



## COMMUNITY DEVELOPMENT DEPARTMENT

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### CITY COUNCIL STAFF REPORT

April 21, 2026

#### Subject

Introduction and first reading of an Ordinance to amend Cupertino Municipal Code Chapter 16; amend Resolution No. 25-092 (2025 Building Code Adoption) to conform to requirements from the California Building Standards Commission (CBSC).

#### Recommended Action

1. Adopt Resolution No. 26-\_\_\_ Amending Resolution No. 25-092 Making Findings Relating to Local Climatic, Geographical, or Topographical Conditions Supporting Amendments and changes to the 2025 California Building Standards Code.
2. Introduce and conduct first reading of Ordinance No. 26-\_\_\_: "An Ordinance of the City Council of the City of Cupertino amending Chapters 16.02, 16.04, 16.06, 16.10, 16.16, 16.20, 16.24, 16.40, 16.42, 16.54, 16.58, 16.62, 16.64, 16.68 and 16.80 of Title 16 of the Cupertino Municipal Code Adopting the California Building, Residential, Electrical, Mechanical, Plumbing, energy, Wildland-Urban Interface Code, Historical Building Code, Fire, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and Property Maintenance Code, With Certain Exceptions, Deletions, Modifications, Additions and Amendments."

#### Background

On November 4, 2025, the Council adopted the first reading of an Ordinance and Resolution to amend Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the 2025 California Codes of Regulations and making local amendments as mandated by the State of California. Following the Second reading on November 18, 2025, copies of the Ordinance and Resolution were submitted to the California Building Standards Commission (CBSC) on November 26, 2025, to satisfy Health and Safety Code requirements. On January 16, 2026, the CBSC issued a partial acceptance (Attachment E), requesting additional findings for three proposed appendices and two Residential Code amendments proposed by the Santa Clara County Fire Department (SCCFD).

A preliminary response was submitted to the CBSC on February 10, 2026, after consultation with SCCFD. While the findings for the appendices were accepted, the CBSC only partially accepted the justifications for the Residential Code amendments. Specifically, the spacing requirements in Section R330.3.1 were found to be consistent with previous 2022 amendments and may remain; however, the location requirements in Section R330.4 did not align with the 2022 amendments. Consequently, the proposed amendment to Section R330.4 must be removed, and the City will adopt the language as presented in the 2025 CRC. That language states: Outdoors or on the exterior side of exterior walls located not less than 3 feet from doors and windows directly entering the dwelling unit, except where smaller separation distances are permitted by the UL9540 listing and manufacturer's installation instructions.

To support the final approval from the California Building Standards Commission (CBSC), the following modifications have been incorporated into the adopted Resolution and Ordinance. Resolution 25-092 was updated to include a supplement to the Exhibit A table, providing necessary findings and justifications for the adoption of Appendix BG in the 2025 California Residential Code (CRC) and Appendices D and P in the 2025 California Fire Code (CFC). Additionally, several corrections were made to Ordinance 25-2278 to ensure consistency and compliance. In Section 16.04.360, a legacy table that was inadvertently retained was deleted, and the section was further updated to align with the 2025 California Building Code (CBC) seismic design category requirements. Finally, the proposed amendment to Section 16.06.050 was eliminated. This change was necessitated by the discovery that the amendment did not match the Municipal Code in effect as of September 30, 2025, and under the provisions of AB 130, could not be modified; therefore, the City will adopt the verbatim language specified in the 2025 CRC

#### Reasons for Recommendation and Available Options

Staff recommends the approval of these amendments to ensure the City's building standards address specific local safety needs while remaining compliant with State mandates. The adoption of the proposed Appendices and Residential Code amendments is necessary to address unique local climatic, geological, and topographical conditions that directly impact the health, welfare, and safety of residents. Furthermore, these actions promote regional consistency in code application and enforcement, particularly regarding Energy Storage Systems (ESS), which are critical for both fire safety and energy resilience.

If the recommended action is not adopted, the City may face continued partial acceptance from the California Building Standards Commission (CBSC), leading to regulatory uncertainty and potential conflicts between local enforcement and state requirements. To ensure a balanced approach, staff conducted a review of regional standards and collaborated with the Santa Clara County Fire Department (SCCFD). The findings from these discussions and the subsequent CBSC preliminary review are summarized below:

Item Reviewed	Detailed Finding/Regulatory Status	Recommendation
Proposed Appendices	. Finding: The City provided "express findings" establishing that these voluntary measures are reasonably necessary due to local climatic (e.g., wildfire risk), geological (e.g., seismic activity), or topographical conditions. This satisfies the mandate of CRC Section 1.1.8.1 and Health and Safety Code Section 17958.7.	Adopt as proposed. Ensure the final ordinance and findings are filed with the CBSC to remain effective.
Section R330.3.1 (ESS Spacing)	Finding: This amendment maintains the local 3-foot separation requirement for Energy Storage Systems (ESS). Because this language is identical to the City's previously approved 2022 CRC (Section R328.3.1) amendments, the CBSC accepted it as an "existing baseline" modification with no new restrictive impact.	Retain amendment. No further technical justification is required as it preserves a previously vetted safety standard.
Section R330.4 (ESS Locations)	Finding: This item was identified as a "cleanup issue" because the proposed text introduced new restrictive language not found in the 2022 baseline. Under AB 130, new amendments to ESS regulations are subject to stricter scrutiny; the CBSC rejected this section because it lacked the required updated "express findings" for a NEW local modification.	. Revert to 2025 CRC. Remove the local amendment and default to the statewide language in CRC Section R330.4 to ensure code compliance.

Based on the findings outlined above, staff recommends the adoption of the proposed amendments to provide clear regulations for stakeholders and to obtain complete acceptance from the CBSC for the City's adoption of the 2025 California Building Standards Code.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

City Work Program (CWP) Item/Description

None

Council Goal:

Quality of Life, Environmental Sustainability

California Environmental Quality Act

No California Environmental Quality Act impact.

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Floy Andrews, Interim City Attorney

Approved for Submission by: Tina Kapoor, City Manager

Attachments:

A – Draft Ordinance to Clean-up Title 16 of the Cupertino Municipal Code – Redline

B – Draft Ordinance to Clean-up Title 16 of the Cupertino Municipal Code - Clean

C – Draft Resolution to Clean-up the Findings for Local Amendments - Redline

D – Draft Resolution to Clean-up the Findings for Local Amendments – Clean

E – California Building Standards Commission Partial Acceptance Letter