



## COMMUNITY DEVELOPMENT DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting: June 3, 2025

#### Subject

Amend Chapter 16.74 of the Municipal Code to adopt CAL FIRE's recommendations for Fire Severity Hazard Zones in the Local Responsibility Area and Chapter 16.40 of the Municipal Code to update a reference to the updated map

#### Recommended Action

Introduce and conduct the first reading of Ordinance No. 25-\_\_\_\_ (Attachment A): "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".

#### Executive Summary

Recent changes to state law require local jurisdictions to adopt all three Fire Hazard Severity Zone (FHSZ) classification categories—Very High, High, and Moderate—based on CAL FIRE's 2025 hazard maps. The proposed ordinance reflects these updates, applies the highest FHSZ designation to parcels with multiple FHSZ classifications, and updates code references accordingly. These designations affect building construction and fire code standards applicable to these properties. While the City has received questions from residents—primarily regarding insurance implications—no formal objections or suggestions for expanded designations have been submitted. Adoption of this map does not affect availability of insurance or rates, since insurance companies use fire risk maps prepared by them, which are different from the fire hazard map recommended by CAL FIRE. The Public Safety Commission reviewed the matter in May and raised additional concerns, including fire prevention funding, community engagement, and the long-term implications of hazard designations. The ordinance is exempt from CEQA and supports the City's environmental sustainability goals.

#### Background

Pursuant to California Government Code Sections 51177-51179, in February and March 2025, California Department of Forestry and Fire Protection (CAL FIRE) issued maps to indicate the State Marshall's recommendations for the three Fire Hazard Severity Zones

(FHSZ) classifications for all Local Responsibility Area (LRA)<sup>1</sup> throughout the state.<sup>2</sup> The City has received formal notification from CAL FIRE (Attachment B) and, pursuant to Government Code Section 51175, at a minimum, must adopt a map adopting the recommendations produced by the State (Attachment C) no later than June 24, 2025.

FHSZ consist of Very High, High, and Moderate designations, classified by the zone's risk of fire hazard severity. This classification by CAL FIRE is based on consistent statewide criteria and the severity of fire hazard that is expected to prevail in those areas. FHSZ classifications are based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by CAL FIRE as a major cause of wildfire spread. The FHSZ classifications were determined by CAL FIRE using updated data and modeling.<sup>3</sup>

The Office of the State Fire Marshal has been required to identify FHSZ in the State Responsibility Area (SRA)<sup>4</sup> since 1981. However, it wasn't until the "Bates Bill" (AB 337, 1992), prompted by the 1991 Oakland Hills Fire, that CAL FIRE was required to evaluate FHSZ in the LRAs and to make a recommendation to local jurisdictions where Very High FHSZ exist.

The evaluation process is directed by State law and the last LRA maps were made available in 2008/2009. The 2009 LRA maps identified approximately 10 properties (primarily at the terminus of Upland Way) as Very High FHSZ (identified in red in the current Chapter 16.74 – see Attachment D) with several properties identified as High FHSZ (identified in an orange-yellow color in the current Chapter 16.74 – see Attachment D). While the City was only required to adopt CAL FIRE's Very High FHSZ recommendations, the City Council at the time, upon advice from the Santa Clara County Fire District, also adopted CAL FIRE's High FHSZ recommended areas as part of the City's Wildland-Urban Interface Fire Area with Ordinance No. 09-2042.<sup>5</sup> In 2021, State law (Government Code Section 51179) changed to require local agencies to adopt all three FHSZ classifications, Very High, High and Moderate, in the LRA.<sup>6</sup>

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<sup>1</sup> Local Responsibility Area (LRA) include areas, such as incorporated cities, urban regions, agricultural lands, and portions of the deserts, where local governments are responsible for wildfire protection. Within LRAs, fire protection services are typically provided by city fire departments, fire protection districts, county agencies, and by CAL FIRE under contract.

<sup>2</sup> These maps are available on [CALFIRE's website](#).

<sup>3</sup> CALFIRE has provided information on [their Fire Hazard Severity Zones website](#) on how they conducted their analysis and developed their recommendations.

<sup>4</sup> CAL FIRE is responsible for providing fire protection services for approximately 31 million acres within the State of California, called the State Responsibility Area (SRA), where the State has the financial responsibility for wildfire protection, prevention and suppression.

<sup>5</sup> Cupertino [Ordinance 09-2042](#)

<sup>6</sup> Senate Bill 63 (Stern, 2021) Government Code 51178 was amended to add the Moderate and High Fire Hazard Severity Zones with the Very High in local jurisdictions.

Properties in those areas designated as Very High or High FHSZ are required to meet the following requirements:

1. In Very High FHSZ:
  - a. Vegetation management standards, related to defensible space clearance, in Government Code Section 51182, and
  - b. Ignition-resistant building for all new buildings, or major remodels classified as new construction by the Building Official, per Chapter 7A of the CA Building Code for commercial development and Section R337 of the CA Residential Code for residential development.
2. In High FHSZ: Wildfire resistant construction standards for all new buildings, or major remodels classified as new construction by the Building Official, per Chapter 7A of the CA Building Code for commercial development and Section R337 of the CA Residential Code for residential development.
3. In both Very High and High FHSZ: Conduct a natural hazard real estate disclosure at time of sale per CA CIV 1102.19 (AB 38, 2019).

#### Reasons for Recommendation and Available Options

As previously stated, the City must at a minimum adopt the State's recommended areas for all three FHSZ classifications in the LRA. Notwithstanding the minimum FHSZ that the City is required to adopt by State law, under the authority included in Government Code 51175, the City may re-designate areas already designated to a higher FHSZ or designate areas not included in the recommended CAL FIRE maps as Moderate, High, or Very High FHSZ. The City may not, however, reduce the recommended designations, or boundaries, included on the CAL FIRE maps. No changes have been proposed to CAL FIRE's recommendations.

Chapter 16.74 has been updated to reflect CAL FIRE's recommendations. It should be noted that since some parcels have multiple FHSZ designations, CAL FIRE has provided guidance that in adopting the map, City's should apply the highest designation recommended for that property to the entire property for clarity. Meaning, if a property has Very High FHSZ and Moderate FHSZ designations per CAL FIRE's map, the entire parcel would have a Very High FHSZ on the adopted map. In addition, minor edits have been made to Chapter 16.40.200 to update a reference to the updated map/section. These changes have been reflected in the proposed draft Ordinance (see Attachment A).

#### *Public Safety Commission Review*

At a special meeting on May 8, 2025, the Public Safety Commission reviewed CAL FIRE recommendations. Comments from the commissioners included:

- Low response/engagement rate from the community
- Impacts of federal cuts to fire prevention
- Need for cameras/sensors for early fire detection
- Home insurance and whether the City can work with insurance companies to make sure residents do not lose their coverage
- Impact of designations to home prices
- Ways for the City to reduce hazard designations for future maps

### Community Input

In accordance with State law, the public must be allowed 90 days to review the maps and provide their input. The City has made these maps and an input form available on the City's website since March 11, 2025. In addition, the City sent letters to all the property owners within the designated and potential FHSZ to inform them of their property's inclusion in the FHSZ areas.

While there have been several questions from the community about CAL FIRE's process, no input has been received about increasing the FHSZ or redesignating areas. Community comments and questions are included in Attachment E.

One question asked frequently is related to how the new FHSZ map affects the ability for property owners to obtain or retain home insurance. CAL FIRE provides the following information in their Frequently Asked Questions Memo (see Attachment F) as it pertains to the question about homeowners' insurance: *"Insurance companies use risk models, which differ from hazard models, because they consider the susceptibility of a structure to damage from fire and other short-term factors that are not included in hazard modeling. It is unlikely that insurance risk models specifically call out CAL FIRE Fire Hazard Severity Zones as a factor, but much of the same data that is used in the fire hazard severity zone model are likely included in the insurance companies' risk models. However, insurance risk models incorporate many additional factors and factors that change more frequently than those that CAL FIRE includes in its hazard mapping, which is built to remain steady for the next 10+ years."*

### Sustainability Impact

Adoption of the map and implementation of the requirements of the Building Code would improve the City's resistance to the impacts of wildfires and improve long-term sustainability. Wildfires that transition to a structure-to-structure conflagration have acute and far-reaching consequences, not only for the environment and climate, but also for the stability and well-being of impacted communities. These fires release large amounts of pollutants into the air, including soot and carbon dioxide, which contribute to climate change and degrade air quality. Additionally, toxic byproducts from burning structures, vehicles, and other synthetic material can pose significant health risks to residents and responders.

A commitment to strong fire safety regulations ultimately benefits the entire community—protecting public health, safeguarding financial resources, and ensuring a resilient and sustainable future.

### Fiscal Impact

No fiscal impact.

### City Work Program (CWP) Item/Description

None

### Council Goal

Environmental Sustainability.

California Environmental Quality Act

These actions are taken to protect the environment and are, therefore, exempt from CEQA under CEQA Guidelines Section 15308.

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Attachments:

- A – Draft Ordinance
- B – Letter from CAL FIRE
- C – CAL FIRE recommended LRA map for Cupertino
- D – Existing Chapter 16.74
- E – Summary of Public Comments
- F – CAL FIRE Frequently Asked Questions Memo