

CC 06-17-2025

#12

Brush Abatement

Presentation

Brush Abatement Program

Cupertino City Council

June 17, 2025



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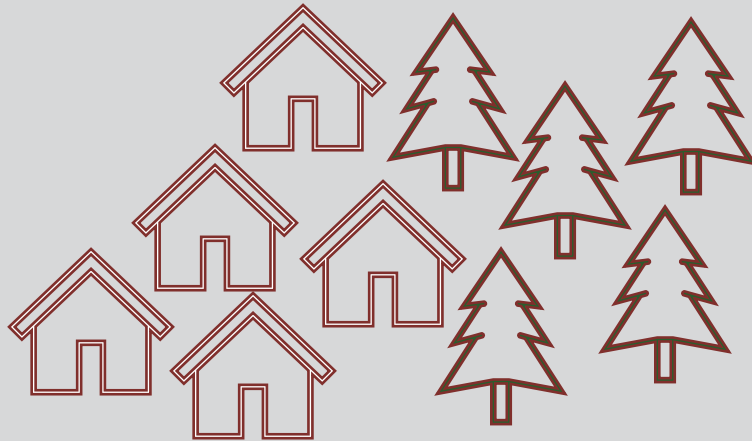


Brush Abatement Program

- Wildfires are an increasing threat to our community
- Present a danger to people and properties
- County Fire has authority to provide for life safety and protection of property
- City Code 16.40.200 requires homeowners to clear brush and maintain defensible space

WUI Defined

The area where homes and structures are adjacent to wildland vegetation

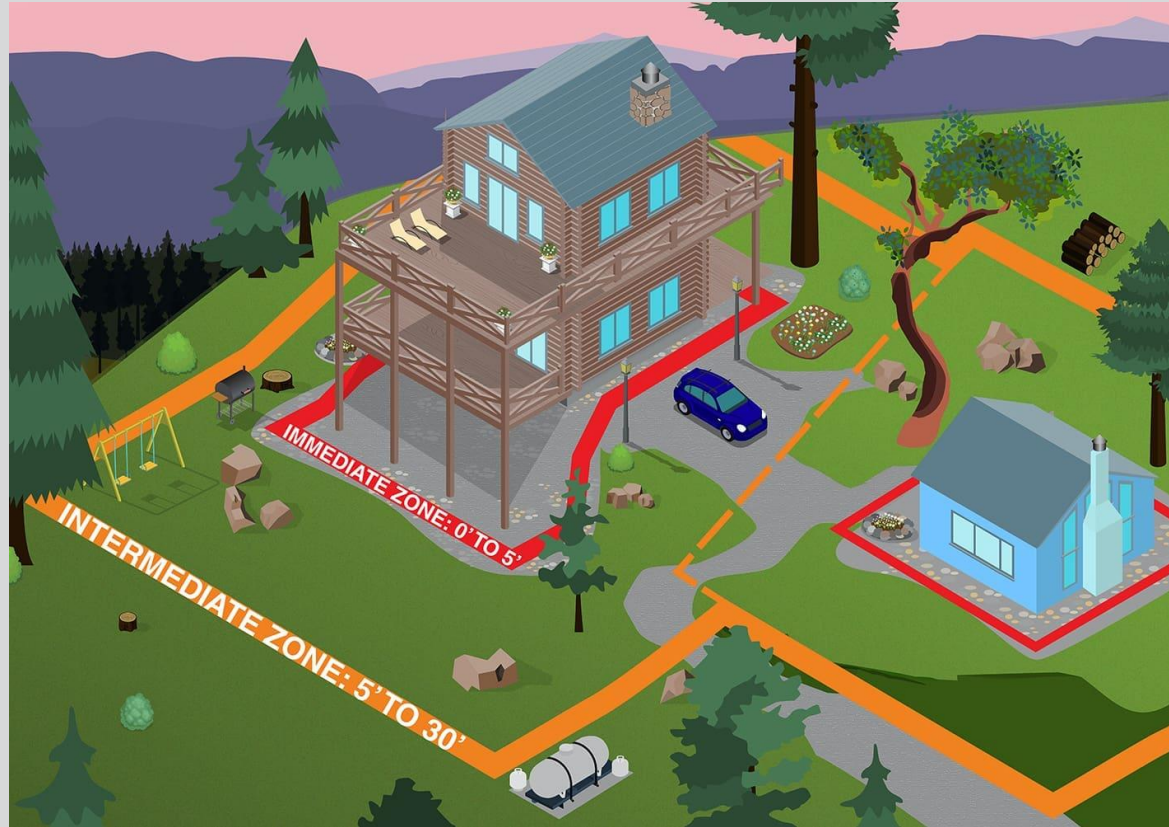




Cupertino WUI Area

Designated High and Moderate Fire
Hazard Areas per State WUI Code

Owner Responsibilities





Owner Options

- **Option 1:** homeowner completes the required work
- **Option 2:** authorized contractor completes the work, costs added to next property tax bill



Enforcement Timeline

- February 14, letters mailed to all property owners
- April 1, property inspections begin
- May 13-June 3, re-inspections of non-compliant properties
- June 3, hearing letters mailed to non-compliant property owners



Recommended Action:

1. Conduct Brush Abatement hearing to note objections of property owners on the non-compliant list; and
2. Adopt Resolution 25-048 ordering abatement of public nuisance and potential fire hazard

CC 06-17-2025

Item #13

Post-Collection Service
Agreements

Presentation

Post-Collection Services Garbage and Construction & Demolition Debris

Cupertino City Council Meeting
June 17, 2025



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Overview: Garbage After Collection

- Current landfill agreement ending, need new agreements:
 - Construction & Demolition Debris
 - Garbage from homes and businesses
- Costs are passed along as part of Recology's garbage rates.
- Increased costs are in addition to Recology's rates.
- Recology offers ~50% discount to low-income residents.
- No impact to General Fund.

How post-collection works currently

Currently two agreements for garbage:

- Recology Franchise Agreement for **collection** of all materials (garbage, recyclables, organics) and construction & demolition (C&D) debris.
- International Disposal Corp. of California, Inc. to:
 - **Dispose of garbage** at Newby Island Landfill (Newby).
 - **Process and dispose of C&D debris** at Newby.



Recology handles the blue & green cart materials

No change to green and blue cart handling. Recology agreement **includes** processing recyclables and organics:

- Material in green carts/bins is processed into compost at two Recology facilities
- Material in blue carts/bins is processed for sale on the recyclables market at GreenWaste in San Jose

Today's agreements do not affect these materials.

Disposal of Garbage

- Material in **gray carts/bins and in debris boxes** is taken directly to Newby Island Landfill:
 - Garbage disposed directly to landfill
 - C&D debris sorted before disposal
- Agreement ends in November 2025.
- New agreements needed for disposal of trash and processing of C&D debris.



Past Council Direction

- On May 2, 2023, Council considered this topic.
- Council expressed interest in processing if customer cost increases could be limited to \$5 - \$8/month.
- Council requested staff conduct RFP for new agreements, including garbage processing option.

New Agreements for Consideration

Garbage and C&D debris boxes only



Proposals for three services:

1. **C&D debris processing**
2. **Landfill disposal of garbage**
3. **Processing of garbage** *(removed from RFP)*
 - Only City of Sunnyvale had capacity to accept additional tons at SMaRT Station®
 - Municipal code allows sole-source discussions with other public agencies
 - Parallel process initiated with Sunnyvale

Winning Proposal for C&D: Zanker (GreenWaste)

- Zanker Road Resource Management, LLC
- Increased diversion for construction projects helps meet CalGreen 65%.
- Slightly closer than Newby
- Rates for debris boxes will increase 7% - 10% (\$701/box increased to \$747).



Winning Proposal for Landfill: Newby

- International Disposal Company of California, Inc. which operates Newby Island Landfill in the Milpitas area.
- Same destination as now.
- Rates for residents would increase about \$0.06/month.
- Includes exit clause should Council direct garbage to be processed.



Processing Garbage Through the SMaRT Station®

- Will reduce tons to landfill by ~half
- Would increase residential garbage rates by approximately \$6.25/month starting in early 2027.
- Facility will be under construction for upgrade until late 2026.

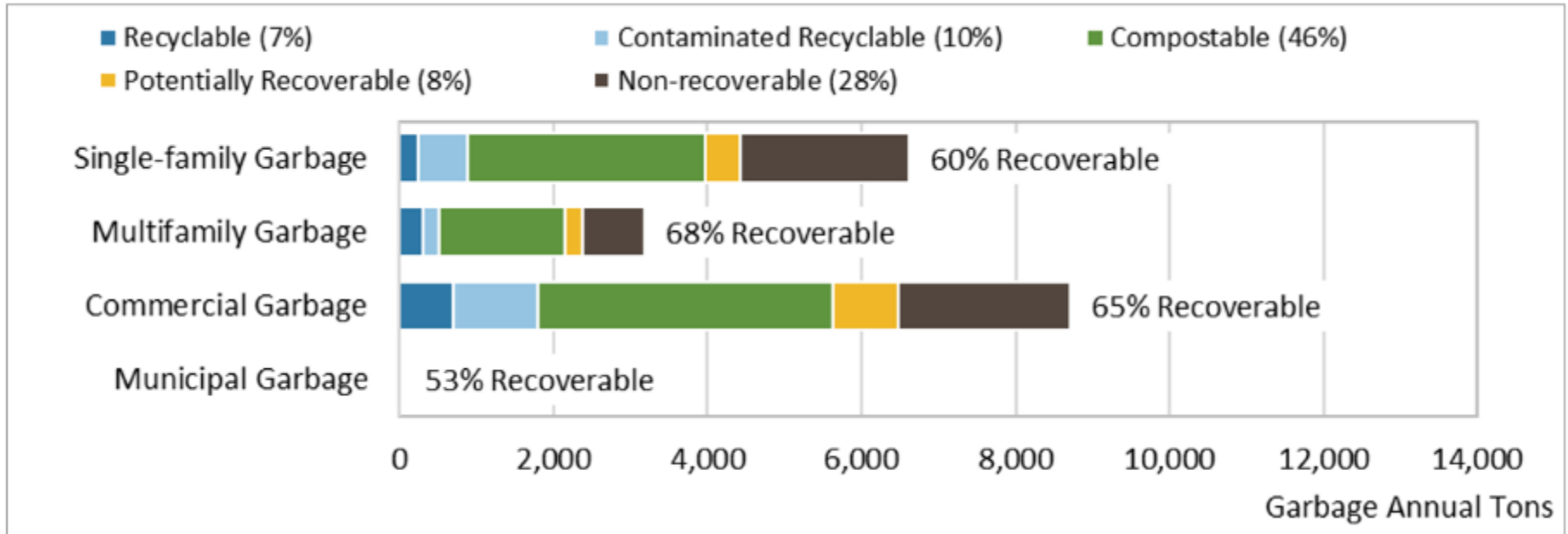


Processing Garbage

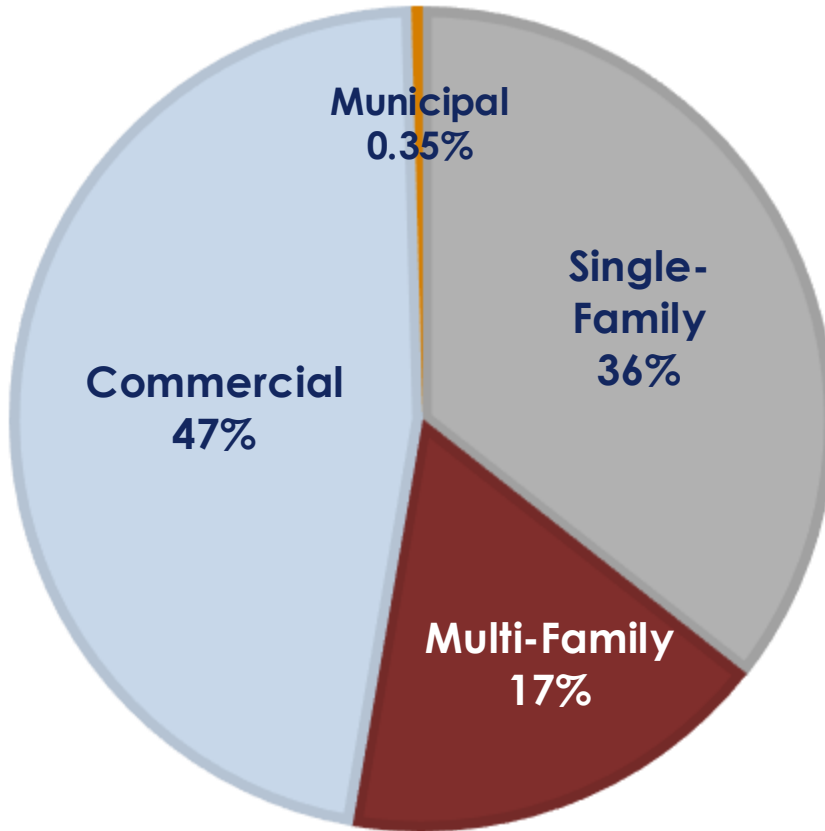
- “Rescues” recyclable and compostable material erroneously disposed in garbage
- Supported by:
 - CAP action W1.2
 - Sustainability Commission
 - Zero Waste Policy items 1&12
 - General Plan Policy INF 7.1



What does Cupertino put in the garbage?



Garbage generation by sector



SMaRT Station[®]: Partner vs Merchant?

- **Partner (join Sunnyvale and Mountain View):**
 - Lower per-ton rate = \$6/month extra for residents
 - Share in costs, revenues, debt service = budget variability
 - Proportional obligation based on tons delivered (~7%)
 - Participate in facility oversight and planning
 - Access to drop-off area & other ancillary services

SMaRT Station® Ancillary Services

Access for residents 7 days per week at no additional cost:

- Drop-off of electronic waste, used paint, antifreeze, motor oil, cooking oil batteries, medical “sharps”, recyclables, mattresses.
- Access to the “Reuse Trailer” where usable furniture or other types of items are available to take
- Pickup of compost and mulch (currently available under short term agreement)
- Confidential document shredding events, free dump days.
- Pay-to-throw by material type.

Cupertino residents already have access to most of those services through Recology or third party take-back programs:

- Environmental Days (shredding, e-waste drop-off)
- Recology picks up batteries, oils, extra bulky items
- Third party take-back available (PaintCare, Med-Project)
- City provides compost seasonally

SMaRT Station[®]: Partner vs Merchant?

- **Merchant (pay by the ton)**
 - Higher per-ton rate = \$6.25/month for residents
 - No share in variable costs and revenues = stable budget
 - No access to ancillary services
 - No participation in oversight and planning

SMaRT Station[®]: Partner vs Merchant?

Rate Impacts and Comparisons

* process garbage

2025 Single-Family Residence Garbage Rates Estimated Rate Impact of Processing Garbage Compared to Other Cities	
City	32 or 35-gallon cart
Cupertino now	\$44.30
Cupertino with new landfill agreement	\$44.36
Milpitas	\$45.43
Sunnyvale *	\$46.43
Mountain View *	\$46.55
Palo Alto *	\$50.07
Campbell	\$50.21
Cupertino with garbage processing (20 yr Partner)	\$50.36
Cupertino with garbage processing (20 yr Merchant)	\$50.61
Los Altos	\$51.25
Santa Clara *	\$51.51
Los Gatos	\$53.22
San Jose *	\$53.45
Saratoga	\$55.81
AVERAGE	\$49.54

Recommendation: Merchant Agreement

- Partnership has financial risks and obligations
 - Possibility of unforeseen costs
 - Debt service obligation for the upgrade
- Scope of the impact of those risks and obligations is not fully understood
- Recommend a Merchant agreement, while retaining option for partnership in future
- Use of SMaRT Station[®] would only begin after upgrade (2027)

Conclusion

- Approve execution of Zanker agreement to begin receiving and processing C&D debris starting Nov 21, 2025.
- Approve execution of new IDC agreement to continue receiving garbage for landfilling starting Nov 21, 2025.
- Rate changes from those will begin Feb 1, 2026.
- Approve execution of SMaRT Station® Merchant agreement to begin receiving and processing garbage starting AFTER they complete their upgrade.

Budget Adjustment

- The end of current landfill agreement is November 20, 2025.
- Recology rates adjust on February 1, 2026.
- To avoid changing rates twice, recommend using \$35,000 of Resource Recovery Fund 520 balance to cover the difference in cost for that 10-week period.

Recommended Actions

1. Adopt Resolution No. 25-___ approving the following agreements for post-collection services, and authorizing the City Manager to execute the agreements in substantially the same form as presented:
 - a. An agreement with Zanker Road Resource Management, LLC for solid waste construction and demolition (C&D) material processing services to begin November 21, 2025, with a ten-year term.
 - b. An agreement with International Disposal Corporation of California, Inc., for disposal of garbage at Newby Island Sanitary Landfill Facility with a ten-year term.
 - c. A Merchant agreement with the City of Sunnyvale for garbage processing at the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®) and residue disposal for a term of 20 years.

Recommended Actions (cont.)

2. Adopt Resolution No. 25-XXX approving Budget Modification #2526-395 increasing appropriations in the Resource Recovery (Fund 520) budget by \$35,000 to cover differences in disposal and C&D processing cost during the period between November 21, 2025 and January 31, 2026, allowing customer rates to remain unchanged until the beginning of Recology's Rate Period Six, which begins February 1, 2026.

Questions and Discussion

CC 06-17-2025

Item #15

Options on
preservation and anti
displacement
of BMR
units

Presentation

Below Market Rate (BMR) Anti-Displacement Policy



CUPERTINO

Nicky Vu, Senior Housing Coordinator

June 17, 2025

Agenda



- Background on displacement
- Alternative strategies studied
- Review the 2024 Housing Commission meeting study session
- Below Market Rate Anti-Displacement Policy

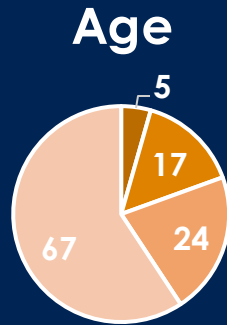
Background

- Below Market Rate Inclusionary Policy
- Market rate housing development must provide 15% of units as affordable
- Expiration date of (35) years (now 99 years)
- Rental units that expire risk displacement for tenants if landlords increase rent to market rate

Expiring Rental Units

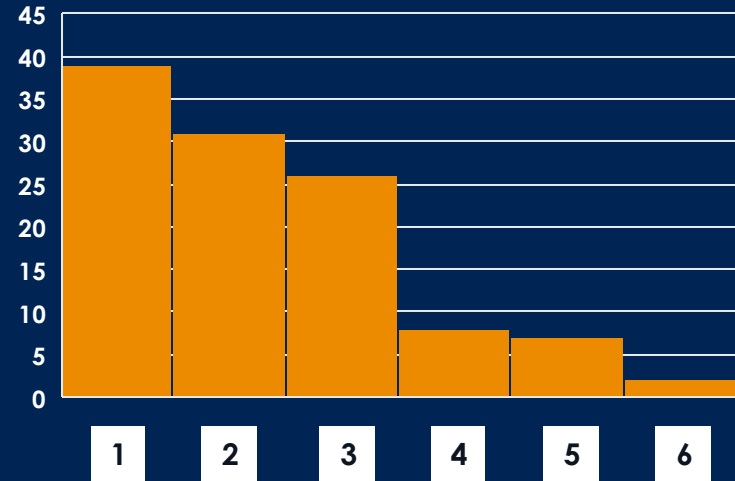
Apartment Building	Units	Restrictions Expire	Property Owner
Aviare	20	7/8/2026	Legacy Partners
Forge			De Anza
Homestead	15	7/15/2026	Properties
Park (City Center)	4	7/31/2026	Prometheus
Hamptons	34	10/20/2027	Irvine Company
Arioso	20	1/29/2028	FPI Management
Biltmore	2	8/30/2029	Prometheus
Aviare	2	7/8/2038	Legacy Partners
Markham	17	11/4/2039	Prometheus
TOTAL	114		

Tenant Data



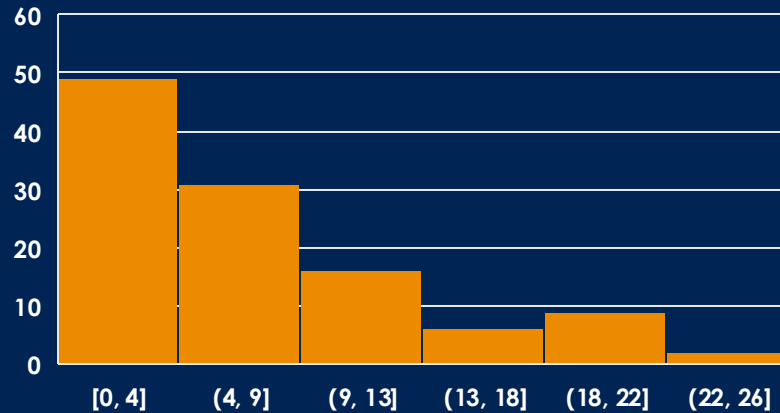
■ 29 and under ■ 30 - 39
■ 40 - 49 ■ 50 and Above

Household Size

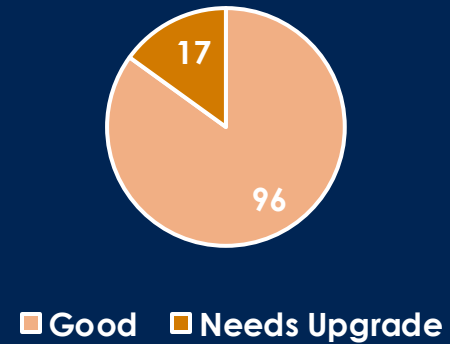


Unit Data

Years Lived in Unit



Quality of Unit



Housing Element

Strategy HE 3.3.2

- Ensure proper legal and noticing procedures for properties with expiring rental BMR units
- Attempt to preserve units. If not feasible, work with tenants or organizations to mitigate displacement

Strategy HE 3.3.6

- Study rent stabilization and other potential Anti-Displacement policy and create new policy to protect 100 households

Concurrent Actions

- Redwood City
- East Palo Alto
- Menlo Park
- San Leandro
- Mountain View
- Sunnyvale
- Santa Clara County



Alternatives Explored

Acquisition Preservation

Purchase units and re-restrict as BMR

- Buy buildings to preserve 15% BMR
- McClellan Terrace \$66.7 million
- To purchase all expiring BMR buildings: \$525 million
- Not financially feasible

Rent Stabilization

Limit rent increases of expiring BMR units

- AB1482 exempts expiring BMR units from 5% + CPI increase limit
- Explicitly states expiring BMR units to return to reestablish initial rent
- Not legally permissible for BMRs, but could still be studied for city-wide Anti-Displacement Strategy

Deposit/Fee Regulations

Add requirements for charging unexpected fees

- Require primary source documentation before charging tenants maintenance costs
- Could lower housing costs overall
- Doesn't address the disproportionate high rent increase of expiring BMR units
- An issue that effects all tenants, could still be studied for city-wide Anti-Displacement Strategy

Eviction/Legal Defense

Prevent eviction and defend tenants

- Enact ordinances that expand just cause eviction protection or reinforce no net loss
- Fund low-income legal aid orgs to represent evicted tenants/enforce laws
- Doesn't address the disproportionate high rent increase of expiring BMR units
- An issue that effects all tenants, could still be studied for city-wide Anti-Displacement Strategy

County BMR Waitlist

Rehome tenants in the County waitlist

- Add Cupertino Displaced BMR Tenants as priority for replacement into County list
- The County does not have a BMR list
- Negotiating with developers requires \$\$\$
- Rehoming low-income Cupertino households outside of the City would be an exclusionary fair housing concern

Anti-Displacement Incentives

Offer development incentives for extensions

- Negotiate with developers to extend affordability for development incentives on future projects
- Depends on developer's desire for future projects in Cupertino
- Agreements executed prior to expiration
- Potential for some success as part of staff workplan, supplemental to BMR Anti-Displacement Policy



BMR Anti-Displacement Policy

Development

- Consulted RISE Housing and WVCS
- Consulted neighboring cities
 - Redwood City, Campbell, Sunnyvale, Santa Clara County, Menlo Park, San Leandro, Mountain View, San Mateo
- Dec 19 Housing Commission Study Session
- April 21 Housing Resource Fair – Public Outreach

BMR Waitlist Priority

Rehome tenants in the City waitlist

- City's BMR waitlist has a system that awards priority points for:
 - Cupertino residents
 - Cupertino employees
 - Cupertino public workers
- **Add three additional points for “Displaced BMR Renter” Category – if one was a tenant of a BMR rental expiring within 12 months**
- **Allow Displaced BMR Renters to reapply anytime**

Example Priority List

Total Preference Points	Lottery Number	Previous Year Rental Waitlist	2024 Waitlist Position
4	45372819	TRUE	2
4	78234601	TRUE	3
4	12958347	TRUE	5
4	67482953	TRUE	6

Total Preference Points	Lottery Number	Previous Year Rental Waitlist	2024 Waitlist Position	Previous Year Final Lottery Position	
3	24108465	TRUE	11	3	6
3	24108039	TRUE	12	3	7
3	24107626	TRUE	13	3	8
3	24108108	TRUE	15	3	9
3	24108116	TRUE	16	3	10
3	24108218	TRUE	21	3	11
3	24107593	TRUE	22	3	12
3	24107946	TRUE	23	3	13
3	24107707	TRUE	25	3	14
3	24108323	TRUE	26	3	15
3	24107700	TRUE	30	3	16
3	24108671	TRUE	37	3	17
3	24108692	TRUE	40	3	18
3	24107752	TRUE	53	3	19
3	24107641	TRUE	62	3	20
3	24108387	TRUE	146	2	21
3	24107703	TRUE	152	1	22
3	24107763	TRUE	180	1	23
3	24107992	TRUE	217	1	24
3	24108532	TRUE	281	0	25

Relocation Assistance

Offset costs of rehousing, prevent homelessness

- Costs of relocation are high: deposit, first & last month of rent
- **Add responsibility of property owners to:**
 - **Pay tenant 3 months of Fair Market Rent, if tenant moves from BMR to market rate unit before or after 12 months of expiration (1 additional month for special circumstance)**
 - **Provide notice of new rental rate and relocation assistance (120) days from expiration**

Per Unit Assistance Payment

2024 Santa Clara County Fair Market Rent

Unit Size	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom
Fair Market Rent	\$2,383	\$2,694	\$3,132	\$4,011	\$4,425	\$5,089	\$5,753
3x	\$7,149	\$8,082	\$9,396	\$12,033	\$13,275	\$15,267	\$17,259

Comparative Relocation Assistance Policies

City	Term of Assistance	Activation	Notice	Eligibility	Time Available	Service	Agency Service	Enforcement
Redwood City	3 months FMR and 1 month special circumstance	Eviction/With draw	30 days after filing application	80% or lower	Within 30 days	3rd-party escrow	60 day subscription	Void Application
East Palo Alto	\$9,444.11 in unit <2 years, \$12,592.14 for 2+ years	Eviction/With draw	120 days prior to withdraw	80% or lower	Immediately upon notice	City escrow	None	Void Application
Menlo Park	3 months FMR and 1 month special circumstance	Eviction/With draw	30 days after filing application	80% or lower	Within 30 days	3rd-party escrow	60 day subscription	Affirmative Defense
San Leandro	3 months FMR and 1 month special circumstance	Landlord Termination	90 days/at time of rent increase	All AMI	Within 5 days	Direct	None	Affirmative Defense
Mountain View	3 months FMR and 1 month special circumstance	Eviction/With draw	30 days after filing application	120% or lower	Within 30 days	3rd-party escrow	60 day subscription	Affirmative Defense
Santa Clara County	3 months FMR and 1 month special circumstance	Eviction/Hazard	Immediately upon application	All AMI	Within 15 days	Direct	None	Affirmative Defense
Sunnyvale	3 months FMR and 1 month special circumstance	Eviction/With draw	30 days prior to termination	All AMI	Within 15 days	Direct	None	Affirmative Defense

Staff Analysis

- Waitlist Priority provides a long-term structural solution, but is dependent on new units coming available
- Relocation Assistance provides short-term assistance as emergency intervention, but does not provide a long-term solution
- Pursuing both options would provide the most comprehensive tenant protections, but it is still important to construct new restricted affordable housing

Motion

Adopt Resolution No. 25-00X (Attachment A) approving amendments to the BMR Admin Manual to create an anti-displacement policy for tenants residing in expiring Below Market Rate units.

CC 06-17-2025

#16

10480 Finch Avenue

Presentation

10480 Finch Ave

Appoint Negotiators

City Council meeting
June 17, 2025



CUPERTINO

Tonight's Action

Subject: Appoint a negotiator for the potential purchase of 10480 Finch Avenue, owned by the Cupertino Union School District, adjacent to Sedgwick Elementary School.

Recommended Action: Appoint the Interim City Attorney and Acting City Manager to negotiate with the Superintendent of the Cupertino Union School District or her designee regarding the possible purchase of 10480 Finch Avenue, Cupertino, CA 95014, Assessor's Parcel Number 375-40-067, from Cupertino Union School District on terms established by the City Council.

Background

CUSD bought 10480 Finch Ave in 2016 for \$5,386,750

Remediation of toxic substances allegedly complete

Property is 1.5 Acres and currently vacant (Zoned R1-6)

Situated adjacent to Sedgewick Elementary

CUSD may be interested in “selling” property to City

Discussion

City interest in acquiring the property for park land purposes

\$13.2M park in-lieu fee funds

City Council direction to initiate effort and appoint negotiators (Acting City Manager & Interim City Attorney)

Evaluative work to be performed prior to recommendation

Property Location



Property Location



10480 Finch Avenue



Next Steps

Order Necessary Documents (6 to 10 weeks):

- Title Report
- Preliminary Site Assessment
- Appraisal

Closed Session with City Council (Early September)

Begin Discussions with CUSD

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Thank You!



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