

CC 08-16-2022

Special Meeting  
Item No. 1

Single-Use Plastics  
Presentation

# **Single-Use Plastics Ordinance First Reading**

**August 16, 2022**

**Ursula Syrova, Environmental Programs Manager**



**CUPERTINO**

## Background

- Concerns:
  - Foodware litter, chemical migration, microplastics, ingestion, challenging recycling markets
- 2013: Cupertino banned single-use plastic carryout bags
- 2014: Cupertino banned use of EPS foam foodware
- 2017: Zero Waste Policy adopted - supports reusable over single-use, reducing unnecessary single-use foodware & packaging
- 2020: Single-Use Plastics Ordinance - City Work Program item
- 2021 & 2022: Sustainability Commission input
- March 1, 2022: Council Study Session



## Study Session Feedback

- Develop draft ordinance language
- Include temporary waivers to reduce impacts to businesses
- Explore collaboration with schools
- Reach out to larger corporate interests
- Explore a pilot of reusable foodware for takeout
- Explore coordinating efforts with surrounding cities
- Consider requiring compostable plastic produce bags
- Clarify concerns about bio-plastics
- Compare the GHG impact of plastic vs compostable foodware

## Ordinance – Recommended Elements October 6, 2022

**Ask First:** Accessories only  
on request (per AB1276)

- Businesses must ask customers if they want straws, utensils, condiment packets, spill plugs, stir sticks, etc.



## Ordinance – Recommended Elements September 2023

- **No single-use plastic** cups, containers, utensils, stir sticks, straws for dine-in or takeout



## Ordinance – Recommended Elements September 2023

- **No use or sale of compostable plastics**
  - No serving food, drinks using compostable plastic foodware
  - Ban on the sale of compostable plastic foodware



## Ordinance – Recommended Elements September 2023

- **No local sale of expanded polystyrene (EPS) items:**
  - Already prohibited to serve in EPS
  - Ban on the sale of EPS foodware
  - Ban on the sale of EPS coolers





# Ordinance – Recommended Elements September 2023

- Allow fiber-based takeout foodware: paper, wood, bamboo, bagasse
- Allow aluminum foil-based items



# Ordinance – Recommended Elements September 2023

- Require reusables for dine-in



# Ordinance – Single-Use Carryout Bags

## September 2023:

- Amend our plastic bag ordinance:
  - No single-use plastic bags for takeout food orders



## Now:

- Code Cleanup to match State law:
  - Require retailers (not restaurants) to charge \$0.10 for reusable carryout bags. CMC currently allows reusable bags to be given at no charge, but that is not in alignment with State law. In practice in Cupertino this is already happening.

## Temporary Exemptions:

- Additional time needed to comply
- Significant economic hardship
- Unique packaging hardship
- Plastic straws available as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services within the City.



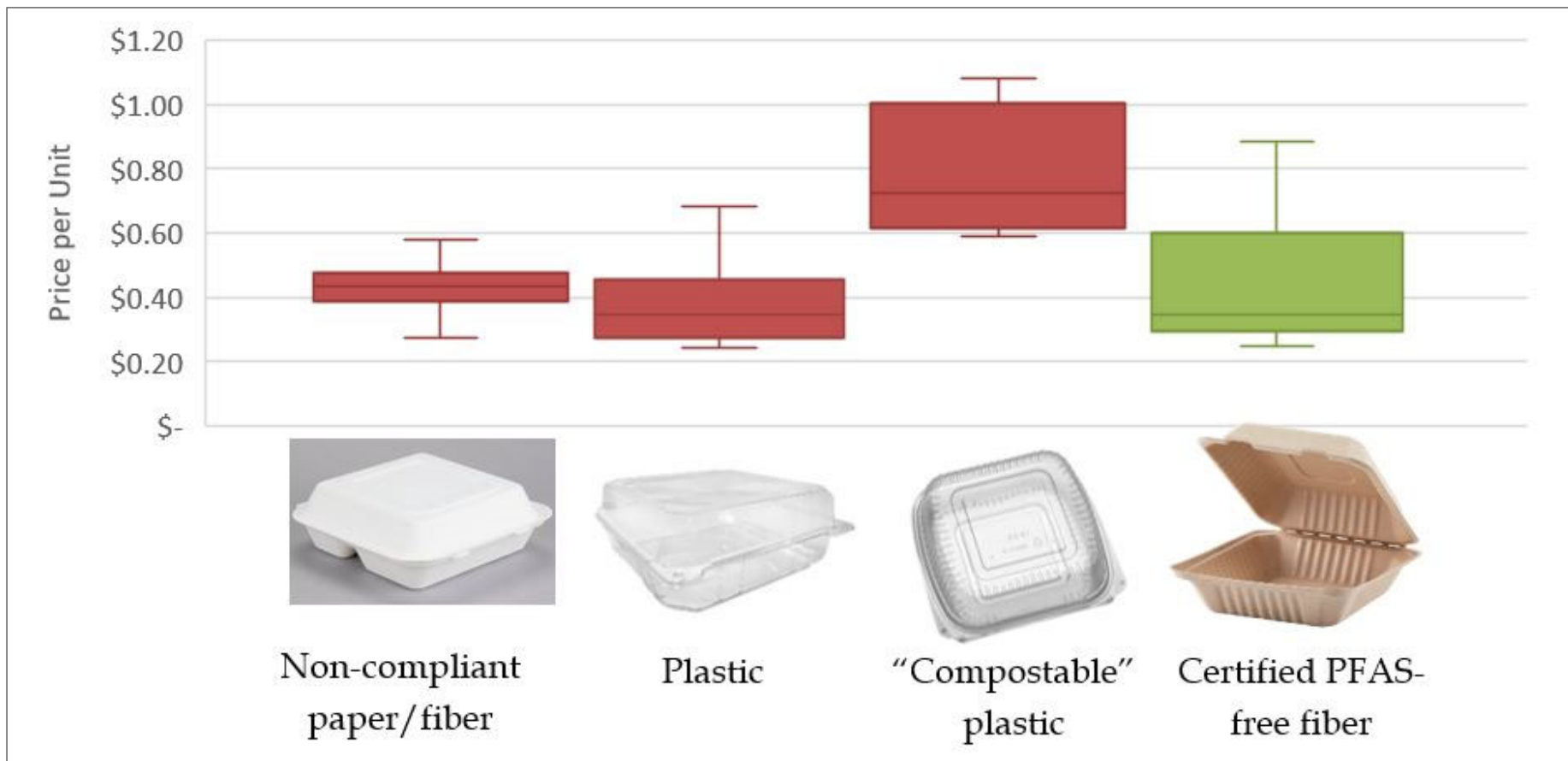
## Additional Recommendations:

- Pilot reusable to-go foodware in Cupertino
- Offer technical and financial assistance to businesses
  - Studies show switching to reusables pays off
  - Help with the initial investment if needed?





## Impact on food providers:



## Other jurisdictions:

- Requiring compostable fiber-based foodware
  - Mountain View
  - San Mateo County
  - City of Alameda







| Comparison of Food Service Ware Ordinance Provisions |  | Cupertino<br>(Recommended) | Mountain View | Palo Alto | Sunnyvale | Berkeley | County of San Ma | San Francisco | Santa Cruz (City) | Sonoma (County) |
|--|--|----------------------------|---------------|-----------|-----------|----------|------------------|---------------|-------------------|-----------------|
| Sale of Single-Use Foodware                          | Prohibit sale of EPS foam foodware   | x                          | x             | x         | x         |          |                  | x             | x                 | x               |
|  | Prohibit sale of single-use plastic accessories  |                            | x             |           |           |          |                  |               |                   |                 |
|  | Prohibit sale of single-use compostable plastic foodware   | x                          |               |           |           |          |                  |               |                   |                 |
|  | Prohibit sale of single-use traditional plastic foodware   |                            |               |           |           |          |                  |               |                   |                 |
| Sale of other EPS Products                           | Prohibit sale of EPS ice chests, other items   |                            | x             | x         |           |          |                  | x             | x                 | x               |
|  | Prohibit sale of EPS packing peanuts, blocks   |                            |               | x         |           |          |                  | x             | x                 | x               |
| Cup Charges  | Require a charge for single-use cups<br>E= Encouraged  |                            |               |           |           | x        |                  |               | x                 | E               |
| Container Charges                                    | Require a charge for single-use containers   |                            |               |           |           |          |                  |               |                   |                 |
| Compostable Produce Bags                             | Require grocery stores and farmer's markets to use compostable bags for meat and produce.<br>C/R = compostable or recyclable |                            |               | x         |           |          |                  | C/R           |                   |                 |
| No Thin Plastic Bags for Takeout Food Orders         | Prohibit use of thin single-use carryout plastic bags for takeout food orders  | x                          |               |           |           |          |                  | x             |                   |                 |

## Outreach to Businesses:

- Survey of food businesses in Summer 2021:
  - 99 businesses (88 in-person, 11 via email)
  - Cross-section of restaurant types (fast food, independently owned, dine-in, franchises, bubble tea, coffee/café, grocery, dessert/bakery, small to large)
  - Main concerns:
    - Cost of alternatives
    - Concern about maintaining business operations (boba cup heat-sealing process, proper packaging of takeout foods, etc.)

## **Outreach to Special Interest Groups:**

- Youth - supportive
- Unhoused and low income – concern over any increased costs getting passed along
- Large corporate food providers – space for scaling up dishwashing, availability of labor
- Disability community – retain access to plastic straws, limited ability to wash dishes
- Schools – no dishwashers, supply chain, budget

## **Outreach to Customers:**

111 customers took a survey

- 61% supported moving away from plastic
- 35% are concerned about single-use generally
- 76.6% say it would be positive for the customer experience
- 87.7% said they've received unwanted utensils or napkins with takeout orders
- 91% worry about the waste from single-use

## Outreach for Awareness:

- Scene article, Mercury News
- Mailers to all food businesses
- Emails to all survey respondents
- In-person postcard delivery to bubble tea, coffee places
- Sustainability Commission
- Chamber of Commerce
- [engagecupertino.org/single-use-plastics](https://engagecupertino.org/single-use-plastics)



### CUPERTINO Single-use plastic ban weighed by City Council

Reusable food ware might be required at dine-in restaurants

By Grace Hane  
[gracehane@cupertino.org](mailto:gracehane@cupertino.org)

In an effort to cut back on the 300 tons of single-use food ware items tossed out by restaurants and businesses each year, the Cupertino City Council is considering banning single-use plastics at food service establishments as soon as next summer.

The proposed law, which could go into effect June 2023, would follow the lead of neighboring cities like Mountain View and Palo Alto by banning plastic straws, stirrers, containers and drink sleeves at local eateries. Instead, residents would have to use alternatives, such as paper, wood, aluminum, bamboo or other fiber-based consumables.

But Cupertino is looking to take its law even further and become the first city in Santa Clara County to require reusable food ware not just for take-out, but for dining in, as well.

Vignesh Iyengarathan, the chair of Cupertino's Sustainability Commission, said that while getting rid of single-use plastics may be daunting, it's just another step in helping the city reach its climate goals.

The commission has made several aggressive recommendations for the city to implement by 2025 -- including banning the sale of bio-plastics at retail stores, charging customers for single-use food ware, piloting a reusable takeout food ware program at local restaurants and prohibiting plastic bags for takeout orders.

"It's going to have some growing pains," he said. "Some kids are going to be like, 'Dude, I thought we could all get cups and plates and buy them locally to have a picnic party in the park and then throw them all away in the local dumpster.' That's not something that Cupertino wants to support."

If the council decides to follow through with the recommendations, Cupertino would be the first in the county to change the single-use food ware and ban plastic bags for takeout orders.

But banning single-use plastics next year could prove challenging for some businesses -- specifically take-out shops, of

Star+Hill

## **Notable points:**

- Impact to bubble tea places – allow unique packaging exemption for an additional year?
- Offer financial assistance as part of the technical assistance RFP?
- Plastic hot and cold lids are not included

# Next Steps

- **September 6, 2022**
  - 2<sup>nd</sup> reading





# Questions?



CC 08-16-2022

Item No. 1

Safer from Wildfire

Presentation

# CALIFORNIA DEPARTMENT OF INSURANCE

## *Wildfire Actions*



*Mary Beth Bykowsky*  
*Northern CA Outreach Analyst*



# ROLE OF INSURANCE COMMISSIONER

## RICARDO LARA

- **Protect consumers**
- **Maintain insurer solvency**
- **Set standards for agents and broker licensing**
- **Perform market conduct reviews of insurance companies**
- **Resolve consumer complaints**
- **Investigate and prosecute insurance fraud**
- **Cannot require or compel insurance companies to sell insurance**

# What CDI Has Done

Met with more than  
**25,000** people  
to hear wildfire and  
insurance concerns  
through

**60 virtual  
events** in  
**40 counties**

Since 2019



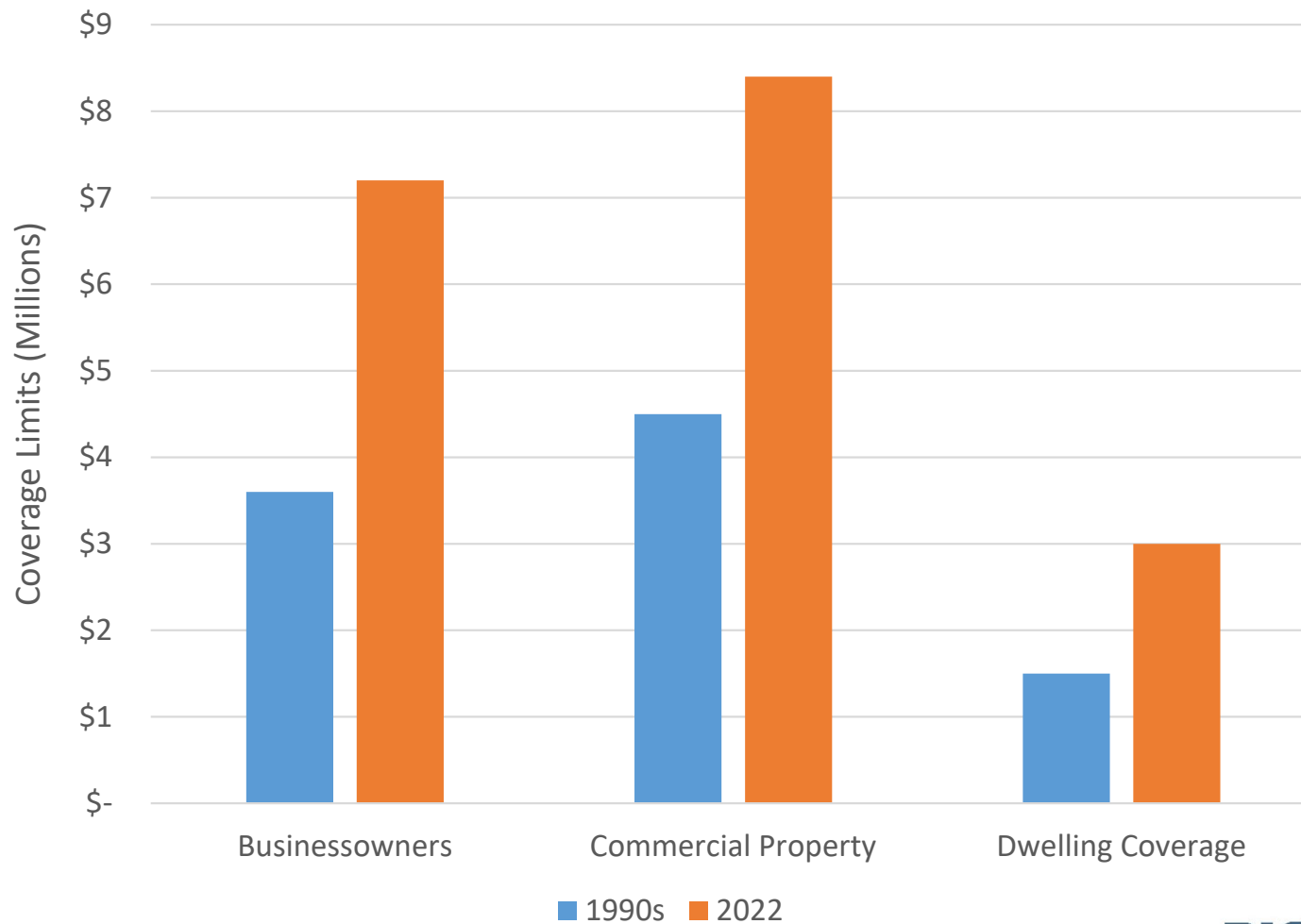
**RICARDO LARA**  
INSURANCE COMMISSIONER

# Progress Report



- Removed barriers to allow wildfire survivors to receive critical insurance benefits
  - Coverage for evacuation expenses
  - Extensions to additional living expenses
  - Created disclosures and coverage to meet upgraded building codes
- One year moratorium from non-renewals (More than 4 million policyholders protected)
- Increased non-renewal notice from 45 to 75 days

# Improving the FAIR Plan



# Safer from Wildfires in

1

2

3

Launched in January 2022, Safer from Wildfires is an interagency partnership between Insurance Commissioner Ricardo Lara and the state's emergency response and readiness agencies to protect lives, homes, and businesses by reducing wildfire risk.



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES



GOVERNOR'S OFFICE OF  
**Planning and Research**



CALIFORNIA  
**Public Utilities Commission**

**RICARDO LARA**  
INSURANCE COMMISSIONER

California Department of Insurance



# Safer from Wildfires in

1

2

3

## 1 Protecting the structure



- Class-A Fire rated roof
- Maintain a 5 foot ember-resistant zone around a home (including fencing within 5 feet)
- Noncombustible 6 inches at the bottom of exterior walls
- Ember and fire-resistant vents (See Low-Cost Retrofit List, and Chapter 7A)
- Upgraded windows (Double paned or added shutters)
- Enclosed eaves



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INSURANCE COMMISSIONER

California Department of Insurance



# Safer from Wildfires in

1

2

3

## 2 Protecting the immediate surroundings



- Cleared vegetation and debris from under decks
- Removal of combustible sheds and other outbuildings from the immediate surroundings of the home, to at least a distance of 30 feet
- Defensible space compliance (including trimming trees, removal of brush and debris from yard, and compliance with state law and local ordinances)



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INSURANCE COMMISSIONER

# Safer from Wildfires in



## 3 Working together as a community



- A community should have clearly defined boundary and a local risk assessment in consultation with the local fire district or state fire agency; an identified evacuation route, cleared of vegetative overgrowth, and evacuation plan contingencies; clear funding sources to implement community mitigation activities and meet clear risk reduction goals; and integrated and up-to-date local planning documents pertinent to community wildfire risk.
- Current examples include the Fire Risk Reduction Community designation under development by the Board of Forestry, Firewise USA communities in good standing, and Shelter-in-Place designations.



Governor's Office of  
Planning and Research



CALIFORNIA  
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INSURANCE COMMISSIONER

## Regulations to lower costs and increase transparency

- Require insurance companies to **factor consumers' and businesses' wildfire safety actions into their pricing**
- Provide consumers with **transparency about their “wildfire risk score”** that insurance companies assign to properties
- Give consumers the **right to appeal** their risk determination
- Public hearing was April 13 — regulations expected to be in effect by summer 2022

# It Is Working!

- The number of homeowners non-renewed by insurance companies fell by 10 percent statewide in 2020 compared to the previous year — a decrease of 22,870 policies.
- **Premium discounts now available to 2 out of every 5 consumers**, with up to 20 percent discounts for wildfire-hardened homes – 6x increase since 2019





**QUESTIONS?**

**1-800-927-4357**  
**insurance.ca.gov**



CC 08-16-2022

Item No. 6

Innovation and  
Technology Department  
Update

Presentation

# Innovation & Technology

## City Council Meeting Department Update



CUPERTINO



# Innovation & Technology Council Update

## Council Work Program Items

- Council Work Program Dashboard
- Online Store
- License Plate Recognition
- Cybersecurity Education





# Innovation & Technology Council Update

## Recent Successes

- Business License
- CodeHUB
- Logikcull
- Wi-Fi Expansion
- Digital Transformation



# Innovation & Technology Council Update

## Additional FY23 Major Projects

- CIP Application
- Website Redesign
- ERP Needs Assessment
- Tech Refresh Server/Storage/Network Infrastructure

# Innovation & Technology Council Update

## Questions

ANY  
QUESTIONS?



CC 08-16-2022

Item No. 12

Climate Action Plan (CAP)  
2.0

Presentation

# Climate Action Plan (CAP) 2.0

August 16, 2022



**CITY OF  
CUPERTINO**

# CAP 2.0 Process

- **Nov 2020:** Sustainability Commission goal-setting proposal
- **Dec 2020:** Council input on carbon-neutrality goal
- **Jul 2021 – July 2022:** Public engagement process
- **Nov 2021:** Council reviewed draft measures & actions
- **Apr 2022:** Public Review Draft CAP 2.0 published
- **May 2022:** Sustainability Commission input and recommendation
- **May 2022:** Environmental Review Committee input and recommendation
- **Jun 2022 – July 2022:** CEQA public comment period
- **June 2022:** City Council Study Session

# Climate Action Context

**2015:** Cupertino General Plan – Environment & Sustainability Element

**2018:** Cupertino Climate Emergency Declaration

**2019:** Cupertino Achieved GHG Targets from 2015 CAP

**2019:** State Sets Targets for Carbon-Neutrality

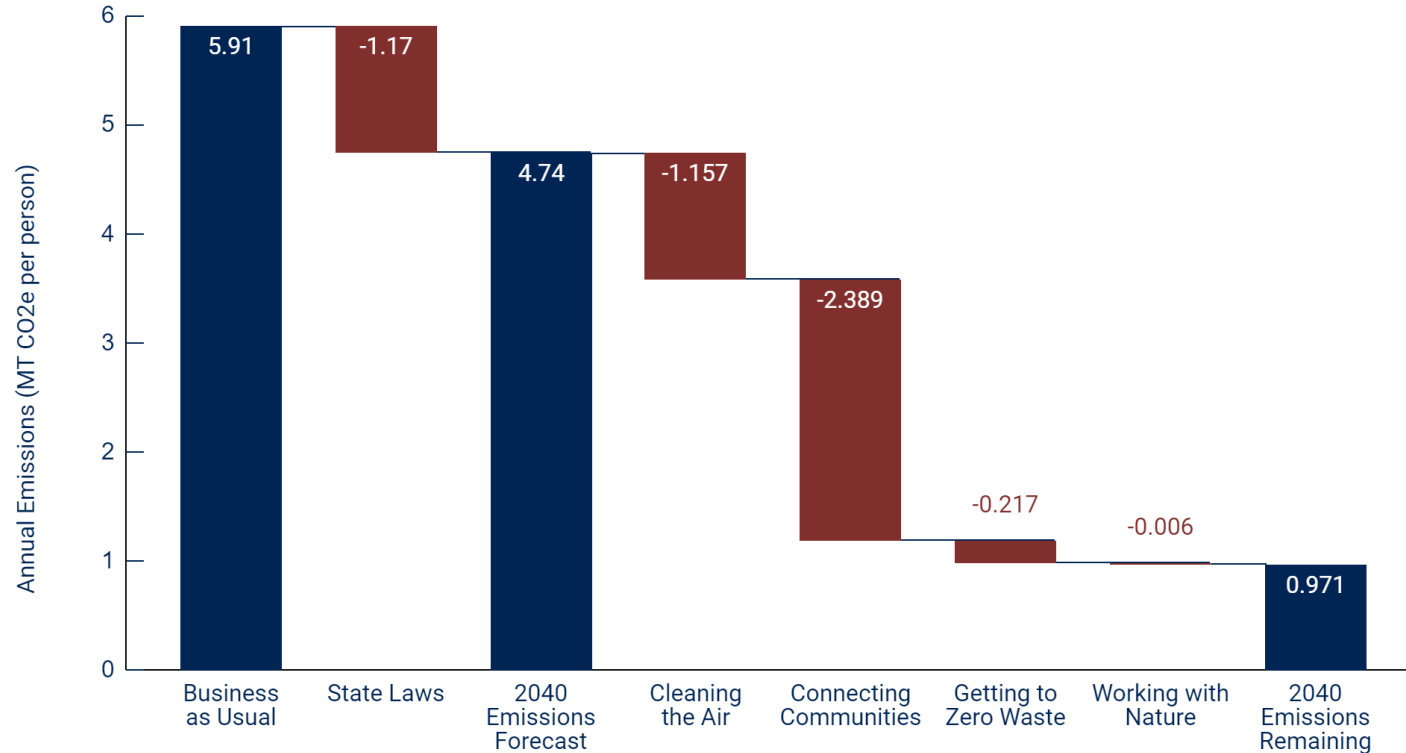
**2022:** BAAQMD Updates Regional CEQA GHG Thresholds

# CAP 2.0 Ambition

- Achieve carbon neutrality in City-owned facilities and operations no later than 2030
- Reduce community-wide emissions by 50% below 2010 levels by 2030
- Achieve community-wide carbon neutrality no later than 2040 (five years earlier than the state target)
- Achieve negative net carbon emissions after 2045
- Establish a Zero Waste Community target date of 2035
- Guiding vision of equity, innovation, urgency and flexibility, resilience, and adaptation



# Pathway to a Carbon-Neutral Cupertino



# Pillars of Action

**Structural Change:** Ordinances, requirements, new programs, pilot programs, policies

**Studies & Plans:** Feasibility analyses, investigations

**Funding:** Budget allocations, alternative financing, grant strategies

**Equity:** Actions to mitigate impact for vulnerable people

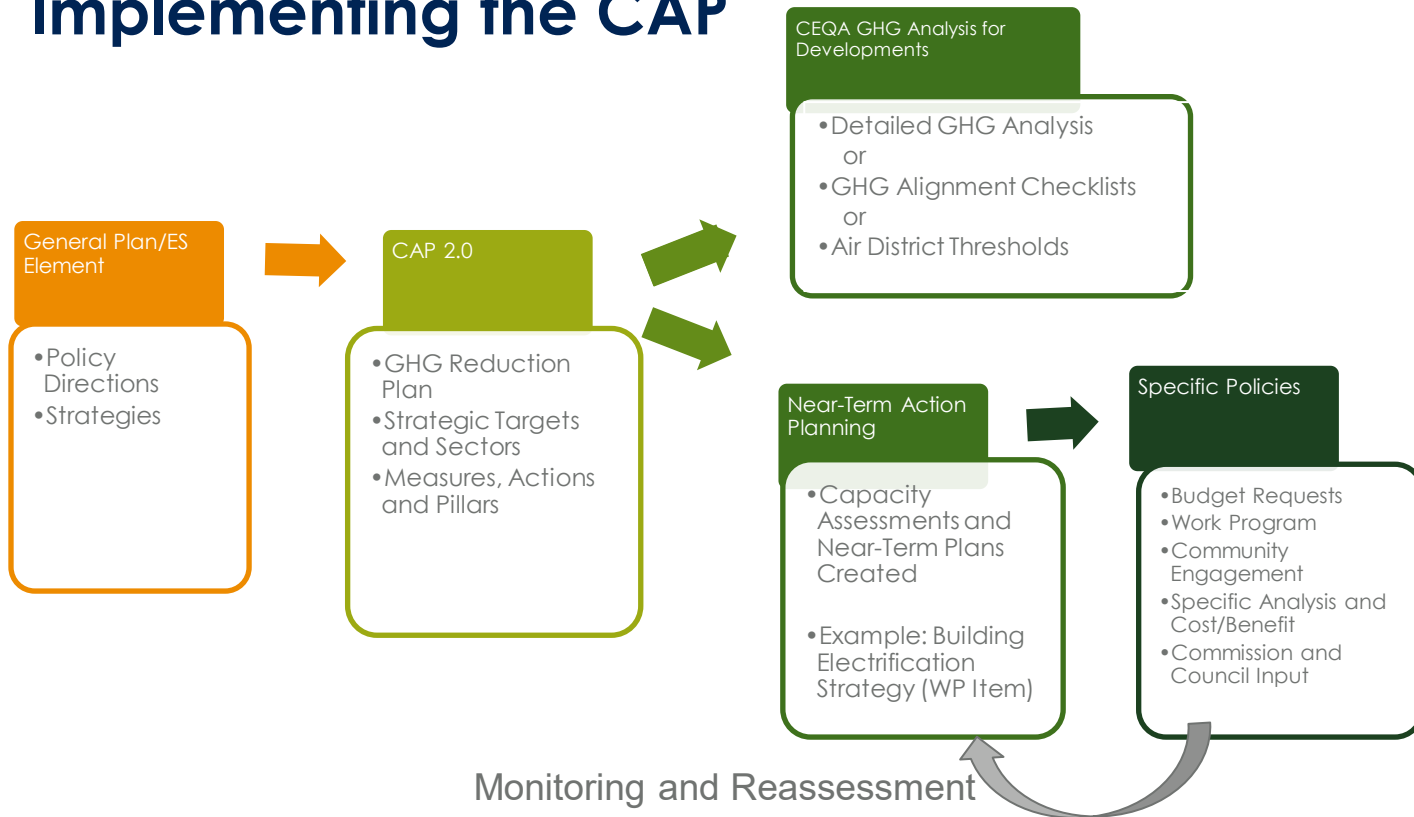
**Engagement:** Outreach, education, campaigns for participation

**Partnerships:** Partnering with community-based organizations, public-private partnerships, regional partners, and neighboring jurisdictions

# June 2022 Study Session

- General support for the efforts and appreciation for Sustainability Commission
- Desire for the City to be a leader and implement the CAP policies in its own facilities
- Interest in working with regional partners
- Technical and financial challenges of electrifying existing buildings
- Support for drought response and protect our natural resources
- Concern on Measure TR-2 (public transit), request for more information
- Request for more information about CEQA “qualified”

# Implementing the CAP



## Next Steps

|   |                          |
|---|--------------------------|
| File with State Clearinghouse and County    | <b>Upon Adoption</b>     |
| Develop CEQA GHG Tools                      | <b>September 2022</b>    |
| Work Program Item: Building Electrification | <b>March 2023</b>        |
| Near-Term Action Proposals                  | <b>Fiscal Year 23/24</b> |

# Recommended Actions:

1. Adopt Resolution No. 22-097 adopting the Climate Action Plan 2.0 Initial Study/Negative Declaration
2. Adopt Resolution No. 22-098 adopting the Climate Action Plan 2.0 and GHG Emissions Thresholds

