

PC 7-8-2025

Item No.2
Health and
Safety Study
Session

Presentations

CITY OF CUPERTINO HEALTH AND SAFETY ELEMENT UPDATE

PLANNING COMMISSION MEETING

July 8, 2025



A stylized illustration of a cityscape. The background features a light gray grid pattern representing a street map. In the foreground, there are silhouettes of various urban elements: a bus on the left, a person walking, a person pushing a stroller, a person riding a bicycle, a car, and several trees. The entire scene is set against a solid teal background.

Agenda

1. Introductions
2. Health and Safety Element Overview
3. Health and Safety Element Policy Concepts

Introductions



- **City of Cupertino**

- Luke Connolly, Assistant Director of Community Development
- Piu Ghosh, Planning Manager

- **PlaceWorks**

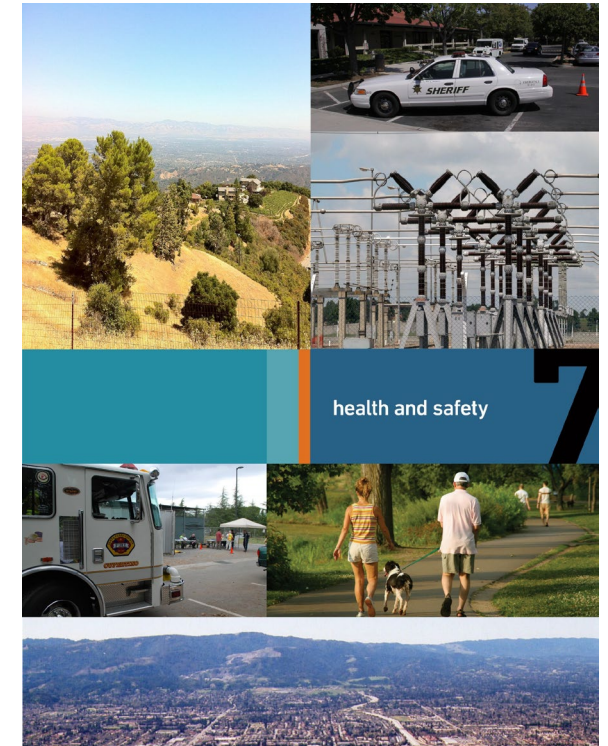
- Jacqueline Protsman Rohr, Project Manager
- Tammy L. Seale, Principal
- Miles Barker, Associate



HEALTH AND SAFETY ELEMENT OVERVIEW

What is a Safety Element

- Mandatory part of a General Plan.
- Identifies hazards of concern and related risks to the community.
- Sets policies to help increase resilience to natural disasters and other hazards.
- Current element adopted in 2014.

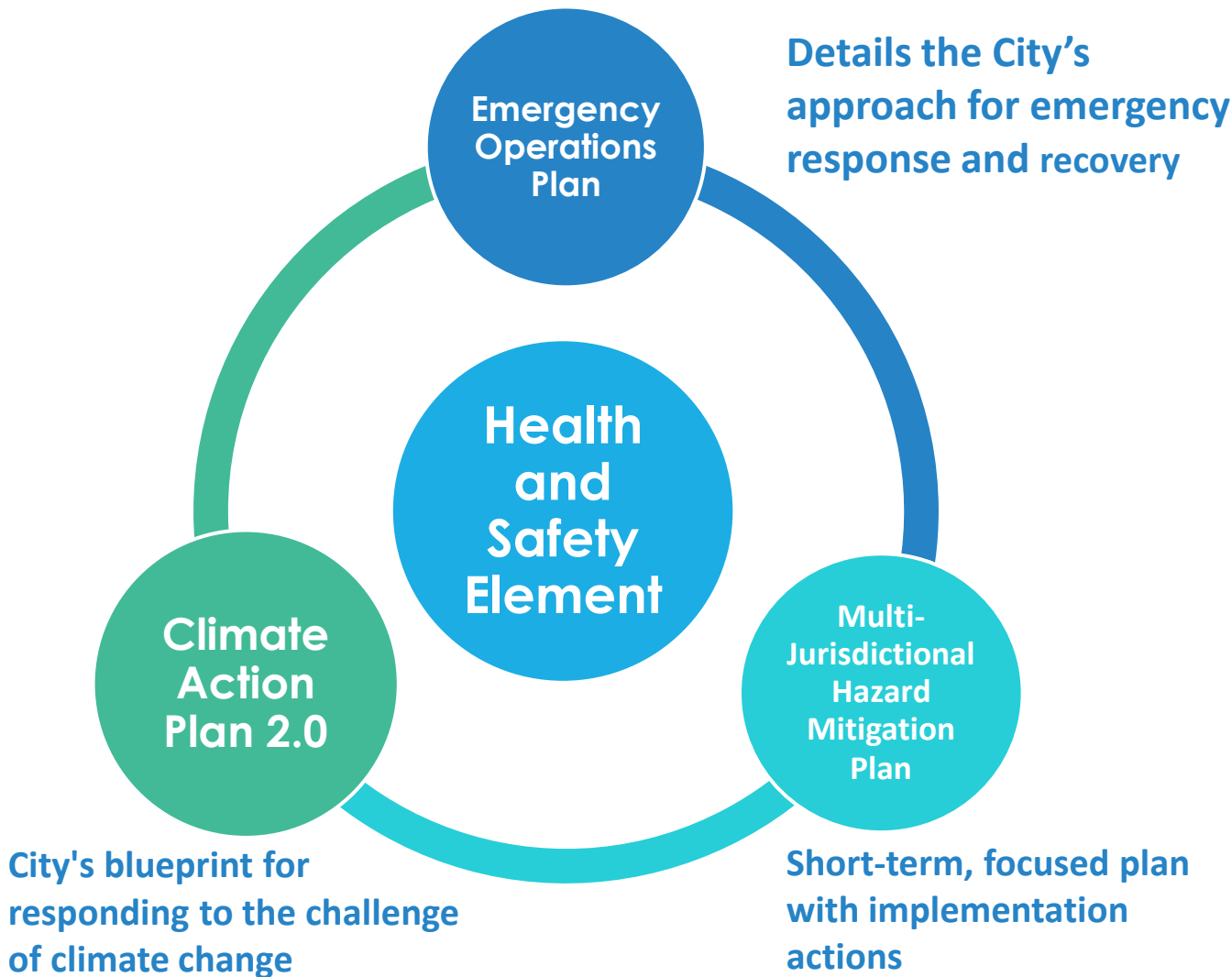




Health and Safety Element Update



- Required after Housing Element update to ensure compliance with current State law.
- Address new issues.
- Incorporate Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan Update 2023.
- Enhance eligibility for grant funding.



Items Addressed in Existing Health and Safety Element



- Up to date mapping of flood hazard and dam failure zones.
- Agencies/Districts responsible for flood protection.
- Policies related to minimizing development in flood zones and establishing working relationships with flood control agencies.
- Agencies responsible for fire protection services.
- Limited policies for protection of community from risk of wildfire.



State Law Requirements



SB 1241

- Update wildfire sections.
- Identify responsible agencies.
- Minimize risks for new buildings and essential facilities.

SB 379

- Prepare climate change vulnerability assessment.
- Develop goals, policies, and actions to increase adaptation and resilience.

SB 2140

- Incorporate hazard mitigation plan into Health and Safety Element.

SB 99

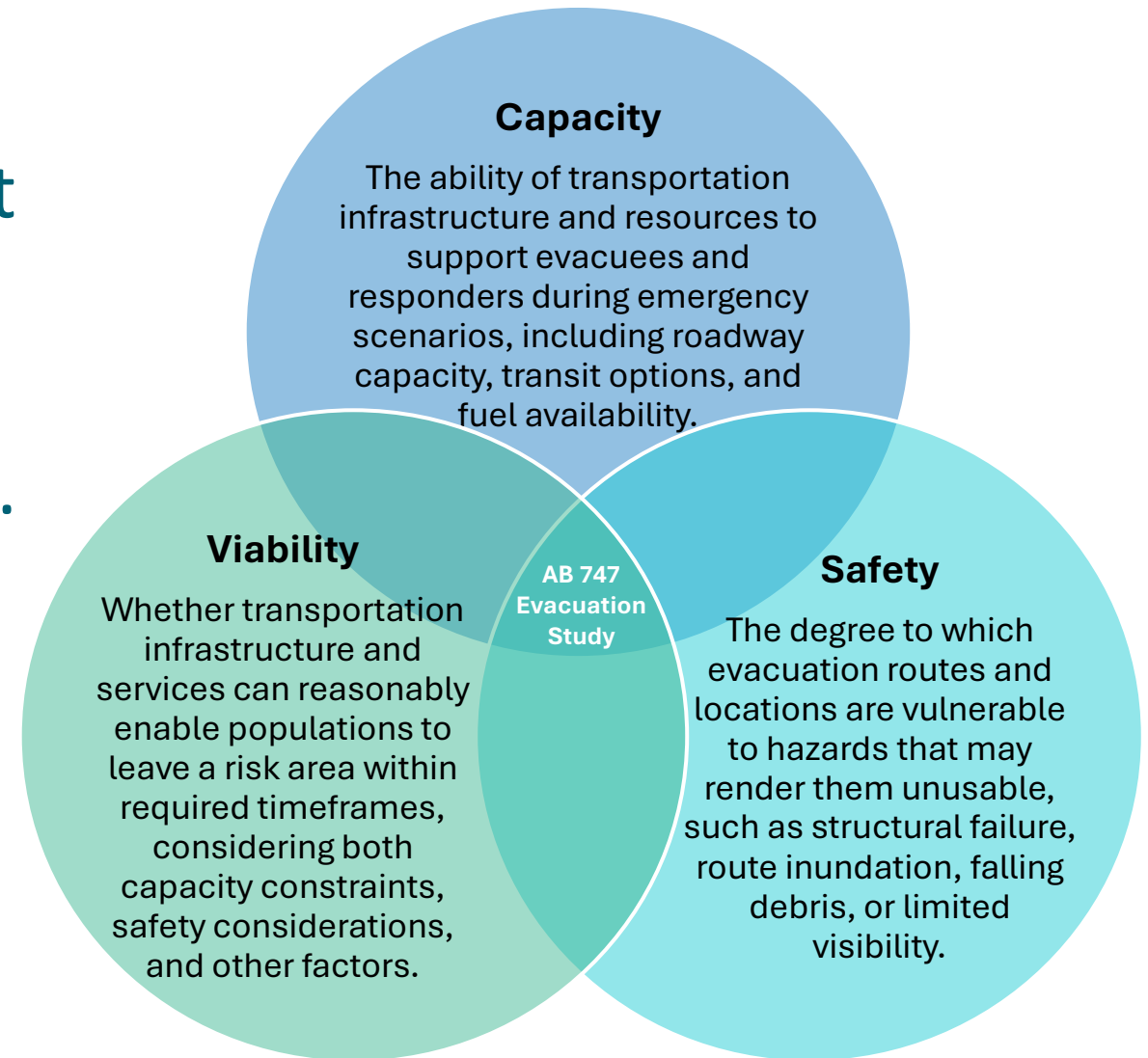
- Identify evacuation-constrained residential areas.

AB 747/1409*

- Identify evacuation route capacity, safety, viability and evacuation locations.

AB 747 Evacuation Study

- Mapping evacuation routes in the Health and Safety Element and assessing their **capacity**, **safety**, and **viability** under a range of emergency scenarios.
- City of Cupertino is preparing their own evacuation study, led by Fehr & Peers.

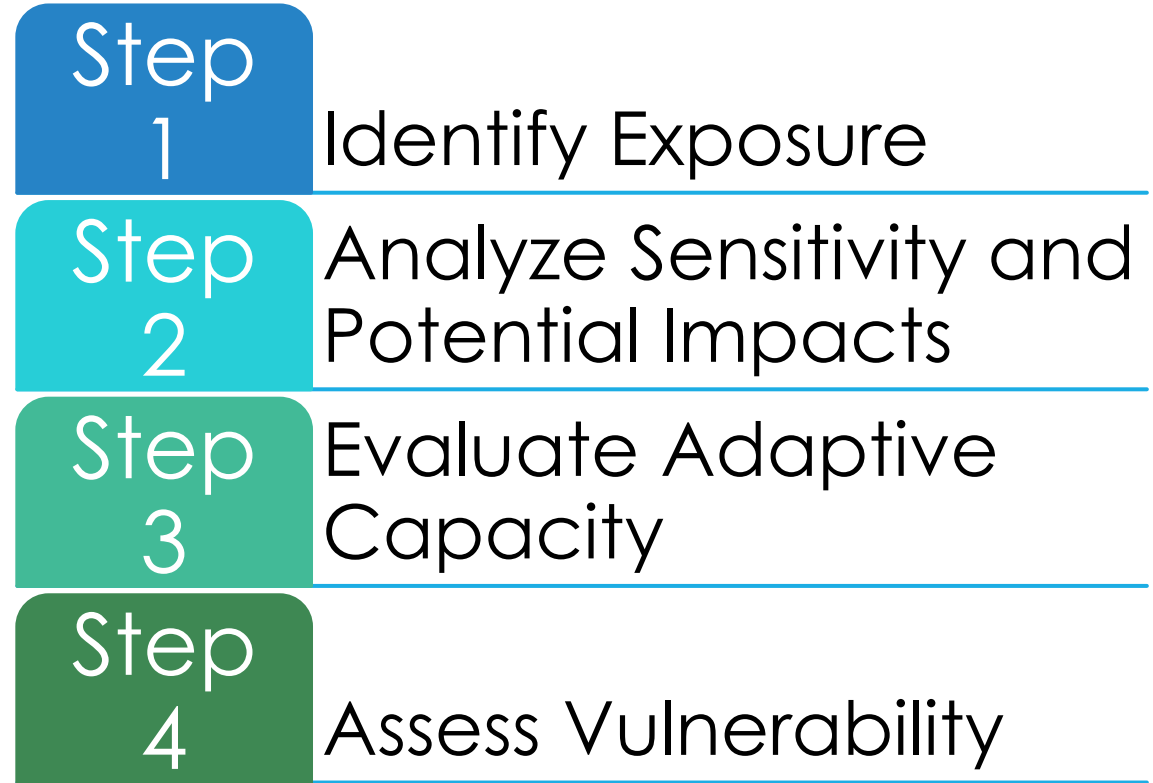




Vulnerability Assessment Process



- Prepared pursuant to SB 379 and based on guidance from the *California Adaptation Planning Guide*.
- Based on previous City studies including:
 - 2021 Cupertino Climate Change Risk and Vulnerability Assessment Peer Review Memorandum.
 - 2021 Preliminary Vulnerability Assessment Overview.
 - 2021 Cupertino Climate Change Adaptation Strategies Gap Analysis Memorandum.
 - 2022 City of Cupertino Vulnerability Assessment and Adaptation Strategy.





Hazards in the Vulnerability Assessment



- Air Quality and Smoke
- Drought
- Extreme Heat
- Flooding
- Human Health Hazards
- Sea Level Rise
- Landslides
- Severe Weather
- Wildfire





Key Findings from Vulnerability Assessment



- **Primary Climate Hazards:** Flooding, extreme heat, and wildfire present the greatest risks to Cupertino's populations and assets.
- **Primary Health Impacts:** Residents are especially vulnerable to extreme heat, human health hazards, and flooding—all of which directly affect health outcomes.
- **At-Risk Populations:** Individuals with chronic illness and/or disabilities, seniors living alone, households in poverty, and persons experiencing homelessness.
- **Critical Infrastructure at Risk:** Energy delivery, communications, transportation, and water and wastewater systems are highly vulnerable to climate-related disruptions.



HEALTH AND SAFETY ELEMENT POLICY CONCEPTS



Policy Concepts by Topic



- Emergency Preparedness and Response
- Fire Hazards
- Hazardous Waste and Materials
- Seismic and Geologic Hazards
- Flood and Inundation Hazards
- Climate Change Resilience

Policy concepts with an asterisks (*) 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.

Emergency Preparedness and Response



■ 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.

Emergency Preparedness and Response



■ New Policy Concepts Cont.

- 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 materials 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.

Fire Hazards



■ 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.

■ 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*

■ 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.

■ New Policy Concepts

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

Climate Change Resilience



- **No existing or updated policy concepts.**
- **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.



QUESTIONS?

PC 7-8-2025

Item No.3
Municipal
Code
Amendment

Presentations

**PROPOSED AMENDMENTS TO MUNICIPAL CODE CHAPTERS 19.08
(DEFINITIONS), AND 19.112 (ACCESSORY DWELLING UNITS) AND
ASSOCIATED ENVIRONMENTAL REVIEW
MCA-2025-001**

Planning Commission
July 8, 2025



**CITY OF
CUPERTINO**

Background

- City ADU Ordinance (No. 23-2254) adopted February 23, 2024, submitted to CA Dept. of Housing and Community Development (HCD) on February 29, 2024 for review
- HCD sent letter to City dated April 24, 2025 summarizing findings, and identifying some areas where City's code needs to be updated, mostly to reflect changes to ADU that went into effect Jan 1, 2025.
- City response to HCD on May 19, 2025 stated its intent to:
 - Comply with all provisions of State Law and
 - Amend Municipal Code by September 30, 2025.

SB 1211 and AB 2533

SB 1211: Amended Table 19.112.030B

- *Existing multi-family dwelling: Allow up to eight (8) detached units but no more than the number of existing units on lot.*
- *Proposed multifamily dwelling: Not more than two detached ADUs.*

AB 2533: Added language in Section 19.112.050

Sets additional restrictions for City's review of ADU and JADU applications including unpermitted ADUs and JADUs, particularly those constructed prior to January 1, 2020.

- *Can not require correction of non-conforming zoning violations in conjunction with approval of permit.*
- *Can not require correction of building standard violations or unpermitted structures which are not threat to public health and safety*

Occupancy & Govt Code Section References

Occupancy

- Updated Section 19.112.020 to reflect Govt. Code Section 66328. ADUs may not receive final occupancy before primary unit receives occupancy.

Government Code Sections

- Updated Govt. Code Section references in Chapters 19.08 and 19.112. *Govt. Code Sections related to ADUs updated by state on March 25, 2024.*

Multi-Family ADUs

Multi-family Code Section

- Updated Table 19.112.030A by removing references to “Duplexes”. *Duplexes are multi-family developments per state law. ADUs proposed on properties with existing and proposed duplexes will be subject to multi-family ADU standards.*
- Updated Table 19.112.030A by removing size limitation (1,200 sf) for detached ADUs in multi-family developments. *Govt. Code does not identify limit on ADU size when proposed on multi-family property.*

Non-Streamlined ADUs

Parking

- Updated language in Table 19.112.040(F)(1) to add language from Govt. Code Section 66322. *When application for an ADU submitted in conjunction with new single-family home, City may not require parking for ADU if site or ADU satisfy other criteria listed in Table 19.112.040(F)(1) for which no parking is required.*

Structure Design

- Updated language in Table 19.112.040 regulating ADUs larger than 800 s.f. *Existing language not objective per HCD. Changed language to require ADU to match architectural style and materials of primary unit and those that are in certain architecturally sensitive areas of town to match architectural style identified in policy documents for those areas (e.g. Planned Development zoning districts, Eichlers etc.)*

Errata

Remove reference to “Duplex Lot” from below in Table 19.112.030A

2 .	Number of Units	Maximum three ADUs per single-family residential lot, and maximum two ADUs per duplex lot, in any combination of the following: <ul style="list-style-type: none">• Attached ADU,• Conversion of existing space ADU (whether in principal dwelling unit or existing accessory structure),• Detached ADU, or• Junior ADU
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Errata

Amend language related to ensuring large ADUs match the style of the principal unit and add reference to Single Family Residential District with Semi-Rural Characteristics Zone (R1-a) to Table 19.112.040

I.	Structure Design	<p><u>a. Should be compatible with the architectural style andShall match the exterior and roofing materials, window style, exterior lighting and exterior colors of the principal structure.</u></p> <p><u>b. Shall meet the design standards when located within any one of the following zoning districts:</u></p> <ul style="list-style-type: none">• <u>Planned Development (P)</u>• <u>Eichler (R1-e)</u>• <u>Monta Vista Design Guidelines</u>• <u>Residential Hillside (RHS)</u>• <u>Single Family Residential District with Semi-Rural Characteristics (R1-a)</u>
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Errata

Add language in current ADU ordinance back to draft resolution related to Height in Tables 19.112.030A and 19.112.030B :

- Grant additional two feet of height (from 18 to 20 feet) for ADUs within one half mile of a major transit stop or a high-quality transit corridor to match the pitch of the existing primary dwelling unit.



Recommended Action

That the Planning Commission adopt the draft resolution recommending that the City Council adopt an ordinance to:

1. Find that the proposed actions are exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines; and
2. Amend the following:
 - a. Chapter 19.08, Definitions, and
 - b. Chapter 19.112, Accessory Dwelling Units.



Next Steps

The recommendations made by the Planning Commission will be forwarded to the City Council for consideration at the September 3, 2025, meeting.

