

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CUPERTINO
MAKING FINDINGS RELATING TO LOCAL CLIMATIC,
GEOGRAPHICAL, OR TOPOGRAPHICAL CONDITIONS
SUPPORTING AMENDMENTS AND CHANGES TO THE 2022
CALIFORNIA BUILDING STANDARDS CODE.**

WHEREAS, the City Council of the City of Cupertino, intends to pass an ordinance adopting the California Building Standards Code which consists of the 2022 editions of the California Building Code, Residential Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, Historical Building Code, Existing Building Code, Referenced Standards Code and Green Building Standards Code and making modifications and changes thereto; and

WHEREAS, as more specifically set forth in the memorandum of Albert Salvador, the City's Building Official, a departure from the Building Standards Code is reasonably necessary due to local climatic, geological, or topographical conditions;

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NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council does hereby find the following facts to be true:
 - A. The Bay Area region is a densely populated area with buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including, but not limited to the recent 1989 Loma Prieta Earthquake;
 - B. Cupertino is situated adjacent to active earthquake faults capable of producing substantial seismic events. The San Andreas and Sargent-Berocal faults run through the lower foothills and the Monta Vista Fault is closer to the valley floor area. The Hayward fault is North East of the City which would also presents a risk to Cupertino in the event of an earthquake;
 - C. Vehicular traffic through Cupertino is significant, and continues to increase as Cupertino is an employment center as well as the location of residential projects;

- D. Cupertino is divided by major freeways and expressways, the occurrence of a major earthquake could impact the ability of fire crews to respond to emergencies should one or more of the freeways or expressways collapse, be substantially damaged, or become gridlocked;
 - E. Fire suppression capabilities would be severely limited should the water system be damaged during an earthquake;
 - F. Cupertino experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structural fires;
 - G. Cupertino's topography contains remote, steep hillsides which further limits the ability of emergency responders to extinguish or control wildland or structural fires;
 - H. The local geographic, topographic and climatic conditions require amendments to the California Codes to establish more restrictive conditions to improve structural integrity of the buildings in the event of a seismic incident and provide other protections to protect against the increased risk of fire.
2. The City Council hereby finds the following facts from prior exceptions to the Code to continue to be true:
- A. The waste water treatment facilities serving Silicon Valley cities are operating at or near maximum capacity. The discharge of treated waste water into San Francisco Bay is detrimental to its sensitive ecosystem; and
 - B. Cooling coil and comfort cooling equipment condensate waste discharge does not contain pollutants which require treatment before being discharged into sanitary sewers or the ground.
3. Based on the above facts, the City Council makes the following finding: that Cupertino's local geographic, topographic and climatic conditions require amendments to the California Codes to establish more restrictive conditions to improve structural integrity of the buildings in the event of a seismic incident, provide other protections to protect against the increased risk of fire, and protect the San Francisco Bay as more specifically set forth in the memorandum from Albert Salvador, the City's Building Official and as summarized in the chart attached hereto as Exhibit A.
4. Based on the above finding, the City Council determines that it is necessary to make local amendments to the California Codes based upon the local conditions.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. In addition, the adoption of this Resolution is regulatory action authorized by state law to assure the maintenance, restoration, enhancement, or protection of the environment and is therefore exempt from CEQA under CEQA Guidelines section 15308. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 18th day of October, 2022, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Darcy Paul, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p>	<p>_____</p> <p>Date</p>

Resolution No. _____

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Kirsten Squarcia, City Clerk	
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EXHIBIT A

MATRIX TABLE FOR JUSTIFICATION AND FINDINGS FOR LOCAL AMENDMENTS					
MUNICIPAL CODE SECTION	TITLE	ADDED TO CALIF. CODE	DELETED FROM CALIF. CODE	ADDED OR AMENDED FROM CALIF. CODE	JUSTIFICATION
16.02	The entire Chapter (Chapter 16.02) is being repealed and replaced in its entirety. The existing administrative code sections found in the Building Code moved to 16.04 and the 2022 California Administrative Code is now adopted by reference.			X	A
16.04.010 through 16.04.015	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2022 California Building Code.			X	A
16.04.040 through 16.04.130	These sections previously existed in Chapter 16.02 of the Cupertino Municipal Code.			X	
16.04.220 through 16.04.320	This section previously existed in the Municipal Code. Reference changes were made to reference the 2022 California Building Code. Chapter numbers changed to accommodate the administrative code sections moved over from Chap 16.02.			X	
16.06.010	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2022 California Residential Code.			X	
16.06.015	This section previously existed in the Municipal Code. This section modifies the CBC by adopting specific appendix chapters in the code. A reference change is made to reference the 2022 California Residential Code. Appendix C was omitted because it no longer exists in the 2022 California Residential Code.			X	
16.06.020 through 16.06.040	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2022 California Residential Code.				
10.06.060	These sections previously existed in the Municipal Code. The code expanded on the allowable finishes for the underside of overhanging appendages.				
16.06.080	There is no change to this section, however, the findings for this amendment, introduced in the last code cycle, is included here for reference. This proposed amendment to the CRC is made to be consistent with TUCC amendment that modifies the plain concrete provisions in CBC Section 1905.1.7 and ACI 318 Section 14.1.4.			X	B

<p>16.06.100</p>	<p>This amendment existed in the previous Municipal Code. Reference changes were made to be consistent with the new section and table in the 2022 CRC Code. The amendment modifies the CBC and CRC to limit the use of gypsum wallboard and Portland cement or stucco as shearwalls.</p> <p>The proposed amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall bracing materials in high seismic areas. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were observed in 1994 Northridge earthquake.</p>			<p>X</p>	<p>B</p>
<p>16.06.120</p>	<p>These sections previously existed in the Municipal Code. A clarification was made to reflect there is no rating greater than a Class A roof.</p>			<p>X</p>	
<p>16.06.140</p>	<p>These sections previously existed in the Municipal Code. Reference changes were made to reference the 2022 California Residential Code.</p>			<p>X</p>	
<p>16.06.160</p>	<p>Adoption of Swimming Pool Safety Act to close a loophole and require an enclosure around the property for those with a swimming pool.</p>			<p>X</p>	
<p>16.16.010 through 16.16.060</p>	<p>These sections previously existed in the Municipal Code. Only a reference change is made to reference the 2022 California Electrical Code.</p>			<p>X</p>	<p>A</p>
<p>16.16.030</p>	<p>Language from the previous code is revised to reflect when a general building contractors are allowed to do electrical work. The municipal code is now consistent with the requirements of the Business and Professions Code Section 7057(b).</p>			<p>X</p>	
<p>16.20.010 through 16.20.020</p>	<p>This section previously existed in the Municipal Code. A reference change is made to reference the 2022 California Plumbing Code. Appendix J was added to provide additional guidance in providing the required combustion air for appliances.</p>			<p>X</p>	
<p>16.24.010 through 16.24.030</p>	<p>This section previously existed in the Municipal Code. A reference change is made to reference the 2022 California Mechanical Code. Appendix F was added to provide the required venting and combustion air for appliances.</p>			<p>X</p>	<p>A</p>
<p>Chap 16.28</p>	<p>This Chapter was approved by City Council in the Oct 4, 2022 meeting and added to this ordinance.</p>			<p>X</p>	
<p>Chap 16.32</p>	<p>The reach code requirements were moved from the Energy Code to a new Chapter of our Municipal Code.</p>			<p>X</p>	
<p>Chap 16.40</p>	<p>This Chapter previously existed in the Municipal Code. Only a reference change is made to reference the 2022 California Fire Code based on the 2021 International Fire Code.</p>			<p>X</p>	<p>A</p>
<p>Chap 16.42</p>	<p>Adoption of the 2021 International Property Maintenance Code (IPMC). While it does not replace the 1997 Uniform Housing Code (UHC), the IPMC is broader and more extensive. The UHC has not been updated since 1997, while the IPMC is updated every 3 years with its most recent release in 2021. The IPMC establishes minimum property maintenance requirements</p>			<p>X</p>	<p>A</p>

	that contain clear and specific property maintenance and improvement provisions. Staff practices will continue to strive for voluntary compliance in promoting life safety standards, sustainability, energy efficiency and disaster resistance as part of its operation. The IPMC provides staff with added tools to ensure properties are maintained healthy and safe, and that standardized housing is provided in Cupertino.				
Chap 16.54	This Chapter previously existed in the Municipal Code. A reference change is made to reference the 2022 California Energy Code.			X	
Chap 16.58	This Chapter previously existed in the Municipal Code. A reference change is made to reference the 2022 California Green Building Standards Code.			X	
Chap 16.62	This Chapter previously existed in the Municipal Code. A reference change is made to reference the 2022 California Historical Building Code.			X	
Chap 16.64	This Chapter previously existed in the Municipal Code. A reference change is made to reference the 2022 California Existing Building Code.			X	
Chap 16.68	This Chapter previously existed in the Municipal Code. A reference change is made to reference the 2022 California Referenced Standards Code.			X	

KEY TO JUSTIFICATIONS FOR AMENDMENTS TO TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS

<u>A</u>	This amendment is necessary for administrative clarification and does not modify a Building Standard pursuant to California Health and Safety Code Sections 17958. This amendment establishes administrative standards for the effective enforcement of building standards throughout the City of Cupertino.
<u>B</u>	<p>This proposed amendment has been voted for approval by the <u>local Tri-chapter Uniform Code Committee (TUCC)</u> and addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake and based on the following:</p> <ol style="list-style-type: none"> 1. The San Francisco Bay area is densely populated and located in an area of high seismic activity. Cupertino is bounded by the Hayward and San Andreas faults capable of producing major earthquakes. 2. Concern for fire-life safety associated with a structural failure due to a seismic event considering the increasing number of buildings in the region, the use of new structural systems, the poor performance of certain materials, and the quality of construction. 3. Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department to meet the fire life-safety needs of the community. 4. The local geographic, topographic and climatic conditions pose an increase hazard in acceleration, spread, magnitude and severity of potential fires in the City of Cupertino, and may cause a delayed response from emergency responders, allowing further growth of the fire.
<u>C</u>	<p>The waste water treatment facilities serving many silicon valley cities are operating at or near maximum capacity. The discharge of treated waste water into San Francisco Bay is detrimental to its sensitive ecosystem.</p> <p>Cooling coil and comfort cooling equipment condensate waste discharge does not contain pollutants which require treatment before being discharged into sanitary sewers or the ground.</p>
<u>D</u>	Results from studies after the 1994 Northridge earthquake indicated that a lot of the damages were attributed to lack of quality control during construction. The proposed amendment improves quality control during construction and therefore needs to be incorporated into the Code. Revise CBC Section 1705.3 exception No. 1 to allow special inspection not to be required for isolated spread footing where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 psi. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycle.
<u>E</u>	<p>ISSUE: Revise section 1905.1.7. ACI 318 Section 14.1.4 that allows the use of plain concrete in residential structures assigned to Seismic Design Category C, D, E or F.</p> <p>RATIONALE: The proposed amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake.</p>