



## ENVIRONMENTAL PROGRAMS DIVISION

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.ORG

### ENVIRONMENTAL PROGRAMS DIVISION CONDITIONS OF APPROVAL FOR TENANT IMPROVEMENTS AND DEVELOPMENT

To conform with the Cupertino Municipal Code and State of California water quality standards for the San Francisco Bay region, new and redeveloped properties are required to install exterior/interior site improvements, modify existing structures, meet construction/demolition waste diversion requirements, and identify/mitigate certain pollutants of concern from demolition projects. Frequently, a tenant improvement or modification of an existing use triggers the requirement for construction of a covered trash enclosure, installation of exterior public waste receptacles (trios and cigarette urns), storm drain full trash capture systems, and other requirements. These improvements are a condition of approval that the property owner and the tenant must discuss with City Environmental Programs staff prior to permit issuance to ensure that the property owner and tenant have agreed on the source of funding and operations/maintenance for the required improvements. Depending on your project, any number of the requirements below may apply and should be considered during your project planning. Upon formal submittal of the project scope and plans, there will be review and comment provided from the Environmental Programs Division staff specific to your project.

#### **TRASH ENCLOSURE**

All wet waste businesses, defined as a business that produces food, organic and/or liquid wastes, must include a covered trash enclosure to accommodate all waste containers including compactors (landfill, recycling, organics, and cooking oil/grease). The trash enclosure must be designed and constructed in accordance with the "Guidelines for Non-Residential Building Trash and Recycling Enclosures". If a property does not have a trash enclosure, has one that does not have roof, or is of inadequate size for all tenant space on the property, construction of a new or modification of an existing one must be included with the plan set submitted during the review process. The trash enclosure must be designed or modified to accommodate all waste containers in use by all occupants of the property, not merely the tenant making application for the building or development permit.

#### **WASTE TRIOS AND CIGARETTE URNS**

One permanently installed exterior waste receptacle trio (landfill, recycle, compost) and cigarette urn, designed for public use must be installed on the property and shown on the plans submitted. One trio set and cigarette urn satisfies the requirement for up to four adjacent businesses on one property. The receptacle openings and cigarette urn must be sufficiently covered to prevent rainwater intrusion.

#### **FULL TRASH CAPTURE STORM DRAIN SYSTEMS**

For projects located in moderate and high trash management areas as defined by the City of Cupertino Trash Management Area Map or are adjacent to a creek, full trash capture systems are required. Fueling stations, automotive, light industrial or other uses which may have fine particulate or liquid based pollutants (including cooking oils/grease) may require an additional media and/or hydrocarbon filter fitted to the trash capture system. Topographical flow maps of the property identifying all storm drain inlets, underground storm water flow lines, and all connections with the City's storm drain system and any adjacent property are required to be submitted

during plan review. All full trash capture systems installed must be selected from the California State Water Resources Control Board approved list. Please refer to the Certified Trash Full Capture Systems List of Trash Treatment Control Devices to find a suitable system to treat the entire property. The design of the trash control system may be required to be reviewed and stamped by a registered Civil Engineer. Devices must be installed and maintained (cleaned) according to the manufacturer specifications and to ensure that they are operated at a level necessary to maintain their designation as a full-capture system as required by the City of Cupertino and San Francisco Bay Region Municipal Regional Stormwater Permit (NPDES No. CAS612008) Order No. R2-2015-0049 (MRP) Provision C.10.b.i. The property owner must provide official written record of cleaning and maintenance to the City upon request during periodic City inspections.

### **STORM DRAIN INLET LABELING**

All exterior storm drain inlets on the property shall be clearly marked with “No Dumping Flows to Creek” or “No Dumping Flows to Bay”.

### **DESIGNATED SMOKING AREAS**

If smoking is permitted on the property, the designated smoking area(s) must be identified on the plans and an appropriate number of cigarette urns with rain water covers are required. If smoking is not permitted on the property an appropriate number of cigarette urns with rainwater covers must be provided on private property immediately adjacent to the sidewalk to prevent discarded cigarettes from being disposed on the sidewalk and street.

### **FOOD SERVICE ESTABLISHMENT INTERIOR WASTE PLAN**

1. All wet waste businesses, defined as a business that produces food, organic and/or liquid wastes must identify on the plans, the location of all waste containers located within the kitchen/food preparation area. A minimum of two containers are required and shall be clearly labeled “food” and “non-food”. More than two containers may be required based on the kitchen and food preparation area. The volume of all waste containers must be included with submittal.
2. Food and beverage businesses with dining areas available to customers where customers clean up their own tables must:
  - a. Include compost, recycle, and landfill receptacles for customers to use which must be:
    - i. Situated side-by-side
    - ii. Have a body or lid colored as follows: recycle (blue), compost (green), and garbage (black)
    - iii. Marked with sorting signage specific to accepted materials in Cupertino.
  - b. Exception: if a commercial business does not generate any of the materials that would be collected in one type of container (e.g. if no beverages or food in recyclable containers will be sold), then the business does not have to provide that particular container.
  - c. This requirement applies to any external or internal waste receptacles located in common areas such as outdoor patio dining.
  - d. Bathrooms are exempt.

### **FOOD SERVICE ESTABLISHMENT – ACKNOWLEDGEMENT OF FOOD SERVICE WARE ORDINANCE**

As of September 6, 2023, per CMC 9.15.110 food and beverage providers must establish on-site or off-site dishwashing capacity, or contract for services to wash, rinse, and sanitize reusable food service ware to comply with requirements to serve food on reusable foodware for dining on site serve food and beverages using washable reusable dishes, utensils, and other foodware for customers dining on site. Please identify on an appropriate plan sheet where the dishwasher will be located and the capacity or indicate a plan for using off-site dishwashing services.

In addition, single-use food service ware including cups, straws, stir sticks, lid plugs, take away containers, and similar items which are non-fiber based are prohibited including bio-based “compostable” plastics.

**CMC 9.15.110 requires that new building permits applied for, and/or deemed complete after 6/1/2023 shall only be granted to Prepared Food and Beverage Providers that can demonstrate adequate capacity to comply with the municipal code.**

### **EXTERIOR COPPER**

The exterior use of copper for roofing materials, rain gutters, downspouts, or any ornamental enhancement is prohibited. Small copper adornments such as door handles or fence post caps are exempted.

### **CONSTRUCTION AND DEMOLITION MATERIAL RECYCLING AND RECOVERY**

All construction, demolition, and renovation projects are required to submit a completed Debris Recovery Plan (DRP) in Green Halo demonstrating that a minimum of 65% of the waste material generated will be recycled consistent with the provisions of the California Green Building Standards Code and the Cupertino Municipal Code. If a project includes both demolition and construction under separate permits, DRPs are required for each permit.

### **PCB ASSESSMENT AND MITIGATION IN ADVANCE OF DEMOLITION**

If demolition of an existing building(s) is planned, PCB testing and remediation is required prior to obtaining a demolition permit. Buildings constructed or remodeled from January 1, 1950 to December 31, 1980 must undergo representative sample testing and analysis by a certified analytical laboratory for PCB presence. A report of these findings must be submitted to the Environmental Programs Division. This requirement does not apply to remodeling and single-family residential and/or wood frame structures: however, all demolition permit applicants must complete the PCB Screening Assessment Form to determine if the structure being demolished is deemed an applicable structure. No demolition permit will be issued until all required forms and reports have been satisfactorily submitted and approved by the Environmental Programs Division.

The above requirements must be considered and discussed in advance with the project applicant and property owner. Other requirements may apply to your project and will be provided during formal plan review. Please note, if the trash enclosure will be displacing any parking spaces or changing the vehicular circulation on the site, a parking analysis and/or circulation plan must be provided to and approved by the Planning Division in advance of the trash enclosure plan submittal.

For additional questions, please contact the Environmental Programs Division at (408) 777-3236 or email at [environmental@cupertino.org](mailto:environmental@cupertino.org) Additional information can be reviewed at [www.cupertino.org/greendev](http://www.cupertino.org/greendev)

Building/Demolition Permit Number

Development Permit Number

\_\_\_\_\_  
Applicant Name/Title (Print)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner/Agent/Title (Print)

\_\_\_\_\_  
Property Owner/Agent Signature

\_\_\_\_\_  
Date

<sup>1</sup> The maintenance of each full capture device shall be adequate to prevent plugging, including plugging of the 5mm screen leading to trash overflow and bypass, flooding, or a full condition of the device's trash reservoir causing bypassing of trash. All full trash capture devices shall be inspected and maintained at least twice per year or to the manufacturer's minimum specifications at least three months or more apart. If any such device is found to have a plugged or blinded screen or is greater than 50 percent full of trash during a maintenance event or City inspection, the maintenance frequency shall be increased so that the device is neither plugged no more than half full of trash at the next maintenance event.