CITY OF CUPERTINO

ENVIRONMENTAL PROGRAMS DIVISION

CITY HALL
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Development and Building Permit Plan Review and Comment - Sustainability

September 10, 2024

Project: 20739 Scofield Drive- Architectural and Site Approval to permit a 20-unit multi-family development in an R1 zoning district pursuant to SB330 and Government Code Section 65
Permit Number: ASA-2024-009
Applicant: Chunhua Tang
City Plan Review Staff: Ursula Syrova, Environmental Programs & Sustainability

Dear Applicant:

The first plan review has been completed and additional information/clarification is required.

No planning or building permit shall be issued until the comments below are satisfactorily addressed and approved by Environmental Programs & Sustainability Division staff.

Climate Action Plan Consistency Checklist

Please complete the attached "City of Cupertino CEQA GHG Emissions Analysis Compliance Checklist" to ensure compliance with the City of Cupertino's Climate Action Plan 2.0.

RESPONSE: _____

For specific questions regarding Public Works Environmental Programs & Sustainability Division comments, please call 408.777.3236 or email at sustainability@cupertino.org.

CITY OF CUPERTINO
CEQA GHG EMISSIONS ANALYSIS COMPLIANCE CHECKLIST

CLIMATE ACTION PLAN CONSISTENCY CHECKLIST for Future Development

The City of Cupertino has adopted the Climate Action Plan (CAP) 2.0 that establishes 2030 and 2040 greenhouse gas (GHG) emissions targets and provides measures to establish a trajectory towards achieving those targets. The CAP 2.0 includes specific measures to achieve the communitywide per-capita emissions reduction targets of 66 percent below 1990 levels by 2030 and carbon neutrality by 2040. This is consistent with and exceeds California's goal of reducing GHG emissions to 40 percent below 1990 levels (per Senate Bill 32) by 2030 and provides substantial progress towards achieving the State GHG reduction goal of carbon neutrality (per Executive Order B-55-18) by 2045. The City Council, City staff, and community will continue to develop an approach to meet the State 2045 goal of carbon neutrality.

Over the years, the City has implemented many environmental programs. The CAP 2.0 establishes the continuation of some programs, expansion of other programs, and implementation of new programs to reduce GHG emissions.

Per the CAP 2.0, the Cupertino GHG Emissions Inventory will be updated at least every three years. In addition, the CAP will be updated every five to seven years with annual reviews of progress on implementation of specific CAP 2.0 measures and with respect to meeting emissions reduction targets.

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183.5, a lead agency may determine that a project's or plan's incremental contribution to a cumulative effect is not cumulatively considerable if it complies with the requirements in a previously adopted plan or mitigation program under specified circumstances. In order for the CAP 2.0 to be considered a qualified GHG reduction strategy and provide for CEQA streamlining of GHG analysis for future development, the CAP 2.0 must identify those measures that are applicable to future development projects. The CAP 2.0 includes measures that are applicable to existing developments, municipal government operations, as well as mandatory measures to be applied to future development for public and private projects and plans. Mandatory GHG reduction programs that are applicable to future development are summarized in the following CEQA GHG Emissions Compliance Checklist (referred to herein as the CEQA GHG Checklist). This CEQA GHG Checklist identifies applicable regulations, applicability, requirements, and monitoring and reporting required by those regulations. The purpose of the CEQA GHG Checklist is to assist with determining project or plan consistency with the CAP 2.0 and provide a streamlined review process for proposed future development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

This CEQA GHG Checklist contains measures that are required to be implemented on a Project-by-Project and Plan-by-Plan basis to ensure that the specified emissions targets identified in the CAP 2.0 are achieved. Implementation of these measures would ensure that future development is consistent with CAP 2.0 assumptions and that the City is making progress toward achieving the identified GHG reduction targets. Projects or plans that are consistent with the CAP 2.0 as determined through the use of this CEQA GHG Checklist may rely on the programmatic CAP 2.0 Initial Study-Negative Declaration GHG emissions analysis for the respective project- and cumulative-level GHG emissions impacts analysis. Inconsistency with any of the applicable by-land use-type measures in this CEQA GHG Checklist would make a Plan/Project inconsistent with the overall CEQA GHG Checklist. **Projects and plans that are identified as not consistent with the CAP 2.0 through the use of this CEQA GHG Checklist must prepare a project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions compared to the Cupertino GHG emissions thresholds outlined in the CEQA GHG Emissions Thresholds and Guidance Document (2022) and incorporation of the CAP 2.0 measures in this CEQA GHG Checklist to the extent feasible.**

Cumulative GHG emissions associated with construction from a land use development project are generally orders of magnitude lower than the operational emissions from a project because construction emissions are generally short in duration compared to the project's overall lifetime, and thus can be assessed qualitatively as part of related CEQA GHG emissions analysis. However, some projects may have long construction periods or entail large quantities of cut and fill that could result in construction-related GHG emissions that may be considered significant. Thus, the City retains the discretion on a project-by-project basis to consider whether a project's construction-related GHG emissions could be cumulatively considerable and require more detailed quantitative CEQA GHG emissions analysis and respective mitigation.

This CEQA GHG Checklist may be periodically updated to incorporate new GHG reduction techniques, to comply with later amendments to the CAP, or to reflect changes in other sustainability-focused local, State, or federal laws, regulations, ordinances, and programs. At a minimum, this CEQA GHG Checklist will be updated as needed to be consistent with CAP 2.0 timing.

APPLICATION SUBMITTAL REQUIREMENTS

The CEQA GHG Checklist is required to accompany the City's Application Materials whether supported by private or government (local or State) funding, proposed within the City limits. The CEQA GHG Checklist is designed to assist the applicant in identifying the minimum CAP 2.0 and other applicable sustainability-focused requirements specific to a proposed project or plan. However, it may be necessary to supplement the completed CEQA GHG Checklist with supporting materials, calculations, or certifications to demonstrate compliance with CAP 2.0 and other applicable sustainability-focused requirements. If the minimum CAP 2.0 and other applicable sustainability-focused requirements are not already clearly committed to as part of a CEQA project description, the completed CEQA GHG Checklist will be included in the respective project or plan conditions of approval.

GENERAL PROJECT INFORMATION

Contact Information:	
Project or Plan Name:	
Address:	
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

What is the size of the project site or plan area (acres)?
Gross: _____
Net: _____

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, gross and net): _____
- ☐ Municipal (indicate total square footage, gross and net): _____
- ☐ Other (describe): _____

Project description. This description should be consistent with the project description that will be used for the CEQA document. The description may be attached to the GHG Checklist if there are space constraints.

_____
_____
_____
_____
_____
_____
_____
_____
_____

COMPLIANCE CHECKLIST TABLE

Section 1: LAND USE CONSISTENCY			
Regulation	**Requirements**	**Project/Plan Compliance**	**Required Explanation [1]**
General Plan	1a. Does the Project/Plan include a land use and/or zoning amendment? If "No", proceed to Section 2 – CAP Strategies Consistency. If "Yes", proceed to question 1b.	Yes☐ No☐ N/A☐	_____ _____ _____ _____
General Plan	1b. Does the land use and/or zoning amendment result in an equivalent or less GHG-intensive project when compared to the existing conditions? If "No", the applicant must prepare a Project/Plan -specific analysis of GHG emissions, including quantification of existing and projected GHG emissions compared to Cupertino GHG emissions thresholds or other GHG emissions thresholds determined appropriate by the City and incorporation of the CAP 2.0 measures in this CEQA GHG Checklist to the extent feasible.	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____

[1] Every question included in this checklist is required to be answered with explanation of either: 1) how it will be achieved, 2) why it will not be achieved, or 3) why it is not applicable.

Section 2: CAP 2.0 MEASURES CONSISTENCY			
Regulation	**Requirements**	**Project/Plan Compliance**	**Required Explanation**
Land Use			
Smart Growth			
Cupertino General Plan & Cupertino Zoning Code	2. **All Project Types Smart Growth.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include infill, transportation-oriented, and/or mixed-use development that meets or exceeds the density allowed under the Zoning and General Plan land use designations?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____ _____ _____
Green Building Standards			
Cupertino Municipal Code (Chapter 16.58) & CALGreen	3. **All Project Types Green Building Policy.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include construction and operational commitment to comply with all minimum requirements of the latest version of CALGreen Code and City Reach Codes as well as Cupertino Municipal Code Chapter 16.58 for residential, commercial, and municipal new construction and remodels?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____ _____ _____ _____ _____

Energy			
Electrification and Energy Efficiency			
Cupertino Climate Action Plan 2.0 (Measure BE-2 and BE-3)	4. **All Project Types Electrification.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) use all-electric appliances?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure BE-2 and BE-3)	5. **All Project Types Energy Efficiency Upgrades.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include energy efficiency retrofits, weatherization, or installation of energy efficient appliances and features (e.g., installation of window upgrades, LED lighting, EnergyStar appliances)?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure BE-1) and California AB 802	6. **All Commercial and Multifamily Residential Projects with Buildings Greater than 50,000 Square Feet Energy Use Reporting.** Will the Project/Plan building owner annually disclose energy use to the California Energy Commission?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure BE-1) and California AB 802	7. **Commercial and Multifamily Residential Projects with Buildings Less than 50,000 Square Feet Energy Use Reporting.** As an option, will the Project/Plan building owner annually disclose energy use to the California Energy Commission?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____

Renewable Energy			
Cupertino Climate Action Plan 2.0 (Measure BE-1)	8. **All Project Types Participation in Community Choice Aggregation.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) retain Silicon Valley Clean Energy (SVCE) as the energy provider?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure BE-5)	9. **All Project Types Requesting an Electrification Exemption.** If the Project/Plan (whether all new construction, remodel, or combination thereof) includes any new natural gas uses such as appliances, process equipment, or fuel cells, will the applicant procure alternative fuels such as biofuels or renewable natural gas in lieu of natural gas?	Yes☐ No☐ N/A☐	_____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure BE-3) & CALGreen	10. **Residential and Commercial Buildings Solar Requirement.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include installation of a solar PV system at time of residential and commercial new construction and remodels/retrofits in compliance with all minimum standards of the latest version of CALGreen Code?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measures BE-2 and BE-3)	11. **All Project Types Pairing Battery Storage with Solar PV Systems.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) provide battery storage with solar PV systems to related businesses and residents?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____

Vehicle and Off-Road Equipment Electrification			
Cupertino Climate Action Plan 2.0 (Measure TR-3 and TR-4) & Cupertino Municipal Code (Chapter 16.58 and 16.28)	12. **All Project Types EV Charging Infrastructure.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) comply with the most recent EV Charging Code for new residential and non-residential land uses related to provision of parking spaces and infrastructure designed to accommodate EVs? For remodels, will the project include installation of EV chargers?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure TR-5)	13. **Off-Road Equipment Electrification.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include the use of electrified off-road landscaping equipment (e.g., mowers, chippers, tractors) and other off-road equipment such as construction machinery? For off-road equipment that does not have a zero-emission alternative, will equipment be powered by biofuels?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Transportation			
Alternative and Shared Transportation			
Cupertino Climate Action Plan 2.0 (Measure TR-2) & Cupertino Municipal Code (Chapter 17.08)	14. **All Project Types Reduce VMT**. Will the Project/Plan demonstrate a Vehicle Miles Traveled (VMT) reduction of 14.4% below the City's baseline rate? (Note: Any project not screened out from VMT analysis that cannot meet this threshold would trigger a transportation impact assessment under CEQA, unless it is mitigated sufficiently to meet the City's reduction target.)	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____ _____

Cupertino Climate Action Plan 2.0 (Measure TR-2)	15. **Medium- to Large-Sized Employers Transportation Demand Management (TDM)**. If the Project/Plan will have 50 or more employees, will the Project/Plan (whether all new construction, remodel, or combination thereof) provide a commuter benefit program for employees with measures (such as subsidies for employees that bike, walk, or carpool, telework policy, and/or provide free transit passes for all employees) and register the TDM plan with BAAQMD at 511.org?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure TR-2)	16. **Small-Sized Employers Transportation Demand Management (TDM)**. As an option, if the Project/Plan will have less than 50 employees, will the Project/Plan (whether all new construction, remodel, or combination thereof) provide a commuter benefit program for employees with measures (such as subsidies for employees that bike, walk, or carpool, telework policy, and/or provide free transit passes for all employees) and register the TDM plan with BAAQMD at 511.org?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure TR-2)	17. **New Multi-Family Residential Car Share or Electric Bikes and Scooters.** Will the Project/Plan (new construction with 10-units or more) install a car share or provide accessibility to electric bikes/scooters to each new tenant?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Active Transportation			
Cupertino Climate Action Plan 2.0 (Measure TR-1)	18. **All Project Types Walkable/Bikeable Street Landscape.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) design the urban landscape to make walking and biking more desirable, including via provision of bike lanes, bike parking, traffic calming, beautification, etc.?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____

Cupertino Climate Action Plan 2.0 (Measure TR-1)	19. **Multifamily Residential[2] and Commercial Bicycle Parking.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include accessible, shaded, and secure bicycle parking, including electric bike parking?	Yes☐ No☐ N/A☐	_____ _____ _____ _____
Waste			
Materials Recycling & Composting			
Cupertino Climate Action Plan 2.0 (Measure W-1a and W-2)	20. **Residential & Commercial Landfill Diversion Rate Goal.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) meet current legislation and CAP 2.0 goals to sort, recycle, and collect recyclables and organic waste to reduce communitywide landfilled organics 75% by 2025, inorganic waste 35% by 2030, and reduce all waste 90% by 2040?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure W-1a)	21. **Residential & Commercial Organics Recycling Requirement.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) meet SB 1383 legislation by posting education signage and requiring that residences and businesses sort, compost, and collect organic waste to achieve 75 percent diversion from landfill?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure W-2)	22. **Commercial Food Recovery Program.** For restaurants and food-generating businesses, will the Project/Plan (whether all new construction, remodel, or combination thereof) participate in edible food recovery programs to reduce food waste?	Yes☐ No☐ N/A☐	_____ _____ _____ _____
Green Materials			

[2] Note that multifamily residential does not refer to accessory dwelling unit additions within single-family residential land parcels.

Cupertino Climate Action Plan 2.0 (Measure W-2)	23. **Commercial and Municipal Problem Materials Ban**. Will the Project/Plan eliminate the use of non-recyclable polystyrene, produce bags, plastic packaging, plastic straws, and plastics #4-7 as part of operations?	Yes☐ No☐ N/A☐	_____ _____ _____
Cupertino Climate Action Plan 2.0 (Measure CS-2.4)	24. **All Project Types Environmentally Preferable Building Materials.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) utilize recycled building materials (e.g., concrete, metals), mass timber framing, and/or low-carbon concrete as part of construction?	Yes☐ No☐ N/A☐	_____ _____ _____ _____
Water			
Water Use Efficiency			
Cupertino Climate Action Plan 2.0 (Measure WW-1)	25. **All Project Types Water Conservation Incentives.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) install and maintain native and drought-tolerant species as part of landscaping, low-flow fixtures and appliances, and other water efficiency features such as laundry to landscape and rainwater catchment systems?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____ _____
CALGreen, Cupertino Municipal Code (Chapter 16.58), & State MWELO	26. **All Project Types Water Efficient Landscape Ordinance and Indoor Water Efficiency Requirements.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) implement the State Model Water Efficient Landscape Ordinance (MWELO) and CALGreen indoor water efficiency requirements?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____

Water Recycling			
Cupertino CAP 2.0 (Measure WW-1) & Cupertino Municipal Code (Chapter 17.04)	27. **Residential Dual-Plumbing Water Systems.** As an option, will the Project/Plan (whether all new construction, remodel, or combination thereof) install dual-plumbing systems that utilize greywater for irrigation?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
State MWELO & Cupertino Municipal Code (Chapter 17.04)	28. **All Project Types "Greywater Ready".** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include development that is built "greywater ready" for landscaping watering?	Yes☐ No☐ N/A☐	_____ _____ _____ _____
Overall Sustainability			
Urban Forest and Carbon Sequestration			
Cupertino CAP 2.0 (Measure CS-1) & Cupertino Municipal Code (Chapter 14.18)	29. **All Project Types Tree Planting.** Will the Project/Plan (whether all new construction, remodel, or combination thereof) include new and replacement climate-adaptive trees in order to increase the Citywide urban forest to provide additional carbon sequestration?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____
Green Stormwater Infrastructure			
Cupertino CAP 2.0 (Measure AR-1)	30. **All Project Types Green Stormwater**. Will the Project/Plan (whether all new construction, remodel, or combination thereof) include green infrastructure solutions such as bioswales, rainwater storage systems, and permeable pavement?	Yes☐ No☐ N/A☐	_____ _____ _____ _____ _____