

MEMORANDUM

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SUBJECT City of Cupertino Health and Safety Element Update - Policy Concepts Memo

Introduction

The Safety Element is one of the State mandated elements of a General Plan focusing on natural and human caused hazards and the risks they cause to the community. The State requires cities to update Safety Elements upon the revision of the Housing Element or Local Hazard Mitigation Plan, both of which were adopted in 2024. The goal of the Safety Element is to protect the community, including residents, businesses, infrastructure, and the environment, from natural disasters and other hazards by establishing goals and policies that address potential hazards, evacuation, and emergency preparedness. This Health and Safety Element Update includes revised background content, updated mapping of hazards, updated policies and strategies to meet State law, a climate change vulnerability assessment, new adaptation and resilience policies and strategies, and an evacuation-constrained residential parcel analysis.

This memorandum provides an overview of the California Government Code requirements for General Plan Safety Elements, how the Cupertino Health and Safety Element will meet these requirements, and policy concepts for your consideration.

Regulatory Framework

UPDATES TO SAFETY ELEMENT STATE LAW SINCE 2015

Since the previous Health and Safety Element was adopted in 2014, several new laws have come into effect. These include:

- **Senate Bill 1241:** Expands requirements related to flood and wildfire hazards by mandating the identification of responsible agencies and enhancing coordination efforts. It also emphasizes minimizing risks to new development and essential facilities from wildfire and flooding.

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POLICY CONCEPTS

- **Senate Bill 379:** Requires the integration of climate change adaptation and resilience into the Safety Element, including preparation of a vulnerability assessment and the development of goals, policies, and implementation actions to improve community resilience.
- **Senate Bill 2140:** Allows for the incorporation of the Local Hazard Mitigation Plan into the Safety Element, which can increase eligibility for State and federal disaster relief funding.
- **Senate Bill 99:** Requires identification of residential parcels in hazard zones with less than two ingress/egress routes.
- **Assembly Bill 747/1409:** Requires the identification of evacuation route capacity, safety, and viability and evacuation locations under a range of hazard scenarios.

UPDATING THE SAFETY ELEMENT TO MEET STATE LAW REQUIREMENTS

The California Government Code requires all local jurisdictions to update their Safety Element upon each revision of the Housing Element or Local Hazard Mitigation Plan. This update ensures that the Health and Safety Element meets current State law requirements and contains important components, such as climate change adaptation and evacuation. The following sections of the Government Code require updates to the existing Health and Safety Element to ensure continued consistency with regulatory requirements:

- **Section 65302(g)(2) – Flood Hazards (SB 1241):** The existing Health and Safety Element includes limited flood-related policies. The update will revise and expand these policies, add new ones, and include updated background information, such as recent flood mapping, past flooding events, flood control agency roles, and vulnerable critical infrastructure. The Health and Safety Element will also address flood resilience strategies for both existing and future development in flood-prone areas.
- **Section 65302(g)(3) – Fire Hazards (SB 1241):** The existing Health and Safety Element has some limited information about fire risk in Cupertino. The updated Health and Safety Element will include revised mapping (including new Fire Hazard Severity Zone Local Responsibility Area and State Responsibility Area maps), current wildfire conditions, responsible agencies, and policies to protect new development and essential facilities from fire hazards.
- **Section 65302(g)(4) – Climate Change Adaptation (SB 379):** The updated Health and Safety Element will incorporate a climate change vulnerability assessment, using the City's existing assessments and related documents. New goals, policies, and strategies focused on adaptation will also be added to address climate change adaptation and resilience based on the findings of the climate change vulnerability assessment.
- **Section 65302(g)(5) – Evacuation Constraints (SB 99):** The updated Element will identify residential parcels in hazard-prone areas that lack two or more emergency egress routes. The Health and Safety Element will include policies and strategies will be prepared to respond to the results of this mapping effort.
- **Section 65302(g)(15) – Evacuation Routes and Scenarios (AB 747):** The updated Health and Safety Element will include the identification of evacuation routes and locations capacity, safety, and viability under a range of scenarios. The City will conduct an evacuation analysis, which will identify

evacuation routes and locations, and information about their performance under different emergency scenarios.

Policy Concepts

The following policy concepts are divided into the topics of the Health and Safety Element, including:

- Emergency preparedness and response
- Fire hazards
- Hazardous waste and materials
- Seismic and geologic hazards
- Flood and inundation hazards
- Climate change resilience

The policy concepts are based on the finding from the Vulnerability Assessment, findings from the evacuation-constrained residential parcels mapping, State requirements and guidance, and mitigation actions from the County's Multi-Jurisdictional Hazard Mitigation Plan, including Cupertino's Annex. These concepts will inform preparation of updated goals, policies, and actions in the Element. Policy concepts with an asterisk (*) directly relate to new development, redevelopment, or existing development.

EMERGENCY PREPAREDNESS AND RESPONSE

Existing

- Coordinate with regional and local agencies on regional hazard mitigation planning, monitoring, and budgeting.
- Protect Cupertino from sea level rise through monitoring sea levels and updating flood insurance rate maps.
- Continue crime prevention through awareness programs and building and site design.

Updated

- Continue to provide emergency communications, notices, and hazard preparation/response/recovery materials, in multiple languages and formats appropriate for people with access and functional needs.

Gaps and New Policy Concepts

- *Ensure new development and redevelopment comply with the most current version of the California Building Standards Code and local ordinances.
- *Require new development to have at least two ingress and egress routes and explore secondary means of access in evacuation constrained residential areas.
- *Require hillside development to provide and maintain adequate emergency access.
- Ensure adequate evacuation through maintaining potential evacuation routes and increased public awareness.
- Ensure adequate response times for emergency services.

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POLICY CONCEPTS

- Integrate the current County Multi-Jurisdiction Hazard Mitigation Plan by reference into the Health and Safety Element.
- Maintain inter-jurisdictional cooperation and coordination with agencies.
- Work with Santa Clara County to provide alerts about emergency situations through early-warning and notification systems in multiple languages and formats.
- Work with local agencies, volunteer groups, and community-based organizations to provide resources and educational programs to help residents respond to hazardous events.

FIRE HAZARDS

Existing

- *Discourage the use of private security gates that act as a barrier to emergency response.

Updated

- *Require new development in High and Very High Fire Zones to comply with the California State Minimum Fire Safe Regulations and other State laws for ignition-resistant materials, defensible space, ingress and egress, emergency access, water supply for fire-flow, and fire protection plans.
- *Coordinate long term water supply for firefighting through water extension letters for new development and working with water providers.
- *Require existing public and private roadways to comply with current fire safety regulations.
- Involve Santa Clara County Fire Department early in development projects to ensure modifications as needed.

Gaps and New Policy Concepts

- *Avoid new residential development in high fire risk areas.
- Maintain adequate fire protection and enhance fire service capabilities through proactive maintenance of fire equipment, development review processes, and training fire personnel.
- Prioritize vegetation management and fire risk reduction along roadways and in open space areas.
- Develop plans for rebuilding and redevelopment after a major fire that incorporate site remediation, fire-wise design, and reduced future vulnerabilities.
- Offer educational materials, rebates, and incentives for property owners to retrofit their buildings and properties to improve fire safety.

HAZARDOUS WASTE AND MATERIALS

Existing

- Coordinate enforcement of standards for containment, handling, and disposal of hazardous materials in accordance with regulatory requirements to prevent spills, leaks, or illegal dumping.
- Provide educational resources to residents about the local sources of hazardous waste and materials in the community.
- Support efforts to reduce the level of risk from toxic and hazardous materials in Cupertino through regulations and educational efforts.

Updated

- *Require environmental site assessments and mitigation for development near hazardous waste and materials sites.

Gaps and New Policy Concepts

- Continue to require radiofrequency studies for wireless developments and address public concerns about radiofrequency exposure and transparency.

SEISMIC AND GEOLOGIC HAZARDS

Existing

- *Require geologic and seismic hazard assessments for development in mapped fault, landslide, and liquefaction zones.
- Increase public awareness of seismic and geologic risks and preparedness.
- Encourage retrofits to existing buildings that improve resiliency to geologic and seismic hazards.
- Maintain and share up-to-date seismic and geologic hazard data.

Updated

None

Gaps and New Policy Concepts

- *Limit hillside grading on steep slopes to minimize landslide and erosion risks.

FLOOD AND INUNDATION HAZARDS

Existing

- Coordinate dam-related evacuation plans and notification systems and ensure that Cupertino is prepared to respond to a potential dam failure.
- Maintain the structural and operational integrity of essential public facilities and services during flooding.

Updated

- *Allow existing non-residential uses in floodplains.
- *Limit new development in 100-year floodplains and regulatory floodways and encourage open space/recreation uses in these areas.

Gaps and New Policy Concepts

- Maintain effective stormwater drainage systems through site design, infrastructure design, and retrofit existing systems.

CLIMATE CHANGE RESILIENCE

Existing

None

Updated

None

Gaps and New Policy Concepts

- *Work with property owners and new developments to enhance shading through the installation of shade structures and green infrastructure in public and private spaces.
- *Encourage new developments and existing property owners to incorporate sustainable features into their facilities, landscapes, and structures.
- Integrate extreme heat as a significant hazard of concern into emergency preparedness and response.
- Work with water providers to implement water conservation measures.
- Increase the resiliency of City-owned structures to severe weather events.
- Establish community resilience centers communitywide, outside of hazard zones, ensuring adequate transit services to these facilities.
- Use green infrastructure and nature-based solutions, wherever feasible, to absorb the impacts of hazards.