

## **ORDINANCE NO. 25-2272**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CHAPTER 16.74 OF THE MUNICIPAL CODE TO ADOPT FIRE SEVERITY HAZARD ZONES IN THE LOCAL RESPONSIBILITY AREA AND CHAPTER 16.40 TO UPDATE A REFERENCE TO THE UPDATED MAP**

The City Council of the City of Cupertino finds that:

Pursuant to California Government Code 51177-51179, California Department of Forestry and Fire Protection (CALFIRE) has released recommended updates to Fire Hazard Severity Zones in the Local Responsibility Area. This process last occurred in 2007 and is directed by state law. Fire Hazard Severity Zones consist of Very High, High, and Moderate designations. Of note, when the current maps were released in 2007 the High and Moderate designations did not apply to the Local Responsibility Area and only Very High designations were adopted by the City Council. Senate Bill 63 (Stern, 2021) amended Government Code 51178 to add the Moderate and High Fire Hazard Severity Zones in the Local Responsibility Area.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO  
DOES ORDAIN AS FOLLOWS:**

#### **SECTION 1. Adoption.**

The Cupertino Municipal Code is hereby amended as set forth in Exhibit A.

#### **SECTION 2: Severability and Continuity.**

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

**SECTION 3:**        California Environmental Quality Act.

These actions are actions taken to protect the environment and are, therefore, exempt from CEQA under CEQA Guidelines Section 15308. The foregoing determination is made by the City Council in its independent judgment.

**SECTION 4:** Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

**SECTION 5:** Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

**INTRODUCED** at a regular meeting of the Cupertino City Council on June 3, 2025 and **ENACTED** at a regular meeting of the Cupertino City Council on June 17, 2025 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

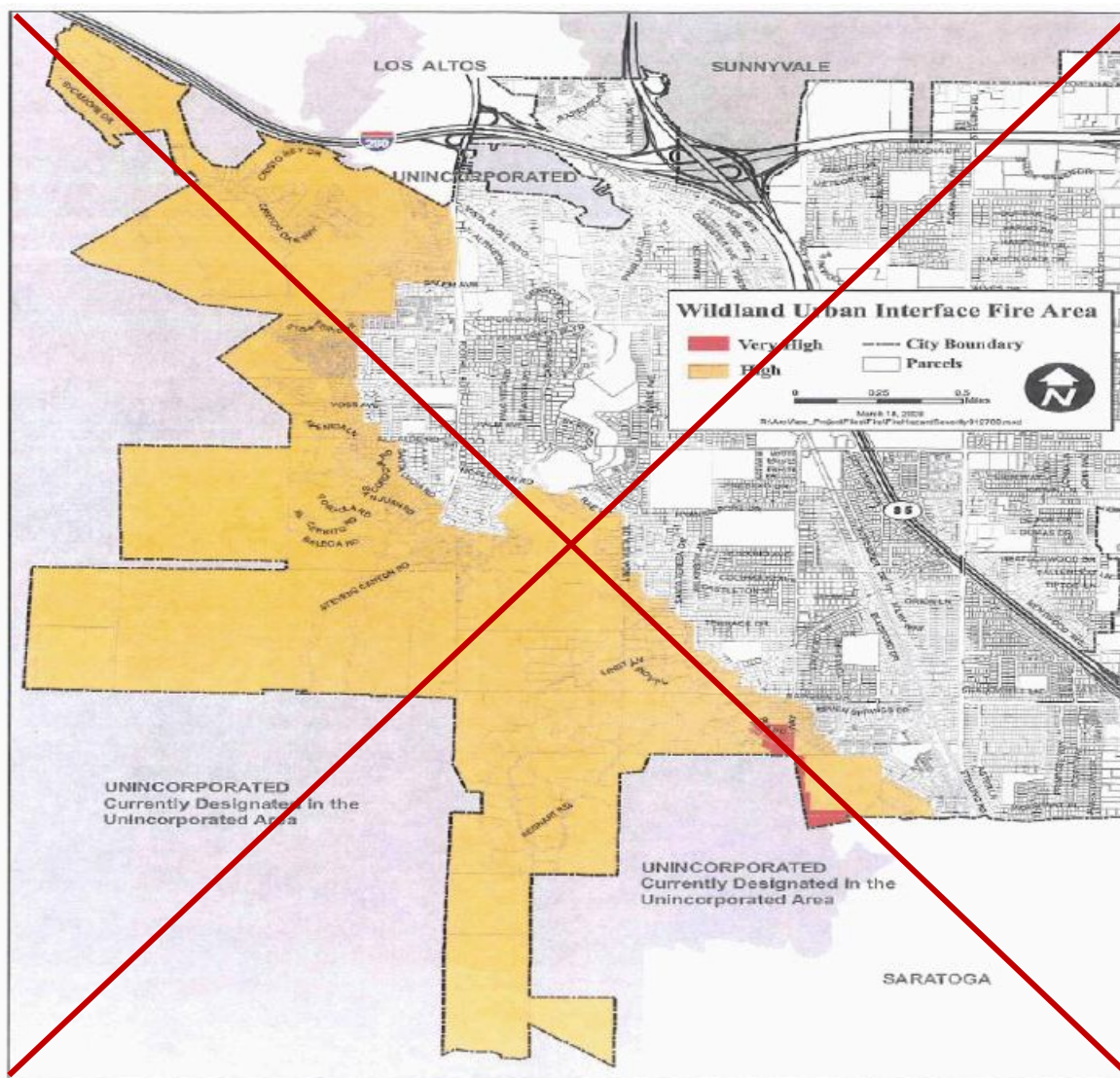
<b>SIGNED:</b>  _____ Liang Chao, Mayor City of Cupertino	  _____ Date
<b>ATTEST:</b>  _____ Kirsten Squarcia, City Clerk	  _____ Date

APPROVED AS TO FORM:	
<hr/> Floy Andrews, City Attorney	<hr/> Date

## CHAPTER 16.74: WILDLAND-URBAN INTERFACE FIRE AREA

### ~~16.74.010 Wildland Urban Interface Fire Area Adopted.~~

~~The City Council of the City of Cupertino hereby adopts the Wildland Urban Interface Fire Area as provided in the map below.~~



### 16.74.010 Purpose.

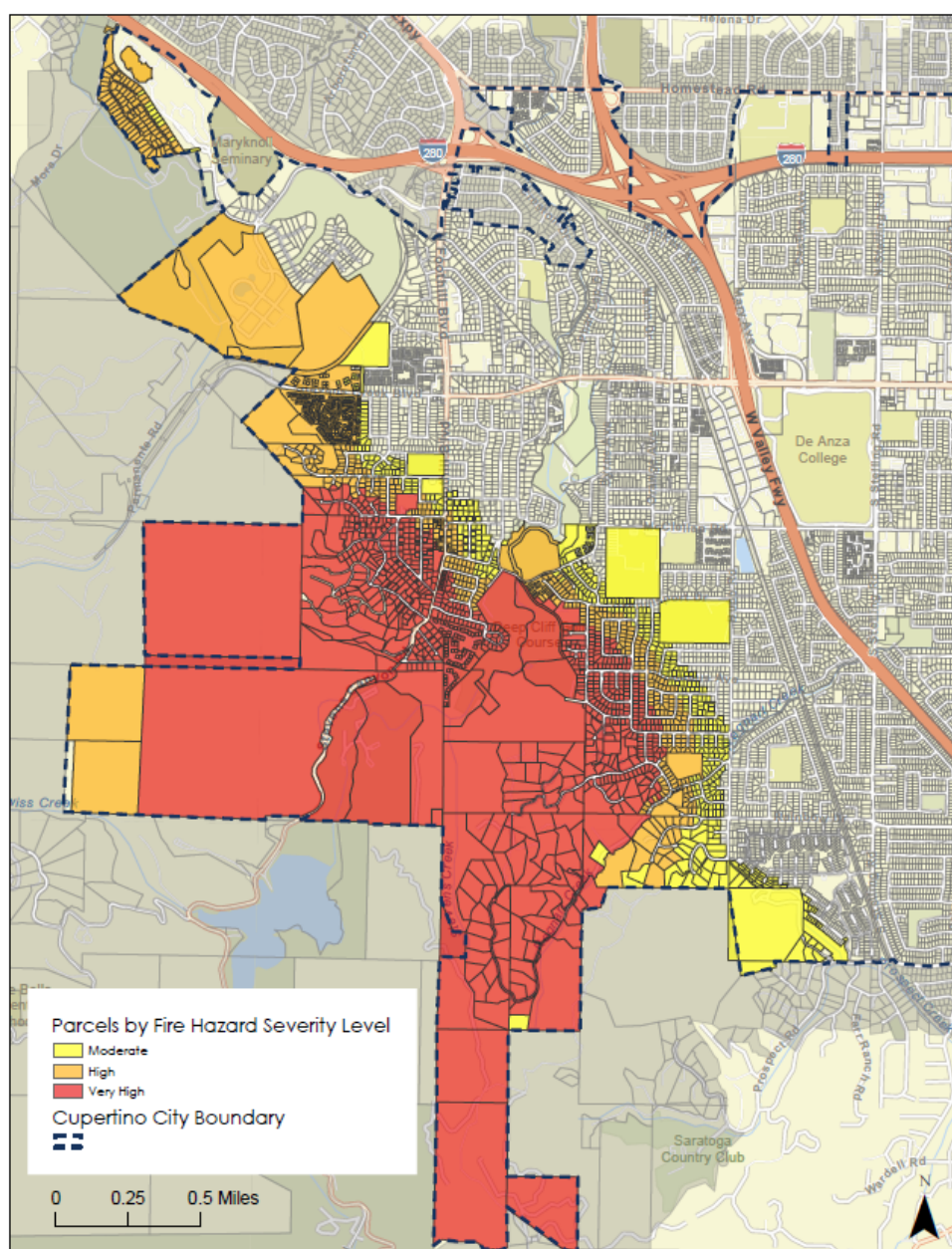
The purpose of this Chapter is to comply with state law to adopt the Fire Hazard Severity Zone designations issued by the California Department of Forestry and Fire Protection (CAL FIRE) in February 2025.

**16.74.020 Definitions.**

Wildland-Urban Interface (WUI) or Wildland-Urban Interface Fire Area (WUIFA) mean a geographical area identified by the state as a Fire Hazard Severity Zone in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

**16.74.030 Wildland Urban Interface Fire Area Map.**

The Wildland Urban Interface Fire Area Map indicating the Fire Hazard Severity Zones by parcel is adopted as shown below:



**CHAPTER 16.40 FIRE CODE**

**16.40.200 Chapter 49 - Requirements for Wildland-Urban Interface Fire Areas.**

Add Section 4901.3 to read:

4901.3 Where applicable. These requirements shall apply to the Wildland Urban Interface Fire Area in Chapter 16.74 of the Cupertino Municipal Code.~~all areas within the City of Cupertino as set forth and delineated on the map entitled "Wildland Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this Chapter. The map properly attested, shall be on file in the Office of the City Clerk of the City of Cupertino.~~

Add Section 4901.4 to read:

4901.4 Exemptions. These requirements shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:

1. Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.
2. Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
3. Open space lands that are environmentally sensitive parklands.
4. Other lands having scenic values, as declared by the local agency, or by state or federal law.

Add Section 4906.1.1 to read:

4906.1.1 Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings, to reduce the risk of fire spreading to buildings, and provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, as required by applicable laws and standards.

Add Section 4906.1.2 to read:

4906.1.2 Maintenance required. Maintenance is required to ensure conformance with these standards and measures, and to assure continued availability, access, and utilization, of the defensible space during a wildfire.

Add Section 4906.1.3 to read:

4906.1.3 Additional measures. No person subject to these regulations shall permit any fire hazard, as defined in this chapter, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.



Add Section 4906.1.4 to read:

4906.1.4 Exemption. For the purposes of this chapter, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property.

Amend Section 4907.3 to read:

4907.3 Requirements. Hazardous vegetation and fuels around all buildings, roads, driveways, and structures shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Sections 4291 through 4296.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.
3. California Government Code, Sections 51175 - 51189.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. Any local ordinance of the City of Cupertino.