existing)
Cupertino	Up to \$75/month	\$2/trip up to \$75/month	4 Wellness Hours/year for walking / biking (existing); microtransit Via shuttle (launched during pilot period), e-bike loan program (new), bike parking, lockers, showers (existing)

### Pilot Results Summary

The most common alternative commute mode was carpooling, with 30 active users logging 1,745 carpool trips. Riding a bike was the next most common alternative commute mode, often as part of linking one or more travel modes such as biking to work from a transit station. 13 users logged 468 bike trips. Seven users were active transit riders, logging 201 trips. The greatest financial return for participants was in carpooling, with carpool trips estimated to save users a collective \$13,000 in gas and auto maintenance. Carpooling also generated the most estimated greenhouse gas reductions, with an avoided 8,400,000 pounds of CO<sub>2</sub> during the pilot period. City Hall and the Service Yard were the most popular destinations, with roughly half of the participants travelling to the Service Yard by carpool.

### Participant Feedback

According to the pilot post survey, pilot participants indicated that incentives and cost reimbursements increased their use of public transit by almost 30%. Carpooling was the most used alternative commute method. Survey results indicate that 45% of participants increased their use of carpool matching systems due to the concierge support provided by the program. Detailed survey results are available in the FVC Demonstration Project final report.<sup>2</sup>

In a survey, users indicated that the following program elements increased their use of alternative commuting.

- Transit cost reimbursement
- Trip incentive
- Carpool matching
- First-mile, last-mile connections to transit (VIA Shuttle)
- Try-before-you-buy e-bike

Staff members with the most trip logs were classified as Elite Commuters. Staff reached out to them to get their feedback on the program, incentives, and RideAmigos platform. Respondents provided comments such as the following:

*“ Getting paid to get out of my single-family vehicle was really motivating to me. And getting reimbursed TOTALLY drove me to want to take Via and the train, since it’s basically free to me! Another benefit to Caltrain+Via is that it makes my schedule more predicable for my family (since there’s only one train option both to and from work if I want to work a semi-normal day).”*

*“All in all, I thought the program went well, I found it pretty simple to use, and I was appreciative of getting a little extra money in my paycheck. I thought you guys*

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<sup>2</sup> Mobility on Demand (MOD) Sandbox Demonstration: Fair Value Commuting, Final Report.  
<https://www.transit.dot.gov/sites/fta.dot.gov/files/2020-05/FTA-Report-No-0167.pdf>

*did a great job with drawings, and gift cards, and giving incentives to use the program.”*

### **Next Steps**

The Sustainability division plans to continue this program into the next fiscal year. The City was awarded a \$16,500 grant from the Santa Clara County’s Public Health Department to continue this work under their Healthy Cities program. The grant will be used to continue the program with the hopes of expanding it and recruiting more staff participants. The City is also entering into a new contract with RideAmigos. The existing allocated budget will be carried over into FY 2020-21 to support the operation costs.

### **Findings in the Multi-City Fair Value Commute Demonstration Project Study**

The multi-city pilot program [final report was published in May 2020](#).<sup>3</sup> The report finds that Cupertino has a role as both an employer and municipal government. As a municipal government, Cupertino can utilize its land use and planning authority to promote micro-mobility services.

As an employer, the report recommends offering a traffic demand-management benefit program. Benefits should include both alternative commute incentives and providing mobility services. The intent of incentives is to recognize that providing free parking to employees is a form of subsidy that implicitly encourages driving to work, and to provide equivalent mobility and benefit for employees who choose to not drive.

### **Conclusion**

The pilot program is addressing staff’s carbon footprints while commuting to work. The pilot participants have contributed environmental and financial benefits to the community. The incentive structure of the pilot program has been aligned with regional and national best practices as shown in the Demonstration Project final report. If the second phase of the pilot is found to meet the City’s objectives, the Sustainability Division will recommend that the Alternative Commute Program be included in the normal package of benefits to all employees.

### **Fiscal Impact**

The Demonstration Project expenses totaled \$9,020. The cash grant from the Fair Value Commute Demonstration Project covered the \$4,494 expense for the e-bikes and safety supplies. The Demonstration Project also provided the RideAmigos trip logging software at no expense to the City. The remaining \$4,526 was covered by the allocated budget from the General Fund. The City had previously allocated \$60,500 for this program and the actual expenditure was only 15% of the allocated amount, half of which had offsetting revenue. The remaining funds will carry over to FY 2020-21 to help fund a second phase of the pilot program.

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<sup>3</sup> Mobility on Demand (MOD) Sandbox Demonstration: Fair Value Commuting, Final Report.  
<https://www.transit.dot.gov/sites/fta.dot.gov/files/2020-05/FTA-Report-No-0167.pdf>



**Sustainability Impact**

This program directly ties with the goals established in the City's Climate Action Plan. In just six months, participants were able to save over 12.6 million pounds of CO2 emissions and reduce the number of cars on the road.

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