

**ATTACHMENT D**

**RESOLUTION NO. 26-XXX**

**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 2025  
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 2025 editions of the California Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Wildland-Urban Interface Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and 2024 Property Maintenance Code, and making modifications and changes thereto; and

WHEREAS, as more specifically set forth in the memorandum of Sean Hatch, 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 wastewater treatment facilities serving Silicon Valley cities are operating at or near maximum capacity. The discharge of treated wastewater 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 Sean Hatch, the City's Building Official and as summarized in the chart attached hereto as Exhibit A and Supplement.
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 on this 18<sup>th</sup> day of November 2025, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Liang Chao, Mayor City of Cupertino	_____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	_____ Date

**EXHIBIT A**

<b>MATRIX TABLE FOR JUSTIFICATION AND FINDINGS FOR LOCAL AMENDMENTS</b>					
<b>MUNICIPAL CODE SECTION</b>	<b>TITLE</b>	<b>ADDED TO CALIF. CODE</b>	<b>DELETED FROM CALIF. CODE</b>	<b>ADDED OR AMENDED FROM CALIF. CODE</b>	<b>JUSTIFICATION</b>
<b>16.02</b>	Reference changes were made to reference the 2025 California Administrative Code. (State Mandated)			X	<b>A</b>
<b>16.04.010 through 16.04.015</b>	Reference changes were made to reference the 2025 California Building Code based on the 2024 International Building Code (State Mandated). Removed section 16.04.015 to not adopt any appendix chapters and the Historical, Existing and Reference codes are now in their own part (Staff Clean-up).			X	
<b>16.04.040 through 16.04.140</b>	Reference changes were made to reference and updated to match the administrative requirements within the 2025 California Building Code. (State Mandated)			X	
<b>16.04.220 through 16.04.300</b>	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Building Code. Changes in this section to reference the Wildland-Urban Interface requirements to the new Part 7 book within Title 24. (State Mandated)			X	
<b>16.04.320</b>	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. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycle. (Local Amendment)			X	<b>C</b>
<b>16.04.340 through 16.04.360</b>	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Building Code. (Local Amendment)	X			<b>D</b>
<b>16.06.010</b>	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2025 California Residential Code based on the 2024 International Residential Code. (State Mandated)			X	

<b>16.06.015</b>	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 2025 California Residential Code. (State Mandated and Local Amendment)			X	<b>A</b>
<b>16.06.020 through 16.06.050</b>	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Residential Code. (Local Amendment and State Mandated)			X	
<b>16.06.060</b>	This section was deleted due to the creation of the Wildland-Urban Interface code book (Part 7) where all the WUI requirements are now located for reference. (State Mandated)			X	<b>A</b>
<b>16.06.060</b>	This section previously existed in the Municipal Code. Reference changes made to reference the 2025 California Residential Code. 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. (Local Amendment)			X	<b>A</b>
<b>16.06.080</b>	This amendment existed in the previous Municipal Code. Reference changes were made to be consistent with the new section and table in the 2025 CRC Code. The amendment modifies the CBC and CRC to limit the use of gypsum wallboard and Portland cement or stucco as shearwalls.  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. (Local Amendment)			X	<b>B</b>
<b>16.06.100</b>	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Residential Code. (Local Amendment)			X	<b>B</b>
<b>16.06.120</b>	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Residential Code. (Local Amendment)			X	<b>A</b>
<b>16.06.140</b>	Adoption of Swimming Pool Safety Act. Updated to match Health and Safety Code 115922 and amendments per SB522. (State Mandated)			X	
<b>16.10.010 through 16.10.020</b>	Section shows the adoption of the new 2025 California Wildland-Urban Interface Code with minor amendments per SCCFD. Based on the 2024 International Wildland-Urban Interface Code. (State Mandated)	X			
<b>16.16.010 through 16.16.060</b>	These sections previously existed in the Municipal Code. The reference changes were made to reference the 2025 California Electrical Code based on the 2023 National Electrical Code. (State Mandated)			X	
<b>16.16.030</b>	Language from the previous code is revised to reflect when 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). (Local Amendment)			X	

<b>16.20.010 and 16.20.020</b>	This section previously existed in the Municipal Code. The reference changes were made to reference the 2025 California Plumbing Code based on the 2024 Uniform Plumbing Code. (State Mandated)			X	
<b>16.20.015</b>	Removed the adoption of any appendix from the 2025 California Plumbing Code. (Staff Clean-up)			X	
<b>16.24.010 through 16.24.030</b>	This section previously existed in the Municipal Code. The reference changes were made to reference the 2025 California Mechanical Code based on the 2024 Uniform Mechanical Code. (State Mandated)			X	
<b>16.40</b>	Reference changes are made to reference the 2025 California Fire Code based on the 2024 International Fire Code. (State Mandated and Local Amendment)			X	
<b>16.42</b>	This Chapter previously existed in the Municipal Code. Reference changes were made to reference the 2024 International Property Maintenance Code. (Local Amendment)			X	<b>E</b>
<b>16.54</b>	This Chapter previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Energy Code. Removed the electric make ready provisions added because these provisions are now part of the 2025 CA Energy Code. (State Mandated / Local Amendment / Staff Clean-up)			X	<b>A</b>
<b>16.58</b>	This Chapter previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Green Building Standards Code. Amended electrical vehicle requirements to match up with the Tier II requirements as required within the Housing Element. (State Mandated / Local Amendment / Staff Clean-up)			X	
<b>16.62</b>	This Chapter previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Historical Building Code. (State Mandated)			X	<b>F</b>
<b>16.64</b>	This Chapter previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Existing Building Code. (State Mandated)			X	<b>A</b>
<b>16.68</b>	This Chapter previously existed in the Municipal Code. Reference changes were made to reference the 2025 California Referenced Standards Code. (State Mandated)			X	
<b>16.80</b>	Amended the chapter to clearly define the differences between safety assessment, stop work, and code enforcement placards. (Local Amendment)				

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

<b>A</b>	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.
<b>B</b>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>
<b>C</b>	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.
<b>D</b>	<p><b>ISSUE:</b> 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><b>RATIONALE:</b> 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>
<b>E</b>	Local Amendments to our Fire Code were developed by the Santa Clara County Fire Marshals Association and endorsed by the Santa Clara County Fire Chiefs Association. The amendments have been provided to all Cities within the Santa Clara County Fire Department jurisdiction, which includes Campbell, Los Gatos, Los Altos Hills, Saratoga and Monte Sereno and will be included in each of their City's code adoption packages for consistency of enforcement.
<b>F</b>	The local Amendments for our all-electric Reach Codes and Green Building Standards Codes were driven by Silicon Valley Clean Energy through the Bay Area Reach Codes Initiative and the City of Cupertino's approved Housing Element.

**EXHIBIT A / Supplement**

**SUPPLEMENTAL FINDINGS IN SUPPORT OF APPENDICES  
TO TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS:  
LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS**

The following findings support that the above modification is reasonably necessary because of local climatic, geological, or topographical conditions:

**2025 CALIFORNIA RESIDENTIAL CODE – Appendix BG Sound Transmission**

Adopting Appendix BG for sound transmission is necessary due to topographic conditions. The City of Cupertino is surrounded by major freeways and expressways and the daily vehicular traffic through Cupertino is significant and continues to increase as Cupertino continues to grow has an employment center. There are several residential projects and areas that are located next to busy commercial centers.

**2025 CALIFORNIA FIRE CODE – Appendix D Fire Apparatus Access Roads**

The City of Cupertino has areas in remote hillside and ranchland areas, characterized by dry grasslands, steady winds, and steep terrain, which can rapidly spread fires, and result in delays for emergency responders. The adoption of Appendix D and the City of Cupertino's amendments thereto enables safe, rapid response by fire apparatus and aligns road requirements with local City standards where applicable. The changes or modifications in this section are substantially equivalent to changes or modifications that were previously filed by the governing body of the City of Cupertino and were in effect as of September 30, 2025.

**2025 CALIFORNIA FIRE CODE – Appendix P Haunted Houses, Ghost Walks, and Similar Amusement Uses**

The City of Cupertino adopts Appendix P without amendments thereto providing regulations for Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses within the geographic boundaries of the City. The adoption of this section without modification is substantially equivalent to the unmodified section previously filed by the governing body of the City of Cupertino and were in effect as of September 30, 2025.