



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Date: July 7, 2026

Subject

Study Session to Update the Health and Safety Element of the Cupertino General Plan: 2015 – 2040 Community Vision

Recommended Action

Receive the presentation and provide input on the Public Draft of the Health and Safety Element of the Cupertino General Plan: 2015 – 2040 Community Vision.

Background

The Health and Safety Element is a State-mandated element of the General Plan that addresses the threats posed by natural and human-caused hazards to Cupertino and establishes goals and policies to reduce risks to the community. The current Health and Safety Element was adopted in 2014. Since that time, State law has expanded requirements related to wildfire, flooding, climate change adaptation, and evacuation planning. California Government Code Section 65302(g) requires all local jurisdictions to review and, as necessary, update their Safety Element upon each revision of the Housing Element or Local Hazard Mitigation Plan (LHMP), or at least once every eight years. The City's 2024 Housing Element update and LHMP adoption triggered this update.

In 2025, City and PlaceWorks staff presented the broad policy areas addressed in the Health and Safety Element Update at Planning Commission and Public Safety Commission study sessions. Commissioners and members of the public provided comments on several policy areas, many of which were incorporated into the public draft, which was released for public review in Spring 2025. The Public Draft Health and Safety Element ensures compliance with current State law, integrates climate vulnerability findings, incorporates detailed evacuation capacity analysis and mapping, reflects updated wildfire hazard designations, and strengthens policies addressing both new and existing developments across all major hazard categories.

After nearly two months of public review, the Public Draft was presented to the City Council at a Study Session on May 19, 2026¹. During the Study Session, Council moved to provide individual comments to staff and directed staff to consolidate comments received and provide its recommendations to the comments in a matrix form.

¹ The staff report and meeting materials for the May 19, 2026 Council study session are available online here: <https://cupertino.legistar.com/LegislationDetail.aspx?ID=8027889&GUID=ADBDFC27-7C0D-4E49-8A24-538FC135D655&Options=&Search=> or navigate to the Council meeting by visiting [Cupertino.gov/agenda](https://cupertino.gov/agenda).

Reasons for Recommendation and Available Options

Staff and the City's Consultant have consolidated all comments and provided recommendations in Attachment A. Staff's proposed amendments to the Draft Health and Safety Element have been indicated in Attachment B in yellow highlighted text.

Many of the comments request changes to the City's policies regarding the applicability of wildfire protection policies and actions to existing development, new development, and retrofits within the City's adopted Fire Hazard Severity Zones, including some verbal comments to include exemptions or carveouts for small remodels and additions to existing homes. Prior to making their recommendations, as a first step in the analysis, staff evaluated the proposed comments for consistency with State codes and regulations.

The State has extensive requirements for buildings constructed near wildland areas, including minimum standards intended to limit fire spread and ensure adequate access, defensible space, water supply, vegetation management, ignition-resistant materials and construction, and related protections. Historically, these requirements have been located in several different sections of State law. With the 2025 State Building Standards Code (BSC) update, the State created a new Wildland-Urban Interface (WUI) Code section, which consolidates existing State requirements into a single location. The 2025 BSC took effect on January 1, 2026. The City adopted the Wildland-Urban Interface Code, along with all other parts of the BSC, with minor amendments, on November 18, 2025 to ensure that the local code went into effect concurrently with the state code. Like other sections of the BSC, including the building, residential, and fire codes, the WUI Code applies to projects that require a building permit or equivalent ministerial action from the City. While the WUI Code standards apply to structures in the relevant Fire Hazard Severity Zones (FHSZ), only select standards apply to additions and remodels. Some WUI Code standards apply only within Very High FHSZs, while others apply within High FHSZs or across all three FHSZ designations: Very High, High, and Moderate.

Although the Health and Safety Element may include policies or actions directing the City to amend the Wildland-Urban Interface Code or other parts of the Municipal Code, the City may not adopt standards that are less stringent than the WUI Code because the WUI Code establishes the minimum standards that must be implemented by local jurisdictions. Accordingly, while the City may enact standards that are more stringent than State requirements or otherwise go beyond what the State requires, it may not reduce requirements below the State minimum. In the most recent proposed revisions to the Health and Safety Element, included in the agenda packet as Attachment B, City and PlaceWorks staff confirmed that the proposed policies which may result in amendments to the BSC do not conflict with State standards.

Finally, during the process of discussing the various proposed policies by the public, Planning Commissioners and City Councilmembers, additional revisions were identified by staff, which are included in the matrix (see Attachment A). Revisions suggested include a policy related to food security for vulnerable populations in the event of an emergency, and the inclusion of existing strategies adopted with the Climate Action Plan (CAP) 2.0 related to water conservation and related policies in the Environment and Sustainability Element to align the Health and Safety Element and ensure internal consistency within the General Plan.

Next Steps

Pursuant to Government Code Section 65302(g), because Cupertino has lands that are designated as Very High FHSZ, the draft Safety Element must be submitted to the Board of Forestry and Fire Protection for review. Following a review of the Safety Element by CAL FIRE staff, the draft Element is presented to the Board of Forestry for their review and comments. CAL FIRE staff evaluates whether the wildfire policies incorporated in the Safety Element are consistent with State law, including fire hazard mapping, defensible space requirements, ignition-resistant construction standards, evacuation planning requirements, and other wildfire risk reduction provisions. The Board reviews to ensure that the Safety Element is consistent with CAL FIRE's standard practices and recommendations.

In addition, as required by State law, staff will concurrently consult with the California Geological Survey (CGS) and the California Governor's Office of Emergency Services (Cal OES). CGS provides technical comments regarding seismic and geologic hazard policies, including provisions addressing earthquake fault zones, liquefaction, landslides, and other geologic risks to ensure that the Element considers available mapping and current scientific information on these topics. Cal OES primarily provides comments regarding hazard mitigation coordination to support alignment between the Safety Element, the local hazard mitigation plan, and broader emergency management and hazard mitigation planning efforts.

After review by these state agencies, the Draft Health and Safety Element will be presented to the Planning Commission and City Council for adoption.

Sustainability Impact

Implementation of the policies in the Health and Safety Element will foster sustainable and resilient development in all areas of the City, including those located in a High and Very High Fire Severity Hazard Zone.

Fiscal Impact

No fiscal impact.

City Work Program (CWP) Item/Description

N/A

Council Goal:

Quality of Life

California Environmental Quality Act

This Study Session does not constitute a project under the California Environmental Quality Act.

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Attachments:

A – Comment Matrix and Recommendations

B – Public Draft Health and Safety Element with Amendments