

ATTACHMENT A

ORDINANCE NO.

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.

WHEREAS, pursuant to Sections 17922, 17958, 17958.5, 17958.7, 17958.11, and 18941.5 of the California Health and Safety Code, the City of Cupertino may adopt the provisions of the 2025 California Administrative Code (Part 1 of Title 24), 2025 California Building Code (Part 2 of Title 24, based on the 2024 International Building Code), the 2025 California Residential Code (Part 2.5 of Title 24 based on the 2024 International Residential Code), the 2025 California Electrical Code (Part 3 of Title 24 based on the 2023 National Electrical Code), The 2025 California Mechanical Code (Part 4 of Title 24 based on the 2024 Uniform Mechanical Code), the 2025 California Plumbing Code (Part 5 of Title 24 based on the 2024 Uniform Plumbing Code), the 2025 California Energy Code (Part 6 of Title 24), the 2025 California Wildland-Urban Interface Code (Part 7 of Title 24 based on the 2024 International Wildland-Urban Interface Code), the 2025 California Historical Building Code (Part 8 of Title 24), the 2025 California Fire Code (Part 9 of Title 24 based on the 2024 International Fire Code), the 2025 California Existing Building Code (Part 10 of Title 24 based on the 2024 International Existing Building Code), the 2025 California Green Building Standards Code (Part 11 of Title 24), the 2025 California Referenced Standards Code (Part 12 of Title 24) with certain amendments to those provisions which are reasonably necessary to protect the health, welfare and safety of the citizens of Cupertino because of the local climatic, geological, and topographical conditions; and

WHEREAS, over the years, the City Council made factual findings set forth in respective sections of Chapter 16 of the Cupertino Municipal Code relating to the amendments to the California codes; and

WHEREAS, the factual findings made then continue to be valid and relate to the amendments made to the California codes in this adoption, and such findings are incorporated by reference; and

WHEREAS, in addition to those findings set forth in the provisions of the Cupertino Municipal Code, the City Council adopted a resolution making factual findings with respect to the local geological, topographical, and climate conditions including, but not limited to, the following:

- 1) 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;
- 2) 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;
- 3) Vehicular traffic through Cupertino is significant, and continues to increase as Cupertino is an employment center as well as the location of residential projects;
- 4) 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;
- 5) Fire suppression capabilities would be severely limited should the water system be damaged during an earthquake;
- 6) 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;

- 7) Cupertino's topography contains remote, steep hillsides which further limits the ability of emergency responders to extinguish or control wildland or structural fires; and
- 8) 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.

WHEREAS, a copy of all of the Codes to be incorporated by reference into this Ordinance were made available prior to the adoption of this Ordinance as required by law;

WHEREAS, this Ordinance was found to be categorically exempt from environmental review per the provisions of the California Environmental Quality Act of 1970, as amended, 14 California Code of Regulations, Section 15061(b)(3); and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the Statement of Exemption determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO DOES ORDAIN AS FOLLOWS:

SECTION 1: Adoption.

The Cupertino Municipal Code is hereby amended as set forth in Attachment A.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful,

unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

This Ordinance 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 Ordinance 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. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council this 4th day of November, 2025; and

ENACTED at a regular meeting of the Cupertino City Council this 18th 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
APPROVED AS TO FORM: _____ _____ Floy Andrews, Interim City Attorney	_____ Date

CHAPTER 16.02: ADMINISTRATIVE CODE

- A. The provisions of the ~~2022~~ 2025 California Administrative Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, and is by such reference adopted.
- B. One (1) copy of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

CHAPTER 16.04: BUILDING CODE

Sections

- 16.04.010 Adoption of the ~~2022~~ 2025 California Building Code, Volumes 1 and 2, based on the ~~2021~~ 2024 International Building Code, Volumes 1 and 2.

~~16.04.015 — Adoption of Appendix Chapters.~~

- 16.04.040 Section 104 – Duties and Powers of Building Official.
- 16.04.050 Section 105 – Permits.
- 16.04.060 Section 107 – Submittal Documents.
- 16.04.070 Responsibility of permittee.
- 16.04.080 Section 109 – Fees.
- 16.04.090 Section 110 – Inspections.
- 16.04.100 Section 111 – Certificate of occupancy.
- 16.04.110 Section 113 – Means of Appeals.
- 16.04.120 Section 114 – Violations.
- 16.04.130 Section 115 – Stop work order.
- 16.04.220 Chapter 5 – General Building Heights and Areas.
- 16.04.240 Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure.
- 16.04.260 Chapter 9 – Fire Protection and Life Safety Systems.
- 16.04.300 Chapter 15 – Roof Assemblies and Rooftop Structures.
- 16.04.320 Chapter 17 – Special Inspection and Tests.
- 16.04.340 Chapter 19 – Concrete.
- 16.04.360 Chapter 23 – Wood.

~~16.04.380 Section 3109 Swimming Pool Enclosures and Safety Devices.~~

16.04.010 Adoption of the ~~2022~~ 2025 California Building Code, Volumes 1 and 2, based on the ~~2021~~ 2024 International Building Code, Volumes 1 and 2.

- A. Except as otherwise provided in this chapter, the provisions of the ~~2022~~ 2025 California Building Code, Volumes 1 and 2 inclusive, and specified Appendices and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.
- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

~~16.04.015 Adoption of Appendix Chapters.~~

~~The following Appendix Chapters from the 2022 California Building Code are hereby adopted:~~

- ~~Appendix C: Group U—Agricultural Buildings;~~
- ~~Appendix F: Rodentproofing;~~
- ~~Appendix G: Flood Resistant Construction;~~
- ~~Appendix I: Patio Covers;~~
- ~~California Code Part 8: 2022 California Historical Building Code;~~
- ~~California Code Part 10: 2022 California Existing Building Code;~~
- ~~California Code Part 12: 2022 California Referenced Standards Code~~

16.04.040 Section 104 – Duties and Powers of Building Official.

~~Amend and~~ Adopt Section [A] 104 of the ~~2022~~ 2025 California Building Code as follows:

~~[A] 104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this title. The Building Official shall have the authority to render interpretations of the codes identified in this title and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose for each code. Such policies~~

~~and procedures shall not have the effect of waiving requirements specifically provided for in the code.~~

~~**[A] 104.2 Applications and permits.** The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

~~**[A] 104.2.1 Determination of substantially improved or substantially damaged existing building and structures in flood hazard areas.** For application for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or Section R322 of the California Residential Code, as applicable.~~

~~**[A] 104.3 Notices and orders.** The Building Official shall issue all necessary notices or orders to ensure compliance with this code.~~

~~**[A] 104.4 Inspections.** The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

~~**[A] 104.5 Identification.** The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.~~

~~**[A] 104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If~~

~~such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.~~

~~[A] 104.7 Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.~~

~~[A] 104.8 Liability. The Building Official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.~~

~~[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

~~[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.~~

~~[A] 104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.~~

~~[A] 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and~~

~~fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.~~

~~**[A] 104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed alternative meets all of the following:~~

~~The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code;~~

~~The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:~~

~~2.1. Quality.~~

~~2.2. Strength.~~

~~2.3. Effectiveness.~~

~~2.4. Fire resistance.~~

~~2.5. Durability.~~

~~2.6. Safety.~~

~~Where the alternative material, design or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.~~

~~**[A] 104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.~~

~~**[A] 104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for at least the period required for retention of public records.~~

[A] 104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code.

[A] 104.2 Determination of compliance. The building official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provision. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed Compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instruction, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the building official.

[A] 104.2.2 Technical assistance. To determine compliance with this code, the building official is authorized to determine compliance with this code, to require the owner or owner's authorized agent to provide a technical opinion and report

[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the building official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the building official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the building official.

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any such alternative has been approved.

Exception: Performance based alternative materials, designs or methods of construction and equipment complying with the International Code Council Performance Code. This exception shall not apply to alternative structural materials or to alternative structural designs.

[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the building official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the building official for approval. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons for alternative was not approved.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire Safety.

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

[A] 104.2.3.5.1 Fire Tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end

use configuration. Tests shall be performed by a party acceptable to the building official.

[A] 104.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the building official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the building official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the building official.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any reference testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.3.7 Peer review. The building official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the building official.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided that the building official shall first find that one or more special individual reasons make the strict letter of this code impractical, and that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] 104.2.4.1 Flood hazard areas. The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design floor elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.3 Applications and permits. The building official shall receive applications, review construction documents, issue permits, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612, or Section R306 of the California Residential Code, as applicable.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the building official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate

the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

[A] **Warrant.** Where the building official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent, occupant or person having charge, care or control of the structure or premises shall not fail or neglect, after a proper request is made as herein provided, to permit entry therein by the building official for the purposes of inspection and examination pursuant to this code.

[A] **104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] **104.6 Notices and orders.** The building official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

[A] **104.7 Official records.** The building official shall keep official records as required by Section 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] **104.7.1 Approvals.** A record of approvals shall be maintained by the building official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] **104.7.2 Inspections.** The building official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] **104.7.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the building official for either shall be in writing and shall be retained in the official records.

[A] **104.7.4 Tests.** The building official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] **104.7.5 Fees.** The building official shall keep a record of fees collected and refunded in accordance with Section 109.

[A] **104.8 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and

is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of any act or omission in the discharge of official duties.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

16.04.050 Section 105 - Permits.

Amend and Adopt Section [A] 105 of the 2022 2025 California Building Code as follows:

[A] 105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the Building Official and obtain the required permit.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of ~~this jurisdiction~~ the City of Cupertino. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²). It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.
2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
3. Oil derricks.

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely about ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swing and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.

Temporary testing systems: A permit shall not be required for the installations of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[A]105.2.2 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

[A] 105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the City of Cupertino for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

[A] 105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

[A] 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of [this jurisdiction the City of Cupertino](#).

[A] 105.5 Expiration. On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The Building Official is

authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 105.6 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

[A] 105.7 Placement of permit. The ~~Job Card~~ building permit or copy shall be posted on site at a location visible from the street frontage ~~on-site-of-the-building-or-structure-being-permitted-and-is-not-to-be-removed-until-building-final~~ and shall remain until the completion of the project.

16.04.160 Section 107 - Construction Documents.

Adopt Section [A] 107 of the ~~2022~~ 2025 California Building Code as follows:

[A] 107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in digital format with each permit application. The construction document shall be prepared by a registered design professional where required by the building official. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the review of construction documents is not necessary to obtain compliance with this code.

[A] 107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.8.

[A] 107.2.1 Information on Construction Documents. Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

[A] 107.2.2 Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

[A] 107.2.3 Means of Egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, [R-2.1](#) and R-3, ~~and I-1~~, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

[A] 107.2.4 Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[A] 107.2.5 Exterior Balconies and Elevated Walking Surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

[A] 107.2.6 Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and

construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

[A] 107.2.6.1 Design Flood Elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

[A] 107.2.7 Structural Information. The construction documents shall provide the information specified in Section 1603.

[A] 107.2.8 Relocatable Buildings. Construction documents for relocatable buildings shall comply with Section ~~3112~~ 3113.

[A] 107.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

[A] 107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance". It shall be the responsibility of the owner or owner's representative to obtain a hard-copy of the approved plans and documents which shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

[A] 107.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] 107.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

[A] 107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building

permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

[A] 107.3.4.1 Deferred submittals. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal document have been approved by the building official.

[A] 107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction shall be submitted for approval as an amended set of construction documents.

[A] 107.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than required by the approved City's [of Cupertino's](#) document retention plan.

16.04.070 Responsibility of permittee.

Responsibility of permittee. Building permits shall be presumed to incorporate the provision that the applicant, the applicant's agent, employees or contractors shall carry out the proposed work in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this code.

16.04.080 Section 109 - Fees.

Fees shall be paid to the city as set forth in the latest resolution adopted by the city.

16.04.090 Section 110 - Inspections.

Amend and Adopt Section [A] 110 of the [2022 2025](#) California Building Code as follows:

[A] 110.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of ~~any of the codes or amendments specified in this title~~ this code or of other ordinances of the jurisdiction. ~~Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.~~ It shall be the duty of the ~~permit applicant~~ owner or the owner's authorized agent to cause the work to remain ~~accessible and exposed~~ visible and able to be accessed for inspection purposes. Neither the Building Official nor the City of Cupertino shall be liable for expense entailed in the removal or replacement of any material required to allow inspections.

[A] 110.2 Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

[A] 110.3 Required inspections. The Building Official, upon notification, shall make the inspections set forth in Section 110.3.1 through ~~110.3.11~~ 110.3.12.

[A] 110.3.1 Footing and Foundation Inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

[A] 110.3.2 Concrete Slab and Under-Floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

[A] **110.3.3 Lowest Floor Elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 or the California Residential Code, as applicable, shall be submitted to the building official.

[A] **110.3.4 Frame Inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

[A] **110.3.4.1 Moisture Content Verification.** Moisture content of framing members shall be verified in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.5.

[A] **110.3.5 Types IV-A, IV-B and IV-C connection protection inspection. In building of Types IV-A, IV-B and IV-C construction, where connection fire-resistance ratings are provided by wood cover calculated to meet the requirements of Section 2304.10.1, inspection of the wood cover shall be made after the cover is installed, but before any other coverings or finishes are installed.**

[A] **110.3.5 110.3.6 Lath, Gypsum Board and Gypsum Panel Product Inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

[A] **110.3.6 110.3.7 Weather-Exposed Balcony and Walking Surface Waterproofing.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Exception: Where special inspections are provided in accordance with Section 1705.1.1, Item 3.

[A] **110.3.7 110.3.8 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

[A] **110.3.8 110.3.9 Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspection for:

envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

[\[A\] 110.3.10 Other Inspections.](#) In addition to the inspections specified in Sections 110.3.1 through 110.3.9, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

[\[A\] 110.3.11 Special Inspections.](#) For special inspections, see Chapter 17.

[\[A\] 110.3.12 Final inspection.](#) The final inspection shall be made after all work required by the building permit is completed.

[\[A\] 110.3.12.1 Flood hazard documentation.](#) If located in a flood hazard area, documentation of the elevation of the lowest floor or the elevation of dry floodproofing, if applicable, as required in Section 1612.4 shall be submitted to the building official prior to final inspection.

[A] 110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

[A] 110.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by this code.

[A] 110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

16.04.100 Section 111 - Certificate of Occupancy.

Adopt Section [A] 111 of the [2022 2025](#) California Building Code [to read](#) as follows:

[A] 111.1 ~~Use and occupancy.~~ Change of Occupancy. A building or structure shall not be used or occupied [in whole or in part](#), and ~~no a~~ change [in the existing of](#) occupancy ~~classification~~ of a building or structure or portion thereof shall [not](#) be made, until the

Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of any provision of this code or any ordinance of the City of Cupertino. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City of Cupertino shall not be valid.

[Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.](#)

[A] 111.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Building Department, the Building Official may issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the building or structure.
3. The name and address of the owner [or the owner's authorized agent.](#)
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code. [for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.](#)
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provision of Chapter 3 of the California Building Code.
9. The type of construction as defined in Chapter 6 of the California Building Code.
10. The design occupant load.
11. Where an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

[A] 111.3 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion of portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

[A] 111.4 Revocation. The Building Official is authorized to suspend or revoke a certificate of occupancy or completion issued under the provisions of this code, in writing, wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of the provisions of this code or other ordinance of the City of Cupertino.

16.04.110 Section 112 – Service Utilities.

Adopt Section [A] 112 of the 2025 California Building Code to read as follows:

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, a source of energy, fuel, or power, or a water system or sewer system to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

[A] 112.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility, the source of energy, fuel, or power, or the water system or sewer system for the purpose of testing systems or for use under a temporary approval.

[A] Authority or disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Sections 112.2 or 112.2. The building official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

16.04.110 16.04.120 Section 113 - Means of Appeals.

~~Amend and~~ Adopt Section [A] 113 of the ~~2022~~ 2025 California Building Code and ~~amend~~ to read as follows:

[A] 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and finding in writing to the appellant with a duplicate copy to the Building Official. In the event

where no such board of appeals has been established, the City Council shall serve as said appeals board.

[A] 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

[A] 113.3 Qualifications for Board of Appeals. The Board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City of Cupertino.

~~**[A] 113.4 Qualifications for Board of Appeals relative to Accessibility matters.** Two members of the board of appeals shall be physically handicapped persons, two members shall be persons experienced in construction, and one member shall be a public member for matters relative to application and interpretation of accessibility matters of the code.~~

[A] 113.5 113.4 Administration. The building official shall take immediate action without delay in accordance with the decision of the board.

~~16.04.120~~ 16.04.130 **Section 114 - Violations.**

~~Amend and~~ Adopt Section [A] 114 of the 2022 2025 California Building Code to read as follows:

[A] 114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupancy any building, structure or equipment regulated by the codes identified in this title, or cause same to be done, in conflict with or in violation of any of the provisions of ~~any code identified in this title~~ this code.

[A] 114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of any provisions of any code identified in this title, or in violation of a permit or certificate issued under the provisions of ~~any code identified in this title~~ code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the City of Cupertino to

institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

16.04.130 16.04.140 Section 115 - Stop Work Order.

~~Amend and~~ Adopt Section [A] 115 of the ~~2022~~ 2025 California Building Code to read as follows:

[A] 115.1 Authority. Whenever the Building Official finds any work regulated by this code being performed in a manner either contrary to the provisions of any code identified in this title or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

[A] 115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

~~**[A] 115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.~~

[A] 115.3 Emergencies. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

[A] 115.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

16.04.160 Section 116 – Unsafe Structures and Equipment.

Adopt Section [A] 116 of the 2025 California Building Code to read as follows:

[A] 116.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

[A] 116.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 116.3 Notice. If an unsafe condition is found, the building official shall serve on the owner of the structure, or the owner's authorized agent, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

[A] 116.4 Method of service. Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered to the owner personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of notice on the owner.

[A] 116.5 Restoration or abatement. Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, the owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the building official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and

change of occupancy shall comply with the requirements of the California Existing Building Code.

16.04.220 Chapter 5 – General Building Heights and Areas.

Amend and Adopt Section 501.2 of the 2022-2025 California Building Code and amend to read as follows:

502.1 Address Identification. New and existing buildings shall be provided with approved address ~~numbers or letters~~ identification. ~~Each character shall be not less than 4 inches in height and not less than 0.5 inch in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches high with a minimum stroke width of ½ inch.~~ When-Where required by the fire code official, address ~~numbers~~ identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address ~~numbers~~ identification shall be maintained.

No Certificate of Occupancy or final building approval for new construction or alterations shall be granted until the building or residence has a street address number posted. Subdivisions and Planned Developments shall submit a numbering schedule for approval by the Building Department and the Fire Department. All commercial buildings having a single address assigned with multi-suite arrangements shall have the suite-numbering system approved or assigned by the Building Department with an approved copy to the Fire Department for emergency use.

~~16.04.240 Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure.~~

~~Amend Section 707A.9 of the 2022 California Building Code to read as follows:~~

~~**707A.9 Underside of appendages.** The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:~~

- ~~1. Noncombustible material.~~
- ~~2. Ignition-resistant material.~~
- ~~3. One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the floor projection.~~
- ~~4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.~~
- ~~5. The underside of a floor assembly that meets the performance criteria in accordance with the test procedures set forth in the SFM Standard 12-7A-3 or ASTM E2957.~~

~~**Exception:** Structural columns and beams do not require protection when they are constructed with sawn lumber or glue-laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks splined, tongue and groove, or set close together and well spiked.~~

~~Amend Section 710A.3 of the 2022 California Building Code to read as follows:~~

~~**710A.3. Where required.** Accessory structures shall comply with the requirements of this section.~~

~~Delete Section 710A.3.1 in its entirety.~~

~~Delete Section 710A.3.2 in its entirety.~~

~~Delete Section 710A.3.3 in its entirety.~~

16.04.260 Chapter 9 – Fire Protection and Life Safety Systems.

Amend Section 903.2 of the ~~2022~~ 2025 California Building Code to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive and Sections 903.2.14 through 903.2.21.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An approved automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows:

Exceptions:

- a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.
 - b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.
 - c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following conditions:
 - i. Noncombustible construction.
 - ii. Maximum 5,000 square feet in building area.
 - iii. Structure is open on not less than three (3) sides or not less than 75% of structure perimeter.
 - iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with CBC 706.
 - d. Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.
 - e. Temporary Construction Trailers less than 2,500 square feet permitted for a period of not more than one year.
2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

Exception: Detached Accessory Dwelling Unit, provided that all of the following are met:

 - a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
 - b. The existing primary residence does not have automatic fire sprinklers.
 - c. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
 - d. The unit is on the same lot as the primary residence.
 - e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the [2022 2025](#) California Fire Code.
 3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009)

and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.

4. An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet.

Exception: Additions where all of the following are met:

- a. Building addition does not exceed 500 square feet.
- b. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the [2022 2025](#) California Fire Code.

5. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18.
6. Any change in the character of occupancy or in use of any building with a building area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or Building Official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved automatic fire sprinkler system.

¹ Life Safety – Shall include, but not limited to: Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities with non-ambulatory;

² Fire Risks – Shall include, but not limited to: High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

Add Section 903.2.11.7 to [the 2025 California Building Code to](#) read [as follows](#):

903.2.11.7 Chemical Fume Hood Fire Protection. Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

1. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled.

2. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

Amend Section 907.8 [of the 2025 California Building Code](#) to read [as follows](#):

907.8 Inspection, testing and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with Sections 907.8.1 through 907.8.4 [of the 2025 California Fire Code](#) and NFPA 72. Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.

~~Amend Section 909.22.1 of the 2022 California Building Code to read as follows:~~

~~— **909.22.1 Schedule.** A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and operational testing must occur at least annually.~~

16.04.300 Chapter 15 - Roof Assemblies and Rooftop Structures.

Amend Section ~~1505.1.3~~ [1505.1.1](#) of the ~~2022~~ [2025](#) California Building Code to read as follows:

~~**1505.1.3 Roof coverings in all other areas.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is Class A.~~

[**1505.1.1 Roofing requirements within Fire hazard Severity Zones or in the Wildland-Urban Interface \(WUI\).**](#) Roofing requirements for structures located within Fire Hazard Severity Zones or in the Wildland-Urban Interface (WUI) shall also comply with Sections 504.2 and 507.1 of the 2025 California Wildland-Urban Interface Code.

Amend Section ~~1505.1.4~~ [1505.1.2](#) of the ~~2022~~ [2025](#) California Building Code to read as follows:

~~1505.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area.~~ The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is Class A.

~~—Roofing requirement for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section 705A.~~

1505.1.2 Roof coverings within all other areas other than Fire Hazard Severity Zones or a Wildland-Urban Interface (WUI). The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A fire classification.

16.04.320 Chapter 17 – Special Inspection and Tests.

Amend Section 1705.3 Exception #1 of the [2022 2025](#) California Building Code to read as follows:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exceptions: Special inspections [and tests](#) shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

16.04.340 Chapter 19 – Concrete.

Delete Section [1905.1.7 1905.6 of the 2025 California Building Code](#) and ACI 318 Section 14.1.4 and replace with the following:

[1905.1.7 1905.6](#) ACI 318, Section 14.1.4.

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception:

In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception:

In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

16.04.360 Chapter 23 – Wood.

Amend Table 2308.6.3(1) [2308.10.3\(1\)](#) of the [2022 2025](#) California Building Code, to add a new footnote "b" to the end of California Building Code Table [2308.6.3\(1\)](#) [2308.10.3\(1\)](#) to read as follows:

- b. In Seismic Design Categories D₀, D₁, and D₂, Methods GB, SFB, HPS and PBS is not permitted and the use of Method PCP is limited to one-story buildings and structures.

Add Section [2308.6.3.1](#) [2308.10.3.1](#) to the [2022 2025](#) California Building Code to read as follows:

2308.6.3.1 2308.10.3.1 Limits on methods GB, SFB, HPS, PBS and PCP. In Seismic Design Categories D, E, and F, Methods GB, SFB, HPS, and PBS are not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D, E, and F the use of Method PCP is limited to one-story building and structures.

16.04.380 Section 3109—Swimming Pool Enclosures and Safety Devices

~~—Adopt Section 3109 of the 2022 California Building Code.~~

~~Add Section 3109.3 to the 2022 California Building Code to read as follows:~~

3109.3—Inspections for Swimming Pools.

~~A. All Work to Be Inspected. All pool installations or alterations thereto including equipment, piping and appliances related thereto shall be inspected by the Building Department to insure compliance with the requirements of the California Building Code.~~

~~B. Called Inspections. It shall be the duty of the person doing the work authorized by the building permit to notify the Building Department that said work is ready for inspection. Such notification shall be given not less than twenty-four hours before the work is to be inspected.~~

~~Pre-guniting inspection is required when all steel is in place, piping from the pool area is in with pressure test, all steel and related attachments are properly bonded and underwater light housing is installed;~~

~~An inspection is required for all conduit and gas piping under slabs before decks are poured;~~

~~Final inspection is required after all equipment is in place and operating, the pool is filled with water and all fences and gates are installed;~~

~~A reinspection fee per the adopted fee schedule per inspection will be charged for each inspection over two where the work is not ready or corrections have not been completed;~~

~~The owner shall arrange with the Building Department for inspectors to enter the property to make necessary inspections in connection with the pool.~~

CHAPTER 16.06 RESIDENTIAL CODE

Section

- 16.06.010 Adoption of the ~~2022~~ 2025 California Residential Code based on the ~~2021~~ 2024 International Residential Code.
- 16.06.015 Adoption of Appendix Chapters.
- 16.06.020 Section ~~R310~~ R319 – Emergency Escape and Rescue Openings.
- 16.06.040 Section ~~R313~~ R309 – Automatic Fire Sprinkler Systems.
- 16.06.050 Section ~~R328~~ R330 – Energy Storage Systems
- ~~16.06.060 Section R337 – Materials and Construction Methods for Exterior Wildfire Exposure.~~
- ~~16.06.080~~ 16.06.060 Chapter 4 – Foundations.
- ~~16.06.100~~ 16.06.080 Chapter 6 – Wall Construction.
- ~~16.06.120~~ 16.06.100 Chapter 9 – Roof Assemblies.
- ~~16.06.140~~ 16.06.120 Chapter 10 – Chimneys and Fireplaces – Spark Arrestors.
- ~~16.06.160~~ 16.06.140 Appendix ~~AX~~ CI – Swimming Pool Safety Act

16.06.010 Adoption of the ~~2022~~ 2025 California Residential Code based on the ~~2018~~ 2024 International Residential Code.

- A. Except as otherwise provide in this chapter, the provisions of the ~~2022~~ 2025 California Residential Code and specified Appendices and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.
- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

16.06.015 Adoption of Appendix Chapters.

The following Appendix Chapters from the ~~2022~~ 2025 California Residential Code are hereby adopted:

~~Appendix AH: Patio Covers;~~
~~Appendix AJ: Existing Building and Structures;~~

Appendix ~~AK~~ BG: Sound Transmission.
Appendix ~~AX~~ CI: Swimming Pool Safety Act.

16.06.020 Section ~~R310~~ R319 – Emergency Escape and Rescue Openings.

Amend Section ~~R310.1~~ R319.1 of the ~~2022~~ 2025 California Residential Code to delete Exception #2.

16.06.040 Section ~~R313~~ R309 - Automatic Fire Sprinkler Systems.

Amend Section ~~R313.1~~ R309.1 of the ~~2022~~ 2025 California Residential Code to read as follows:

~~R313.1~~ R309.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.

Exception: One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area.

Amend Section ~~R313.2~~ R309.2 of the ~~2022~~ 2025 California Residential Code to read as follows:

~~R313.2~~ R309.2 One- and two-family dwellings automatic sprinkler systems. An automatic sprinkler system shall be installed in all new one- and two-family dwellings, rebuild of existing one- and two-family dwellings as defined by the Building Official, and existing one- and two-family dwellings when additions are made that increase the fire area to more than 3,600 square feet.

Exceptions:

1. Detached Accessory Dwelling Unit, provided that all of the following are met:
 - 1.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
 - 1.2. The existing primary residence does not have automatic fire sprinklers.
 - 1.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
 - 1.4. The unit is on the same lot as the primary residence.
 - 1.5. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the ~~2022~~ 2025 California Fire Code.

2. When additions are made to existing structures, causing the fire area to exceed 3,600 square feet, and all of the following are met:
 - 2.1. Building addition does not exceed 500 square feet.
 - 2.2. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the ~~2022~~ 2025 California Fire Code.

16.06.050 Section ~~R328~~ R330 – Energy Storage Systems.

Amend Section R330.3.1 of the ~~2022-2025~~ California Residential Code to read as follows:

R330.3.1 Spacing. Individual ESS units shall be separated from each other by not less than 3 feet except where ~~other separation distances are specified by the ESS listing and the manufacturer's installation instructions.~~ separation distances are documented to be adequate based on large-scale fire testing complying with Section 1207.1.7 of the 2025 California Fire Code.

Amend Section R330.4 of the 2025 California Residential Code to read as follows:

R330.4 Locations. ESS Shall be installed only in the following locations:

1. Detached garages and detached accessory structures.
2. Attached garages separated from the dwelling unit living space in accordance with Section R302.6.
3. 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 UL-9540 listing and manufacturer's installation instructions.~~ and shall not be located below or above any emergency escape and rescue openings.
4. Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings. Walls and ceiling of unfinished wood-framed construction shall be provided with not less than 5/8-inch Type X gypsum wallboard. Openings into the dwelling shall be equipped with solid wood doors not less than 1-3/8 inches in thickness, solid or honeycomb-core steel doors not less than 1-3/8 inches in thickness, or door with a 20-minute fire protection rating. Doors shall be self-latching and equipped with a self-closing or an automatic-closing device. Penetrations through the required gypsum wallboard into the dwelling shall be protected as required by Section R302.11, Item 4.

ESS shall not be installed in sleeping rooms, or closets or spaces opening directly into sleeping rooms. ([Material based on NFPA 855 2023 Ed.](#))

Amend Section ~~R328.7~~ R330.7 of the ~~2022~~ 2025 California Residential Code to read as follows:

R328.7 R330.7 Fire detection. Rooms and areas within dwelling units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section ~~R314~~ R310. A heat detector, listed and interconnected to the smoke alarms, shall be installed in locations within dwelling units and attached garages where smoke alarms cannot be installed based on their listing.

[SFM] ESS installed in Group R-3 and townhomes shall comply with the following:

1. Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section ~~R314~~ R310.
2. A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units and attached garages where smoke alarms cannot be installed based on their listing.

Exceptions:

1. A listed heat detector may be used in place of a heat alarm, so long as it is interconnected with devices that provide an audible alarm at all sleeping areas.
2. A fire sprinkler associated with an approved automatic sprinkler system that triggers an audible alarm upon activation of the waterflow switch, may be used in place of a heat alarm.

~~**16.06.060 Section R337—Materials and Construction Methods for Exterior Wildfire Exposure.**~~

~~Amend Section R337.7.10 of the 2022 California Residential Code to read as follows:~~

~~**R337.7.10 Underside of appendages.** The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:~~

- ~~1. Noncombustible material.~~

- ~~1. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section R337.7.2.~~
- ~~2. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2 of the California Building Code.~~
- ~~3. Material approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.~~
- ~~4. One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the appendage projection.~~
- ~~5. The exterior portion of a 1-hour fire-resistive exterior wall assembly, as tested in accordance with ASTM E119 or UL 263, applied to the underside of the appendage including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.~~
- ~~6. The underside of an appendage assembly that meets the performance criteria in Section R337.7.11 when tested in accordance with the test procedures set forth in ASTM E2957.~~
- ~~7. The underside of an appendage assembly that meets the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.~~

Exception to Section R337.7.10:

~~Structural columns and beams do not require protection when they are constructed with sawn lumber or glue-laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks splined, tongue-and-groove, or set close together and well spiked.~~

~~Amend Section R337.10.3 of the 2022 California Residential Code to read as follows:~~

~~**R337.10.3. Where required.** Accessory structures shall comply with the requirements of this section.~~

~~Delete Section R337.10.3.1 in its entirety.~~

~~Delete Section R337.10.3.2 in its entirety.~~

~~Delete Section R337.10.3.3 in its entirety.~~

~~Delete Section R337.10.3.4 in its entirety.~~

~~16.06.080~~ 16.06.060 **Chapter 4 – Foundations.**

Amend Section R403.1 of the ~~2022~~ 2025 California Residential Code to read as follows:

R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footings shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

Amend Section R403.1.1 of the ~~2022~~ 2025 California Residential Code to read as follows:

R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Tables R403.1(1) ~~to through~~ Table R403.1(3) and Figure R403.1.3, as applicable, but not less than 12 inches in width and 6 inches in depth. The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1(1). ~~Spread footings shall be at least 6 inches (152 mm) in thickness, T. Footing projection, P, shall be at least 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing projections, P, shall be not less than 2 inches and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R10001.2.~~ The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1(1).

Delete Figure R403.1(2) and Figure R403.1(3).

Delete Section R403.2 in its entirety.

~~16.06.100~~ 16.06.080 **Chapter 6 – Wall Construction.**

Amend Section R602.10.4 of the ~~2022~~ 2025 California Residential Code, to add a new footnote "f" to the end of CRC Table R602.10.4 to read as follows:

- f. In Seismic Design Categories D₀, D₁, and D₂, Methods GB, SFB, HPS, PBS, and CS-SFB are not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

~~Add the "f" footnote notation for Methods GB, SFB, HPS, PBS, CS-SFB, and PCP of Table R602.10.4.~~

Add a new subsection R602.10.4.5 to the ~~2022~~ 2025 California Residential Code, to read as follows:

R602.10.4.5 Limits on methods GB, SFB, HPS, PBS, CS-SFB and PCP. In Seismic Design Categories D₀, D₁, and D₂, Methods GB, SFB, HPS, PBS, and CS-SFB are not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

~~16.06.120~~ **16.06.100 Chapter 9 – Roof Assemblies.**

Adopt and Amend Section R902.1 of the ~~2022~~ 2025 California Residential Code to read as follows:

R902.1.2 ~~Roof Coverings in All Other Areas.~~ Roof coverings in all other areas other than Fire Hazard Severity Zones or a Wildland-Urban Interface (WUI) area. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is Class A fire classification.

~~**R902.1.3 Roofing Requirements within a Wildland-Urban Interface Fire Area.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is Class A.~~

~~Roofing requirement for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section R337.5.~~

~~16.06.140~~ **16.06.120 Chapter 10 – Chimneys and Fireplaces - Spark Arrestors.**

In new construction or when alterations, repairs or additions requiring a permit and having a valuation in excess of one thousand dollars occur, all new and existing fireplace chimneys

shall terminate in a substantially constructed spark arrestor complying with the requirements of the ~~2022~~ 2025 California Residential Code Section R1003.9.2.

~~16.06.160~~ 16.06.140 **Appendix ~~AX~~ CI – Swimming Pool Safety Act**

Amend and Adopt Appendix ~~AX100~~ CI100 115922 (a) of the ~~2022~~ 2025 California Residential Code to read as follows:

115922. (a) Except as provided in Section 115925, subject to subdivision (b), and consistent with Section 1596.814, when a building permit is issued for the construction of a new swimming or spa or the remodeling of an existing swimming pool or spa at a private single-family home, ~~the respective property shall be equipped with an enclosure from the public right-of-way that meets the requirements of Section 115923 and additionally~~ the respective swimming pool or spa shall be equipped with two of the following ~~six~~ seven drowning prevention safety features:

1. An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home.
- 1.2. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
- 2.3. ~~An approved safety pool cover as defined in subdivision (d) of Section 115921. A manually operated or power-operated safety pool cover that is accompanied by a label verifying that the cover meets the specifications of the ASTM International F1346-23 standard.~~
- 3.4. Exit alarms on the private single-family home's doors and windows that provide direct access to the swimming pool or spa without any intervening enclosure. ~~The exit alarm may cause either an alarm noise or a verbal warning. Whenever any door or window is opened or left ajar, exit alarms shall make either an audible, continuous alarm sound or a repeating verbal warning,~~ such as a repeating notification that "the door to the pool is open." An exit alarm may be battery operated or connected to the electrical wiring of the building.
- 4.5. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
- 5.6. An alarm ~~that in good repair and operable as designed that~~, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool

Alarms,” which includes surface motion, pressure, sonar laser and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the feature set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

(b) The requirements of subdivision (a) are not satisfied by any of the following:

1. An exit alarm and a self-closing, self-latching device on the same door.
2. An exit alarm and a door latch on separate doors.
3. A safety pool cover and an alarm described in paragraph (6) of subdivision (a).

(c) Before the issuance of a final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention features required by this section and, if no violations are found, shall give final approval.

[Title 16 – Chapter 16.08 – No Change]

CHAPTER 16.10: WILDLAND-URBAN INTERFACE CODE

Section

16.10.010 Adoption of the 2025 California Wildland-Urban Interface Code based on the 2024 International Wildland-Urban Interface Code.

16.10.015 Adoption of Appendix Chapters.

16.10.020 Section 101.3.1 - Application

16.10.010 Adoption of the 2025 California Wildland-Urban Interface Code based on the 2024 International Wildland-Urban Interface Code.

A. Except as otherwise provided in this chapter, the provisions of the 2025 California Wildland-Urban Interface Code and each and all of the regulations, provisions,

conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.

B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

16.10.015 Adoption of Appendix Chapters.

No Appendix Chapters from the 2025 California Wildland-Urban Interface Code have been adopted.

16.10.020 Chapter 1 – Administration

Amend Section 101.3.1 of the 2025 California Wildland-Urban Interface Code to read as follows:

101.3.1 Application. New Buildings located in any Fire Hazard Severity Zone or Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this code. This shall include all new buildings with residential, commercial, educational, institutional or similar occupancy type use, which shall be referred to in this code as “applicable buildings,” as well as new buildings and structures accessory to those applicable buildings.

Exceptions:

1. Group U occupancy accessory buildings of any size located at least 50 feet from an applicable building on the same lot.
2. Group U occupancy agricultural buildings, as defined in Section 202 of the California Building Code of any size located at least 50 feet from an applicable building.
3. Group C occupancy special buildings conforming to the limitations specified in Section 450.4.1 of the California Building Code.
4. New accessory buildings and miscellaneous structures specified in Section 504.11 shall comply only with the requirements of that section.
5. Additions to and remodels of building originally constructed prior to July 1, 2008.
6. Land or water area acquired or managed for one or more of the following purposes or uses:

1. Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.
2. Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
3. Open space lands that are environmentally sensitive parklands.
4. Other lands having scenic values, as declared by the local agency, or by state or federal law.

[Title 16 – Chapter 16.12 – No Change]

CHAPTER 16.16: ELECTRICAL CODE

Section

- 16.16.010 Adoption of the ~~2022~~ 2025 California Electrical Code based on the ~~2017~~ 2023 National Electrical Code.
- 16.16.015 Adoption of Appendix Chapters.
- 16.16.020 Article 100 – Definitions.
- 16.16.030 Electrical Work.
- 16.16.040 Electrical Fee Schedule.
- 16.16.050 Interpretation.
- 16.16.060 Electrical Maintenance Program.

16.16.010 Adoption of the ~~2022~~ 2025 California Electrical Code based on the ~~2020~~ 2023 National Electrical Code.

- A. Except as otherwise provided in this chapter, the provisions of the ~~2022~~ 2025 California Electrical Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.
- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

16.16.015 Adoption of Appendix Chapters.

No Appendix Chapters from the ~~2022~~ 2025 California Electrical Code have been adopted.

16.16.020 Article 100 – Definitions.

Amend Article 100 of the ~~2022~~ 2025 California Electrical Code with the following definitions added:

Electrical Contractors. For the purpose of this article, an Electrical Contractor shall be a person holding a valid electrical contractor's license issued by the State of California.

Journeyman Electrician. A journeyman electrician is an electrician qualified by training and experience to do electrical work in conjunction with new construction and/or rework of existing systems.

Maintenance Electrician. A maintenance electrician is an electrician qualified by training and experience to do the recurring work required to keep a facility in such condition that it may be utilized at its designated capacity and efficiency, to do repair work or replacement or overhaul of constituent parts or materials to keep or restore a facility to a condition substantially equivalent to its original or design capacity or efficiency.

16.16.030 Electrical Work.

Electrical work shall be done only by:

- a. Electrical contractors who are in compliance with the state licensing laws and whose employees are under the direct supervision of a qualified journeyman electrician;
- b. A general building contractor if scope of work involves at least two unrelated trades or crafts other than framing or carpentry, or if the general building contractor holds the appropriate license classification;
- c. Maintenance electrician.

16.16.040 Electrical Fee Schedule.

Electrical fees shall be paid to the city as set forth in the latest resolution adopted by the city.

16.16.050 Interpretation.

- A. The language used in this code, and the California Electrical Code, which is made a part of this code by reference, is intended to convey the common and accepted meaning familiar to the electrical industry.
- B. The Building Official or his assistants is authorized to determine the intent and meaning of any provisions of this code. Such determination shall be made in writing and a record kept, which record shall be open to the public.

16.16.060 Electrical Maintenance Program.

Any person regularly employing one or more full-time qualified electricians for the purpose of installation, alteration, maintenance or repair on any property which such person owns or occupies, may designate a qualified electrician as a maintenance electrician. Upon being approved by the Chief Building Official, the maintenance electrician shall make monthly or quarterly reports to the city covering all installations, additions, or alterations. All such work shall be installed and done in accordance with the provisions of the Electrical Code, and shall be subject to the payment of fees, and to inspection by the electrical inspector to the same extent as similar work performed by other persons and for which such inspection is provided.

CHAPTER 16.20: PLUMBING CODE

Section

- 16.20.010 Adoption of the ~~2022~~ 2025 California Plumbing Code based on the ~~2018~~ 2024 Uniform Plumbing Code.
- 16.20.015 Adoption of Appendix Chapters.
- 16.20.020 Name Insertion.

16.20.010 Adoption of the ~~2022~~ 2025 California Plumbing Code based on the ~~2021~~ 2024 Uniform Plumbing Code.

- A. Except as otherwise provided in this chapter, the provisions of the ~~2022~~ 2025 California Plumbing Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.
- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

16.20.015 Adoption of Appendix Chapters.

~~The following~~ No Appendix Chapters from the ~~2022~~ 2025 California Plumbing Code ~~are hereby have been~~ adopted:

~~Appendix A: Recommended Rules for Sizing the Water Supply System;
Appendix B: Explanatory Notes on Combination Waste and Vent Systems;
Appendix C: Alternate Plumbing Systems;
Appendix D: Sizing Storm Water Drainage Systems;
Appendix H: Private Sewage Disposal Systems;
Appendix I: Installation Standards for PEX Tubing Systems for Hot and Cold Water Distribution;
Appendix J: Combination of Indoor and Outdoor Combustion and Ventilation Opening Design.~~

16.20.020 Name Insertion.

The names “Cupertino” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of such California Plumbing Code wherein either the name of the city or state is left blank.

CHAPTER 16.24: MECHANICAL CODE

Section

- 16.24.010 Adoption of the ~~2022~~ 2025 California Mechanical Code based on the ~~2021~~ 2024 Uniform Mechanical Code.
- 16.24.015 Adoption of Appendix Chapters.
- 16.24.020 Name Insertion.

16.24.010 Adoption of the ~~2022~~ 2025 California Mechanical Code based on the ~~2021~~ 2024 Uniform Mechanical Code.

- A. Except as otherwise provided in this chapter, the provisions of the ~~2022~~ 2025 California Mechanical Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.
- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

16.24.015 Adoption of Appendix Chapters.

~~The following~~ No Appendix Chapters from the ~~2022~~ 2025 California Mechanical Code have been adopted.

~~**Appendix F: Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design.**~~

16.24.020 Name Insertion.

The names “Cupertino” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of such California Mechanical Code wherein either the name of the city or state is left blank.

[Title 16 – Chapter 16.28 – No Change]

[Title 16 – Chapter 16.32 – No Change]

[Title 16 – Chapter 16.36 – No Change]

CHAPTER 16.40: FIRE CODE

Section

- 16.40.010 Adoption of the [2022-2025](#) California Fire Code and [2021-2024](#) International Fire Code.
- 16.40.015 Adoption of Appendix Chapters.
- 16.40.020 Chapter 1 – Administration.
- 16.40.040 Chapter 2 – Definitions.
- 16.40.080 Chapter 5 – Fire Service Features.
- ~~16.40.100 Chapter 6 – Building Services and Systems.~~
- 16.40.~~110~~[100](#) Chapter 7 – Fire and Smoke Protection Features.
- ~~16.40.120 Chapter 8 – Interior Finish, Decorative Materials and Furnishings.~~
- 16.40.~~140~~[120](#) Chapter 9 – Fire Protection and Life Safety Systems.
- 16.40.~~160~~[140](#) Chapter 12 – Energy Systems.
- 16.40.~~180~~[160](#) Chapter 33 – Fire Safety During Construction and Demolition.
- ~~16.40.180 Chapter 41 – Temporary Heating and Cooking Operations.~~
- ~~16.40.200 Chapter 49 – Requirements for Wildland – Urban Interface Fire Areas.~~
- 16.40.~~220~~[200](#) Chapter 50 – Hazardous Materials – General Provisions.
- 16.40.~~230~~[220](#) Chapter 54 – Corrosive Materials.
- 16.40.240 Chapter 56 – General – Explosives and Fireworks.
- 16.40.260 Chapter 57 – Flammable and Combustible Liquids.
- 16.40.280 Chapter 58 – Flammable Gases and Flammable Cryogenic Fluids.
- 16.40.300 Chapter 60 – Highly Toxic and Toxic Materials.
- 16.40.320 Chapter 61 – Liquefied Petroleum Gases.
- 16.40.340 Chapter 64 – Pyrophoric Materials.
- ~~16.40.360 Chapter 80 – Referenced Standards~~
- 16.40.~~380~~[360](#) Appendix B – Fire-Flow Requirements for Buildings
- 16.40.~~400~~[380](#) Appendix C – Fire Hydrant Locations and Distribution
- 16.40.~~360~~[400](#) Appendix D – Fire Apparatus Access Roads

16.40.010 Adoption of the [2022-2025](#) California Fire Code and [2021-2024](#) International Fire Code.

- A. Except as otherwise provided in this chapter, the provisions of the [2022-2025](#) California Fire Code and also the [2021-2024](#) International Fire Code, and specified

Appendices and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified, added or amended by this ordinance, and is by such adopted by reference.

- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official and the Fire Code Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

16.40.015 Adoption of Appendix Chapters.

The following Appendix Chapters from the ~~2022~~ 2025 California Fire Code are hereby adopted.

Appendix B: Fire-Flow Requirement for Buildings.

Appendix C: Fire Hydrant Locations and Distribution.

Appendix D: Fire Apparatus Access Roads

Appendix ~~OP~~ P: Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

16.40.020 Chapter 1 - Administration.

Add Section 101.3.1 ~~of~~ to the ~~2022~~ 2025 California Fire Code to read as follows:

101.3.1 Administration. The City Manager, through the powers vested by the City Council, shall have the authority to delegate any and all responsibility for the maintenance and enforcement of the provisions of this Code to whichever legal entity he feels best serves the interests of the City.

Wherever the words "Chief," "Fire Marshal," "fire code official," "Fire Department," "Fire Prevention Bureau," "Fire Chief," and other such similar words are used, they shall mean and refer to such legal entity designated by the City Manager of Cupertino under the authority of the City Council of Cupertino.

Wherever the words "municipality," "jurisdiction," or "city" are used, they shall mean the City of Cupertino.

Wherever the words "Executive Body" are used, they shall mean the City Council of Cupertino.

Wherever the words "Administrator" or "Executive" are used, they shall mean the City Manager of Cupertino.

Wherever the words “District Attorney” or “Corporation Counsel” are used, they shall mean the City Attorney of Cupertino.

Wherever the words “Board of Appeal” are used, they shall mean the City Council of Cupertino or the body appointed by the Council to pass on matters pertaining to fire safety.

[Amend Table 105.5.9 of the 2025 California Fire Code to read as follows:](#)

TABLE 105.5.9
PERMIT AMOUNTS FOR COMPRESSED GASES

<u>TYPE OF GAS</u>	<u>AMOUNT</u> <u>(cubic feet at NTP)</u>
Carbon dioxide used in carbon dioxide enrichment systems	875 (100lb)
Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications	875 (100 lb)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Moderately toxic	Any Amount
Other Health Hazard Materials	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

[Amend Table 105.5.22 of the 2025 California Fire Code to read as follows:](#)

TABLE 105.5.22
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

<u>TYPE OF MATERIAL</u>	<u>AMOUNT</u>
Combustible liquids	See Section 105.5.18
Corrosive materials	
Gases	See Section 105.5.9

Liquids	55 gallons
Solids	500 pounds
Explosive materials	See Section 105.5.16
Flammable materials	
Gases	See Section 105.5.9
Liquids	See Section 105.5.18
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.5.9
Liquids	Any Amount
Solids	Any Amount
Moderately toxic materials	
Gases	See Section 105.5.9
Other health hazard materials	
Gases	See Section 105.5.9
Liquids	55 gallons
Solids	500 pounds
Oxidizing materials	
Gases	See Section 105.5.9
Liquids	
Class 4	Any Amount
Class 3	1 gallon^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds^b
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons

<u>Class V</u>	<u>No Permit Required</u>
<u>Solids</u>	
<u>Class I</u>	<u>Any Amount</u>
<u>Class II</u>	<u>Any Amount</u>
<u>Class III</u>	<u>10 pounds</u>
<u>Class IV</u>	<u>20 pounds</u>
<u>Class V</u>	<u>No Permit Required</u>
<u>Pyrophoric materials</u>	
<u>Gases</u>	<u>Any Amount</u>
<u>Liquids</u>	<u>Any Amount</u>
<u>Solids</u>	<u>Any Amount</u>
<u>Toxic materials</u>	
<u>Gases</u>	<u>See Section 105.5.9</u>
<u>Liquids</u>	<u>10 gallons</u>
<u>Solids</u>	<u>100 pounds</u>
<u>Unstable (reactive) materials</u>	
<u>Liquids</u>	
<u>Class 4</u>	<u>Any Amount</u>
<u>Class 3</u>	<u>Any Amount</u>
<u>Class 2</u>	<u>5 gallons</u>
<u>Class 1</u>	<u>10 gallons</u>
<u>Solids</u>	
<u>Class 4</u>	<u>Any Amount</u>
<u>Class 3</u>	<u>Any Amount</u>
<u>Class 2</u>	<u>50 pounds</u>
<u>Class 1</u>	<u>100 pounds</u>
<u>Water-reactive materials</u>	
<u>Liquids</u>	
<u>Class 3</u>	<u>Any Amount</u>
<u>Class 2</u>	<u>5 gallons</u>
<u>Class 1</u>	<u>55 gallons</u>
<u>Solids</u>	
<u>Class 3</u>	<u>Any Amount</u>
<u>Class 2</u>	<u>50 pounds</u>
<u>Class 1</u>	<u>500 pounds</u>

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 22 gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 22 gallons or less.
- a.b. 220 pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 220 pounds or less.

Add Section 105.5.60 to the 2025 California Fire Code to read as follows:

105.5.60 Institutions. An operational permit is required to operate any health facility as defined in Section 1250 of the California Health and Safety Code, with an occupant load of more than six (6) persons, or to operate any jail or facility where personal liberties of the occupants are restrained. See California Code of Regulations Title 24 Part 2.

Add Section 105.5.61 to the 2025 California Fire Code to read as follows:

105.5.61 Residential care facility. An operational permit is required to operate any residential care or service facility, as described in the California Building Code, accommodating more than six (6) persons.

Amend Section 105.6.4 of the California Fire Code to read as follows:

105.6.4 Cryogenic fluids. A construction permit is required for installation of or alteration to ~~outdoor stationary~~ cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.5.11. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.

Add Section ~~106.2.1~~ 108.2.1 of the ~~2022~~ 2025 California Fire Code to read as follows:

~~106.2.1~~ **108.2.1 Construction permit fees.** Construction permit fees and plan review fees for fire hydrant systems, fire extinguishing systems and fire alarm systems shall be paid to the Santa Clara County Fire Department in accordance with the following table based on valuation. The valuation shall be limited to the value of the system for which the permit is being issued. Plan review fees are 65% of the Permit Fee amount. For the purposes of determining the total fee amount for each permit, the plan review fee shall be added to the Permit Fee.

TOTAL VALUATIONS	PERMIT FEE
\$1.00 TO \$500.00	\$23.50
\$501.00 TO \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2001.00 TO \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Additional re-inspections, in connection with the permits above, are to be paid at \$120.00 for each occurrence at the discretion of the fire code official.	
Cancelled inspections without advance notice are to be paid at \$120.00 for each occurrence.	

Add Section [106.2.2-108.2.2](#) the [2022 2025](#) California Fire Code to read as follows:

[106.2.2-108.2.2](#) **Operational permit fees.** Operational permit fees shall be paid to the Santa Clara County Fire Department as follows:

FACILITY TYPE		PERMIT FEE
1.	Institutional	
	A. More than 6 persons	\$75.00 - Annually
	B. Over 50 persons	\$100.00 - Annually
2.	Day Care Facilities	

	More than 6 clients	\$35.00 - Annually
3.	Places of Assembly	
	A. 50-300 persons	\$50.00 - Annually
	B. Over 300 persons	\$85.00 - Annually
4.	Temporary Membrane Structures, Tents and Canopies (Only those requiring permits in accordance with Section 105.6. 47).	\$85.00 – Each occurrence

Add Section ~~107.5-109.5~~ to the ~~2022-2025~~ California Fire Code to read as follows:

~~107.5-109.5~~ Final Inspection. No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Department issues notice of final clearance of such fire protection facilities and access ways to the Building Department.

16.40.040 Chapter 2 - Definitions.

Add the following definitions:

CORROSIVE LIQUID. Corrosive liquid is:

1. any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action; ~~or~~
2. any liquid having a pH of 2 or less or 12.5 or more; ~~or~~
3. any liquid classified as corrosive by the U.S. Department of Transportation; ~~and or~~
4. any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

HEALTH HAZARD - OTHER. is a hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) sensitizers or teratogens (effect on fetuses).

LARGE-SCALE FIRE TESTING. Testing a representative energy storage system that induces a significant fire into the device under test and evaluates whether the fire will spread

to adjacent energy storage system units, surrounding equipment, or through an adjacent fire-resistance-rated barrier.

MODERATELY TOXIC GAS. A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than ~~5000~~ 7500 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

~~**SECONDARY CONTAINMENT.** Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably to ensure detection and remedy of the primary containment failure.~~

SPILL CONTROL. That level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

Amend the following definitions:

SECONDARY CONTAINMENT. Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

WORKSTATION. A defined space or an independent principal piece of equipment using ~~hazardous materials with a hazard rating of 3 or 4 in accordance with NFPA 704~~ flammable or unstable (Class 3 or 4 as ranked by NFPA 704 hazardous materials) where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, detection devices, electrical devices, and other processing and scientific equipment.

16.40.080 Chapter 5 - Fire Service Features.

Amend Section 503.1 of the 2022-2025 California Fire Code to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and in accordance with the Fire Department access Standards.

Amend Section 503.1.1 [of the 2025 California Fire Code to read](#) as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements for this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. In other than R-3 or U occupancies, when the building is equipped throughout with an approved automatic sprinkler system, installed in accordance with Sections 903.3.1.1 or 903.3.1.2, the dimension may be increased to a maximum of 300 feet when approved by the fire code official.
2. When there are not more than two Group R-3 or accessory Group U occupancies, the dimension may be increased to a maximum of 200 feet.
3. When apparatus roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, an approved alternative means of fire protection shall be provided.

Amend Section 503.2.1 of the [2022-2025](#) California Fire Code to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) for engines and 26 feet (7925mm) for aerial fire apparatus, exclusive of shoulders, except for approved gates or barricades in accordance with Sections 503.5.1 and 503.6. The unobstructed vertical clearance shall be a minimum of 13 feet 6 inches (4115 mm) or as determined by the fire code official.

Exception: When there are not more than two residential parcels, having only Group R, Division 3, or Group U occupancy structures, the access road width may be modified by the fire code official.

Amend Section 503.2.4 of the [2022-2025](#) California Fire Code as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be a minimum of 30 feet inside, and a minimum of 50 feet outside.

Amend Section 503.2.7 of the [2022-2025](#) California Fire Code as follows:

503.2.7 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

Amend Section 503.5 of the [2022-2025](#) California Fire Code as follows:

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails, or other accessways, not including the public streets, alleys, or highways. The minimum width for commercial applications is 20 feet (6096 mm), and 12 feet (4268 mm) for single-family dwellings. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

Amend Section 503.6 of the [2022-2025](#) California Fire Code as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The minimum width for commercial applications is 20 feet (6096 mm), and 12 feet (4268 mm) for single-family dwellings.

Add Section 504.5 to the [2022-2025](#) California Fire Code to read as follows:

504.5 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to or within the building are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire code official. Access control devices ~~shall~~ must also comply with Chapter 10.

Amend Section 505.1 [of the 2025 California Fire Code to read](#) as follows:

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than ~~6~~4 inches (153 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

The following is a guideline for adequate address number dimensions:

- The number posted up to 49 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a half (1/2) inch stroke.
- The number posted from 50 to 100 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a one (1) inch stroke.
- The number posted over 100 to 199 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (10) inches high with a one and a half (1 1/2) inch stroke.
- The number posted over 200 to 299 feet from the public street shall be of one solid color which is contrasting to the background and be at least ~~ten~~eighteen (18) inches high with a ~~one and a half~~two (2) inch stroke.
- The number posted over 300 to 400 feet from the public street shall be of one solid color which is contrasting to the background and be at least ~~ten~~twenty-four (24) inches high with a ~~one~~two and a half (2 1/2) inch stroke.

Amend Section 510.1 of the ~~2022~~2025 California Fire Code to read as follows:

510.1 Emergency responder ~~radio coverage communications enhancement system~~ in new buildings. Approved ~~radio coverage in-building emergency responder communication enhancement system (ERCES)~~ for emergency responders shall be provided within all buildings meeting any one of the following conditions:

1. There are more than 3 stories above grade plane (as defined by the Building Code Section 202);

2. The total building area is 30,000 square feet or more;
3. The total basement area is 5,000 square feet or more;
4. Where required by the fire code official and radio coverage signal strength levels are not consistent with the minimum levels set forth in Section 510.4.1

Exceptions:

1. Where approved by the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder ~~radio~~[communications](#) coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder ~~radio~~[communications](#) coverage system.
4. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System within the building in accordance with Section 510.4.1 without the use of an indoor radio coverage system.

The radio coverage system shall be installed and maintained in accordance with Sections 510.4 through 510.6.4 of this code and with the applicable provisions of NFPA ~~1221,~~
~~Standard for the Installation, Maintenance and Use of Emergency Services~~
~~Communications Systems.~~[1225, Standard for Emergency Services Communications.](#)

~~The coverage~~[In-building ERCES within the building](#) shall be based upon the existing coverage levels of the public safety communication systems ~~of~~[utilized by](#) the jurisdiction, ~~measured~~
~~The ERCES, where required, shall be of a type~~
~~determined by the fire code official and the frequency license holder(s).~~
This section shall not require improvement of the existing public safety communication systems.

Add Section 510.1.1 ~~of~~[to](#) the ~~2022-2025~~ California Fire Code to read as follows:

510.1.1 Obstruction by new buildings. No obstruction of the public safety system backhaul shall be allowed without an approved mitigating plan.

Amend Section 510.3.[1](#) of the ~~2022-2025~~ California Fire Code to read as follows:

510.3 Permit required. A construction permit, for the installation of, or modification ~~of to,~~ in-building emergency responder ~~radio coverage communications enhancement~~ systems and related equipment is required as specified in Section ~~105.7.6~~105.6.5. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. A frequency change made to an existing system is considered to be new construction and will require a construction permit

Amend Section 510.4 of the 2022-2025 California Fire Code to read as follows:

510.4 Technical requirements. Systems, components and equipment required to provide ~~the in-building~~ emergency responder radio coverage ~~system communication enhancement~~ shall be listed in accordance with UL2524 and shall comply with the current Emergency Responders Radio Coverage Communications Enhancement Systems Standard Details & Specification enforced by the Santa Clara County Fire Department. Systems, components and equipment required to provide the in-building emergency responder communications enhancement system shall comply with Sections 510.4.1 through 510.4.2.8.

~~Amend Section 510.4.1.1 of the 2022 California Fire Code to read as follows:~~

~~**510.4.1.1 Minimum signal strength into the building.** The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The inbound signal level shall be sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent Signal to Interference Plus Noise Ratio (SINR) applicable to the technology.~~

~~Amend Section 510.4.1.2 of the 2022 California Fire Code to read as follows:~~

~~**510.4.1.2 Minimum signal strength out of the building.** The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent SINR applicable to the technology.~~

Amend Section 510.4.2 of the 2025 California Fire Code to read as follows:

510.4.2 System design. The in-building emergency responder communications enhancement system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8 and NFPA 1225I and the current Emergency Responder Communications Enhancement Systems Details and Specification enforced by the Santa Clara County Fire Department.

Amend Section 510.5 of the 2022-2025 California Fire Code to read as follows:

510.5 Installation requirement. The installation of the emergency responder radio coverage system shall be in accordance with NFPA 1221-1225 and the current Emergency Responder Radio Coverage Communication Enhancement Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Amend Section 510.5.2 of the 2022-2025 California Fire Code to read as follows:

510.5.2 Approval prior to installation. Amplification-Communications enhancement systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the fire code official and the agency FCC license holder or systems administrator.

Amend Section 510.5.4 of the 2022-2025 California Fire Code to read as follows:

510.5.4 Acceptance test procedure. Where an in-building emergency responder radio coverage-communications enhancement system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 95 percent. Final system acceptance will require ERRCS power level and DAQ testing with agency FCC license holder, systems administrators, or designee.

~~16.40.100 Chapter 6—Building Services and Systems.~~

~~SECTION 603—ELECTRICAL EQUIPMENT, WIRING, AND HAZARDS.~~

~~Amend Section 603.11 to the 2022 California Fire Code to read as follows:~~

~~**603.11 Immersion Heaters.** All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over temperature controls and low~~

~~liquid level electrical disconnects. Manual reset of required protection devices shall be provided.~~

~~SECTION 605—FUEL-FIRED APPLIANCES.~~

~~Amend Section 605.5 as follows:~~

~~**605.5 Portable unvented heaters.** Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, B, E, I, R-1, R-2, R2.1, R2.2, R-3, R3.1 and R-4 and ambulatory care facilities.~~

~~Exceptions:~~

- ~~1. Portable unvented fuel-fired heaters listed in accordance with UL 647 are permitted to be used in one and two-family dwellings, where operated and maintained in accordance with the manufacturer's instructions.~~
- ~~2. Portable outdoor gas-fired heating appliances in accordance with Section 605.5.2.~~

~~Amend Section 605.5.2.1.1 to the 2022 California Fire Code to read as follows:~~

~~**605.5.2.1.1 Prohibited locations.** The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:~~

- ~~1. Inside of any occupancy where connected to the fuel gas container.~~
- ~~2. Inside of tents, canopies and membrane structures.~~
- ~~3. On exterior balconies, and rooftops.~~

16.40.110100 Chapter 7 – Fire and Smoke Protection Features.

Add Section 703.3 [to the 2025 California Fire Code](#) to read [as follows](#):

703.3 Fire-resistant penetrations and joints. In high-rise buildings, in buildings assigned to Risk Category III or IV, or in fire areas containing Group R occupancies with an occupant load greater than 100, and other occupancies as determined necessary special inspections for through-penetrations, membrane penetration firestops, fire resistant joint

systems and perimeter fire containment systems that are tested and listed in accordance with CBC Sections 714.4.1.2, 714.5.1.2, 715.3.1 and 715.4 shall be in accordance with Section 1705.18.1 or 1705.18.2.

~~16.40.120 Chapter 8 – Decorative Vegetation in New and Existing Buildings.~~

~~Amend Section 806.1.1 of the 2022 California Fire Code to read as follows:~~

~~**806.1.1 Restricted occupancies.** The display of natural cut trees and other decorative vegetation shall be in accordance with the California Code of Regulations, Title 19, Division 1, §3.08 and Sections 806.1 through 806.4.~~

~~16.40.~~140120 **Chapter 9 – Fire Protection and Life Safety Systems.**

Amend Section 901.6.2 of the ~~2022~~2025 California Fire Code to read as follows:

901.6.2 Integrated testing. Where two or more fire protection or life safety systems are interconnected, the intended response of subordinate fire protection and life safety systems shall be verified when required testing of the initiating system is conducted. In addition, integrated testing shall be performed in accordance with Sections 901.6.2.1 and 901.6.2.2.

901.6.2.1 High-rise buildings. For high-rise buildings, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as necessary to verify operation of fire protection or life safety functions that are initiated by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.

901.6.2.2 Smoke control systems. Where a fire alarm system is integrated with a smoke control system as outlined in Section 909, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as necessary to verify operation of fire protection or life safety functions that are initiated

by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.

Amend Section 901.6.3 of the [2022-2025](#) California Fire Code to read as follows:

901.6.3 Records [Information](#). Records of all system inspections, tests and maintenance required by the referenced standard shall be maintained on the premises for a minimum of five years. See 907.7 & 907.8 for fire alarm system inspection, testing and maintenance documentation requirements.

Amend Section 903.2 of the [2022-2025](#) California Fire Code to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive and Sections 903.2.14 through 903.2.21.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An approved automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows:

Exceptions:

- a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.
- b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.
- c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following conditions:
 - i. Noncombustible construction.
 - ii. Maximum 5,000 square feet in building area.
 - iii. Structure is open on not less than three (3) sides or not less than 75% of structure perimeter.
 - iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with CBC 706.

- d. Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.
 - e. Temporary Construction Trailers less than 2,500 square feet permitted for a period of not more than one year.
2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

Exception:

Detached Accessory Dwelling Unit, provided that all of the following are met:

- a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
 - b. The existing primary residence does not have automatic fire sprinklers.
 - c. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
 - d. The unit is on the same lot as the primary residence.
 - e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the [2022-2025](#) California Fire Code.
3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.
4. An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet.

Exception: Additions where all of the following are met:

- a. Building addition does not exceed 500 square feet.
 - b. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the [2022-2025](#) California Fire Code.
5. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18.
6. Any change in the character of occupancy or in use of any building with a building area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or Building Official, would place the building into a more hazardous division

of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved automatic fire sprinkler system.

¹ Life Safety – Shall include, but not limited to: Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities with non-ambulatory;

² Fire Risks – Shall include, but not limited to: High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

Add Section 903.2.11.7 [to the 2025 California Fire Code](#) to read [as follows](#):

903.2.11.7 Chemical Fume Hood Fire Protection. Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

1. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled
2. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

Amend Section 907.8 [of the 2025 California Fire Code](#) to read [as follows](#):

907.8 Inspection, testing and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with Sections 907.8.1 through 907.8.4 and NFPA 72. Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.

Amend Section 909.22.1 of the [2022-2025](#) California Fire Code to read as follows:

909.22.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and operational testing must occur at least annually.

16.40.160140 Chapter 12 – Energy Systems.

SECTION 1202 DEFINITIONS

Amend Section 1202.1 [of the 2025 California Fire Code](#) to read [as follows](#):

1202.1 Definitions. The following terms are defined in Chapter 2:

BATTERY SYSTEM, STATIONARY STORAGE.

BATTERY TYPES.

CAPACITOR ENERGY STORAGE SYSTEM.

CRITICAL CIRCUIT.

EMERGENCY POWER SYSTEM.

ENERGY STORAGE MANAGEMENT SYSTEMS.

ENERGY STORAGE SYSTEM (ESS).

ENERGY STORAGE SYSTEM, ELECTROCHEMICAL.

ENERGY STORAGE SYSTEM, MOBILE.

ENERGY STORAGE SYSTEM, WALK-IN UNIT.

ENERGY STORAGE SYSTEM CABINET.

ENERGY STORAGE SYSTEM COMMISSIONING.

ENERGY STORAGE SYSTEM DECOMMISSIONING.

FUEL CELL POWER SYSTEM, STATIONARY.

LARGE-SCALE FIRE TESTING.

PORTABLE GENERATOR.

STANDBY POWER SYSTEM.

Amend Section 1207.1.5 [of the 2025 California Fire Code](#) to read [as follows](#):

1207.1.57 Large-scale fire test. Where required elsewhere in Section 1207, large-scale fire testing shall be conducted in accordance with NFPA 855, and UL 9540A. The testing shall be conducted or witnessed and reported by an approved testing laboratory and show that a fire involving one ESS will not propagate to an adjacent ESS, and where installed within buildings, enclosed areas and walk-in units will be contained within the room, enclosed area or walk-in unit for a duration equal to the fire-resistance rating of the room separation specified in Section 1207.7.4. The test report shall be provided to the fire code official for review and approval in accordance with Section 104.2.2

Amend Section 1207.2.2.1 [of the California Fire Code](#) to read [as follows](#):

1207.2.2.1 Ongoing inspection and testing. Systems that monitor and protect the ESS installation shall be inspected and tested in accordance with the manufacturer’s instructions and the operation and maintenance manual. Inspection and testing records shall be maintained in the operation and maintenance manual and made available to the fire code official upon request.

Amend Section 1207.5.2 [of the 2025 California Fire Code](#) to read [as follows](#):

1207.5.2 Maximum allowable quantities. Fire areas within rooms, areas and walk-in units containing electrochemical ESS shall not exceed the maximum allowable quantities in Table 1207.5. The allowable number of fire areas, maximum allowable quantity, and fire-resistance rating of fire-barriers shall comply with Table 1207.5.1.

Exceptions:

Where approved by the fire code official, rooms, areas and walk-in units containing electrochemical ESS that exceed the amounts in Table 1207.5 shall be permitted based on a hazardous mitigation analysis in accordance with Section 1207.1.46 and large-scale fire testing complying with Section 1207.1.57.

- 1. Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76.
- 2. Dedicated-use buildings in compliance with Section 1207.7.1.

TABLE 1207.5.1 DESIGN AND NUMBER OF ESS FIRE AREAS				
STORY		PERCENTAGE OF MAXIMUM ALLOWABLE QUANTITY PER FIRE AREA	NUMBER OF FIRE AREAS PER STORY	FIRE- RESISTANCE RATING FOR FIRE BARRIERS IN HOURS
Above grade plan	Higher than 9	25	1	3
	7-9	50	2	2
	6	50	2	2

	5	50	2	2
	4	75	4	2
	3	100	6	2
	2	100	6	2
	1	100	6	2
<i>Below grade plan</i>	1	100	4	3
	2	50	2	3
	<i>Lower than 2</i>	<i>Not Allowed</i>	<i>Not Allowed</i>	<i>Not Allowed</i>

Amend Section 1207.5.5 [of the 2025 California Fire Code](#) to read [as follows](#):

1207.5.5 Fire suppression systems. Rooms and areas within buildings and walk-in units containing electrochemical ESS shall be protected by an automatic fire suppression system designed and installed in accordance with one of the following:

1. ~~An a~~Automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 [for ESS units \(groups\) with a maximum stored energy capacity of 50 kWh, as described in Section 1207.5.1, shall be designed](#) with a minimum density of 0.3 gpm/ft² (1.14 L/min) based ~~on the fire area over the area of the room~~ or 2,500 square-foot (232 m²) design area, whichever is larger, [unless a lower density is approved based on large-scale fire testing in accordance with Section 1207.1.7.](#)
2. ~~Where approved, an a~~Automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 [with a sprinkler hazard classification for ESS units \(groups\) exceeding 50 kWh shall use a density](#) based on large-scale fire testing complying with Section 1207.1.57.
3. The following alternative automatic fire-extinguishing systems designed and installed in accordance with Section 904, provided that the installation is approved by the fire code official based on large-scale fire testing complying with Section 1207.1.57:
 - 3.1. NFPA 12, Standard on Carbon Dioxide Extinguishing Systems.
 - 3.2. NFPA 15, Standard for Water Spray Fixed Systems for Fire Protection.
 - 3.3. NFPA 750, Standard on Water Mist Fire Protection Systems.
 - 3.4. NFPA 2001, Standard on Clean Agent Fire-Extinguishing Systems.
 - 3.5. NFPA 2010, Standard for Fixed Aerosol Fire-Extinguishing Systems.

Exceptions:

1. Fire suppression systems for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that operate at less than 50 VAC and 60 VDC shall be provided where required by NFPA 76.
2. Lead-acid and nickel-cadmium systems that are used for DC power for control of substations and control or safe shutdown of generating stations under the exclusive control of the electric utility, and located outdoors or in building spaces used exclusively for such installations, shall not be required to have a fire suppression system installed.
- ~~1.3.~~ Lead-acid battery systems in uninterruptable power supplies listed and labeled in accordance with UL 1778, utilized for standby power applications, which is limited to not more than 10 percent of the floor area on the floor on which the ESS is located, shall not be required to have a fire suppression system. (Material based on NFPA 855 2023 Ed.)

Amend Section 1207.11.3 of the 2025 California Fire Code to read as follows:

1207.11.3 Location. ESS shall be installed only in the following locations:

1. Detached garages and detached accessory structures.
2. Attached garages separated from the dwelling unit living space and sleeping units in accordance with Section R302.6.
3. Outdoors or on the exterior side of the exterior walls not less than 3 feet (914 mm) from doors and windows directly entering the dwelling unit and not below or above any emergency escape and rescue openings.
4. Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings. Walls and ceilings of unfinished wood-framed construction shall be provided with not less than 5/8-inch (15.9 mm) Type X gypsum wallboard.
5. ESS shall not be installed in sleeping rooms, closets, spaces opening directly into sleeping rooms or in habitable spaces of dwelling units.

Amend Section 1207.11.6 of the 2025 California Fire Code to read as follows:

1207.11.6 Fire detection. ESS installed in Group R-3 and R-4 occupancies shall comply with the following:

1. Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section 907.2.11.
2. A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units and attached garages where smoke alarms cannot be installed based on their listing.

Exceptions:

1. A listed heat detector may be used in place of a heat alarm, so long as it is interconnected with devices that provide an audible alarm at all sleeping areas.
2. A fire sprinkler associated with an approved automatic sprinkler system that triggers an audible alarm upon activation of the waterflow switch, may be used in place of a heat alarm.

16.40.180160 Chapter 33 – Fire Safety During Construction and Demolition.

Amend Section ~~3305.3303~~.5 [of the 2025 California Fire Code to read](#) as follows:

~~3305.3303~~.5 **Fire watch.** Where required by the fire code official or the site safety plan established in accordance with Section 3303.1, a fire watch shall be provided for building demolition and for building construction. Fire watch is not intended to facilitate occupancy during ongoing construction in a new building.

Add Section ~~3305.103303~~.7 [to the 2025 California Fire Code](#) to read [as follows](#):

~~3305.103303~~.7 **Fire Walls.** When firewalls are required in combustible construction, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

[Amend Section 3307.1.2 of the 2025 California Fire Code to read as follows:](#)

[3307.1.2 Stairways Required. Where building construction exceeds 40 feet \(12 192 mm\) in height above the lowest level of fire department vehicle access, a temporary or permanent stairway shall be provided. As construction progresses, such stairway shall be extended to within one floor of the highest point of construction having secured decking or flooring. Each level above the first story in multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more](#)

than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

Add section 3307.1.4 to the 2025 California Fire Code to read as follows:

3307.1.4 Required Means of Egress. All buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the written site safety plan as required by Section 3303.1.

Add Section ~~3311.1.1~~ 3307.6 ~~of to~~ the ~~2022~~ 2025 California Fire Code to read as follows:

~~3311.1.1~~ **3307.6 Fire Department Access Roadways:** All construction sites shall be accessible by fire department apparatus by means of roadways having an all-weather driving service of not less than 20ft. of unobstructed width. The roads shall have the ability to withstand the live loads of fire apparatus, and have a minimum 13ft. 6 in. of vertical clearance. Dead end fire access roads in excess of 150 ft. in length shall be provided with approved turnarounds.

When approved by the Fire Code Official, temporary access roadways may be utilized until such time that the permanent roadways are installed. As a minimum, the roadway shall consist of a compacted sub base and six (6) inches of road base material (Class 2 aggregate base rock) both compacted to a minimum 95% and sealed. The perimeter edges of the roadway shall be contained and delineated by curb and gutter or other approved method. The use of geotextile reinforcing fabric underlayment or soils lime-treatment may be required if so determined by the project civil engineer. Provisions for surface drainage shall also be provided where necessary. The integrity of the roadway shall be maintained at all times.

Amend Section ~~3312.1~~ as follows:

~~**3312.1 Stairways Required.** Each level above the first story in multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior~~

~~walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.~~

~~**Exception:** For multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).~~

~~Add Section 3312.4 to read:~~

~~**Section 3312.4 Required Means of Egress.** All buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the written fire safety plan as required by Section 3303.1.~~

~~Amend-Add~~ Section ~~3315.1~~ 3313 to the 2025 California Fire Code to read as follows:

Section 3313 Completion Before Occupancy

3315.1 3313.1 Completion before occupancy. In buildings where an automatic sprinkler system is required by this code or the California Building Code, it shall be unlawful to occupy any portion of a building or structure until the automatic sprinkler system installation has been tested and approved.

In new buildings of combustible construction where, automatic fire sprinkler systems are required to be installed, the system shall be placed in service as soon as possible.

Immediately upon the completion of sprinkler pipe installation on each floor level, the piping shall be hydrostatically tested and inspected. After inspection approval from the Fire department, each floor level of sprinkler piping shall be connected to the system supply riser and placed into service with all sprinkler heads uncovered. Protective caps may be installed on the active sprinklers during the installation of drywall, texturing and painting, but shall be removed immediately after this work is completed. For system activation notification, an exterior audible waterflow alarm shall be installed and connected to the sprinkler waterflow device prior to installation of the monitoring system.

For buildings equipped with fire sprinkler systems that are undergoing alterations, the sprinkler system(s) shall remain in service at all times except when system modifications are necessary. Fire sprinkler systems undergoing modifications shall be returned to service at the end of each workday unless otherwise approved by the fire department. The General contractor or his/her designee shall check the sprinkler control valve(s) at the end of each workday to confirm that the system has been restored to service.

16.40.180 Chapter 41 – Temporary Heating and Cooking Operations.

Amend Section 4103.1 of the 2025 California Fire Code to read as follows:

4103.1 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, B, E, I, R-1, R-2, R2.1, R2.2, R-3, R3.1 and R-4 and ambulatory care facilities.

Exceptions:

1. Portable unvented fuel-fired heaters listed and labeled in accordance with UL 647 are permitted to be used in one and two-family dwellings, where operated and maintained in accordance with the manufacturer's instructions.
2. Portable outdoor gas-fired heating appliances in accordance with Section 4103.1.2.

Amend Section 4103.1.2.1.1 of the 2025 California Fire Code to read as follows:

4103.1.2.1.1 Prohibited locations. The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

1. Inside of any occupancy where connected to the fuel gas container.
2. Inside of tents, canopies and membrane structures.
3. On exterior balconies, and rooftops.

Add Section 4106 to the 2025 California Fire Code to read as follows:

Section 4106 Immersion Heaters

Section 4106.1 Immersion Heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

~~16.40.200 Chapter 49 – Requirements for Wildland-Urban Interface Fire Areas.~~

~~Add Section 4901.3 to read:~~

~~**4901.3 Where applicable.** These requirements shall apply to all areas within the City of Cupertino as set forth and delineated on the map entitled "Wildland-Urban Interface Fire~~

~~Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this Chapter. The map properly attested, shall be on file in the Office of the City Clerk of the City of Cupertino.~~

~~Add Section 4901.4 to read:~~

~~**4901.4 Exemptions.** These requirements shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:~~

- ~~1. Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.~~
- ~~1. Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.~~
- ~~2. Open space lands that are environmentally sensitive parklands.~~
- ~~3. Other lands having scenic values, as declared by the local agency, or by state or federal law.~~

~~Add Section 4906.1.1 to read:~~

~~**4906.1.1 Hazardous vegetation and fuels** shall be managed to reduce the severity of potential exterior wildfire exposure to buildings, to reduce the risk of fire spreading to buildings, and provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, as required by applicable laws and standards.~~

~~Add Section 4906.1.2 to read:~~

~~**4906.1.2 Maintenance required.** Maintenance is required to ensure conformance with these standards and measures, and to assure continued availability, access, and utilization, of the defensible space during a wildfire.~~

~~Add Section 4906.1.3 to read:~~

~~**4906.1.3 Additional measures.** No person subject to these regulations shall permit any fire hazard, as defined in this chapter, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.~~

~~Add Section 4906.1.4 to read:~~

~~4906.1.4 Exemption.~~ For the purposes of this chapter, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property.

~~Amend Section 4907.3 to read:~~

~~4907.3 Requirements.~~ Hazardous vegetation and fuels around all buildings, roads, driveways, and structures shall be maintained in accordance with the following laws and regulations:

- ~~1. Public Resources Code, Sections 4291 through 4296.~~
- ~~2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.~~
- ~~3. California Government Code, Sections 51175 – 51189.~~
- ~~4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.~~
- ~~5. Any local ordinance of the City of Cupertino.~~

16.40.220200 Chapter 50 - Hazardous Materials – General Provisions.

Amend Section 5001.2.2.2 of the [2022-2025](#) California Fire Code to read as follows:

5001.2.2.2 Health Hazards The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Other health hazards.

Add Section 5001.5.3 to the [2022-2025](#) California Fire Code to read as follows:

5001.5.3 Hazardous materials business plan (HMBP). Where required by the fire code official, facilities shall submit a Hazardous Materials Business Plan (HMBP) as required by California Health & Safety Code (HSC), Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4. The HMBP shall be electronically submitted in accordance with the fire code official's requested timeframe and no less frequently than is required by the HSC.

Amend Section 5002.1 [of the 2025 California Fire Code](#) to read [as follows](#):

5002.1 Definitions. The following terms are defined in Chapter 2:

BOILING POINT.

CEILING LIMIT.

CHEMICAL.

CHEMICAL NAME.

CLOSED CONTAINER.

CONTAINER.

CONTROL AREA.

[CORROSIVE LIQUIDS](#)

CYLINDER.

DAY BOX.

DEFLAGRATION.

DESIGN PRESSURE.

DETACHED BUILDING.

DISPENSING.

EXCESS FLOW CONTROL.

EXHAUSTED ENCLOSURE.

EXPLOSION.

FLAMMABLE VAPORS OR FUMES.

GAS CABINET.

GAS ROOM.

HANDLING.

HAZARDOUS MATERIALS.

HEALTH HAZARD.

HEALTH HAZARD – OTHER.

IMMEDIATELY DANGEROUS TO LIFE AND HEALTH (IDLH).

INCOMPATIBLE MATERIALS.

LIQUID.

LOWER EXPLOSIVE LIMIT (LEL).
LOWER FLAMMABLE LIMIT (LFL).
MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA.
MODERATELY TOXIC GAS.
NORMAL TEMPERATURE AND PRESSURE (NTP).
OUTDOOR CONTROL AREA.
PERMISSIBLE EXPOSURE LIMIT (PEL).
PESTICIDE.
PHYSICAL HAZARD.
PRESSURE VESSEL.
SAFETY CAN.
SAFETY DATA SHEET (SDS).
SECONDARY CONTAINMENT.
SEGREGATED.
SOLID.
SPILL CONTROL.
STORAGE, HAZARDOUS MATERIALS.
SYSTEM.
TANK, ATMOSPHERIC.
TANK, PORTABLE.
TANK, STATIONARY.
TANK VEHICLE.
UNAUTHORIZED DISCHARGE.
USE (MATERIAL).
VAPOR PRESSURE.

Add Section 5003.1.3.1 to the [2022-2025](#) California Fire Code to read as follows:

5003.1.3.1 Highly Toxic, Toxic, Moderately Toxic Gases and Similarly Used or Handled Materials. The storage, use and handling of highly toxic, toxic and moderately toxic gases in amounts exceeding Table 6004.2.1.4 shall be in accordance with this chapter and Chapter 60. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

Add Section 5003.1.5 to the [2022-2025](#) California Fire Code to read as follows:

5003.1.5 Other Health Hazards. The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with this Section 5003.

Add Section 5003.1.6 to the [2022-2025](#) California Fire Code to read as follows:

5003.1.6 Additional Spill Control and Secondary Containment Requirements. In addition to the requirements set forth in Section 5004.2, an approved containment system is required for any quantity of hazardous materials, that are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. The approved containment system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in Section 5004.2.

Amend Section 5003.2.2.1 of the [2022-2025](#) California Fire Code to read as follows:

5003.2.2.1 Design and Construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials that are compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and the Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing and provided with ready access at the following locations:
 - 3.1. The point of use.
 - 3.2. The tank, cylinder or bulk source.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible, accessible and indicated by means of a sign.

5. Backflow prevention or check valves shall be provided where the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:
 - Health hazard Class 3 or 4
 - Flammability Class 4
 - Reactivity Class 4

In accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig) (103 Kpa), an approved means of leak detection and emergency shutoff or excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
 2. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills or leaks shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 6004.2.1.4. Secondary containment includes, but is not limited to double-walled piping.

Exceptions:

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.
8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

Amend Section 5003.2.2.2 of the [2022-2025](#) California Fire Code to read as follows:

5003.2.2.2 Additional Regulation for Supply Piping for Health Hazard Materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 shall be in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.
2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.
3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

Exception: Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.11 of the California Building Code for H-5 Occupancies.

~~Adept-Add~~ Section 5003.5.2 ~~of to~~ the ~~2022-2025~~ California Fire Code to read as follows:

5003.5.2 Ventilation Ducting. Ducts venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

~~Adept-Add~~ Section 5003.5.3 ~~of to~~ the ~~2022-2025~~ California Fire Code to read as follows:

5003.5.3 "H" Occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

Amend Section 5003.10.4 of the ~~2022-2025~~ California Fire Code to read as follows:

5003.10.4 Elevators utilized to transport hazardous materials.

5003.10.4.1 When transporting hazardous materials, elevators shall have no other passengers other than in the individual(s) handling the chemical transport cart.

5003.10.4.1.1 When transporting cryogenic or liquefied compressed gases, there shall be no occupants in the elevator.

5003.10.4.2 Hazardous materials liquid containers shall have a maximum capacity of 20 liters (5.28 gal).

5003.10.4.3 ~~Highly~~toxic, moderately toxic and ~~moderately~~highly toxic gases shall be limited to a container of a maximum water capacity of 1 lb.

5003.10.4.4 ~~Means~~When transporting cryogenic or liquefied compressed gases means shall be provided to prevent the elevator from being summoned to other floors.

Amend Section 5004.2.1 of the 2022-2025 California Fire Code to read as follows:

5004.2.1 Spill control for hazardous material liquids. Rooms, buildings or areas used for storage of hazardous material liquids ~~in individual vessels having a capacity of more than 55 gallons (208 L) or in which the aggregate capacity of multiple vessels exceeds 1,000 gallons (3785 L),~~ shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and outdoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems, including containment pallets in accordance with Section 5004.2.3.
4. Other approved engineered systems

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

Amend Section 5004.2.2.2 of the 2022-2025 California Fire Code to read as follows:

5004.2.2.2 Incompatible Materials. Incompatible materials shall be separated from each other in independent secondary containment systems.

~~Amend Section 5004.2.3 of the 2022 California Fire Code as follows:~~

16.40.230220 Chapter 54 – Corrosive Materials.

Amend Section 5402.1 of the [2022-2025](#) California Fire Code to read as follows:

5402.1 Definitions. The following terms ~~is~~ are defined in Chapter 2:

CORROSIVE.

CORROSIVE LIQUIDS.

16.40.240 Chapter 56 - General – Explosives and Fireworks.

Amend Section 5601.1.3 of the [2022-2025](#) California Fire Code to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exception(s):

1. Storage and handling of fireworks as allowed in Section 5604.

~~1.2.~~ The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and health and Safety Code Division 11.

~~The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.~~

16.40.260 Chapter 57 – Flammable and Combustible Liquids.

Amend section 5704.2.7.5.8 of the [2022-2025](#) California Fire Code to read as follows:

5704.2.7.5.8 Overfill Prevention. An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5 (Item 1, Sub-item 1.1).

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5 (Item 1, Sub-item 1.1).

Add Section 5704.2.7.5.9 ~~of to~~ the [2022-2025](#) California Fire Code to read as follows:

5704.2.7.5.9 Automatic [and/or Remote](#) Filling of Tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

Amend Section 5704.2.9.6.1 of the [2022-2025](#) California Fire Code as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all locations of the City of Cupertino which are residential or congested commercial areas as determined by the fire code official.

Amend Section 5706.2.4.4 of the [2022-2025](#) California Fire Code as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all locations of the City of Cupertino which are residential or congested commercial areas as determined by the fire code official.

~~Amend section 5707.3.3 of the 2022 California Fire Code as follows:~~

~~5707.3.3 Site plan.~~—A site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate the following:

- ~~1. All buildings and structures.~~
- ~~2. Lot lines or property lines.~~
- ~~3. Electric car chargers.~~
- ~~4. Solar photovoltaic parking lot canopies.~~
- ~~5. Appurtenances on site and their use or function.~~
- ~~6. All uses adjacent to the lot lines of the site.~~
- ~~7. Fueling locations.~~
- ~~8. Locations of all storm drain openings and adjacent waterways or wetlands.~~
- ~~9. Information regarding slope, natural drainage, curbing and impounding.~~
- ~~10. How a spill will be kept on the site property.~~
- ~~11. Scale of the site plan.~~

16.40.280 Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids.

Amend Section 5806.2 of the [2022-2025 California Fire Code](#) [to read](#) as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in all locations of the City of Cupertino which are residential or congested commercial areas as determined by the fire code official.

~~Amend Section 5809.3.4 of the 2022 California Fire Code as follows:~~

~~**5809.3.4 Site plan.** For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate; all buildings, structures, lot lines, property lines and appurtenances on site and their use and function, and the scale of the site plan.~~

16.40.300 Chapter 60 – Highly Toxic and Toxic Materials.

[Amend Chapter 60 of the 2025 California Fire Code to read as follows:](#)

[Chapter 60 title is amended to read as follows:](#)

[Chapter 60 Highly Toxic Material, Toxic Materials, and Moderately Toxic Gases](#)

Amend Section 6001.1 of the [2022-2025 California Fire Code](#) to read as follows:

6001.1 Scope. The storage and use of highly toxic, toxic and/or moderately toxic materials shall comply with this chapter. Compressed gases shall also comply with Chapter 53.

Exceptions:

1. Display and storage in Group M and storage in Group S occupancies complying with Section 5003.1 1.
2. Conditions involving pesticides or agricultural products as follows:
 - 2.1 Application and release of pesticide, agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instruction and label directions.
 - 2.2 Transportation of pesticides in compliance with the Federal Hazardous Materials Transportation Act and regulations thereunder.
 - 2.3 Storage in dwellings or private garages of pesticides registered by the U.S. Environmental Protection Agency to be utilized in and around the home, garden, pool, spa and patio.

[Amend Section 6002.1 of the 2025 California Fire Code to read as follows:](#)

Section 6002.1 Definitions.

[The following terms are defined in Chapter 2:](#)

CONTAINMENT SYSTEM.

CONTAINMENT VESSEL.

EXCESS FLOW VALVE.

HIGHLY TOXIC.

MODERATELY TOXIC GAS.

OZONE-GAS GENERATOR.

PHYSIOLOGICAL WARNING THERESHOLD.

REDUCED FLOW VALVE.

TOXIC.

[Amend Section 6004 of the 2025 California Fire Code to read as follows:](#)

Section 6004 Highly Toxic, Moderately Toxic, And Toxic Compressed Gases

Amend Section 6004.1 of the [2022-2025](#) California Fire Code to read as follows:

6004.1 General. The storage and use of highly toxic, toxic, and moderately toxic compressed gases shall comply with this section.

Amend Section 6004.1.1 of the [2022-2025](#) California Fire Code to read as follows:

6004.1.1 Special limitations for indoor storage and use by occupancy. The indoor storage and use of highly toxic, toxic and moderately toxic compressed gases in certain occupancies shall be subject to the limitations contained in Sections 6004.1.1.1 through 6004.1.1.3.

6004.1.1.1 Group A, E, I or U occupancies. Highly toxic, toxic and moderately toxic compressed gases shall not be stored or used within Group A, E, I or U occupancies.

Exception: Cylinders not exceeding 20 cubic feet (0.556m³) at normal temperature and pressure (NTP) are allowed within gas cabinets or fume hoods.

6004.1.1.2 Group R occupancies. Highly toxic, toxic and moderately toxic compressed gases shall not be stored or used in Group R occupancies.

6004.1.1.3 Offices, retail sales and classrooms. Highly toxic, toxic and moderately toxic compressed gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S occupancies.

Exception: In classrooms of Group B occupancies, cylinders with a capacity not exceeding 20 cubic feet (0.566 m³) at NTP are allowed in gas cabinets or fume hoods.

Amend Section 6004.2 of the [2022-2025](#) California Fire Code to read as follows:

6004.2 Indoor Storage and Use. The indoor storage or use of highly toxic, toxic or moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.[42.10.3](#).

Amend Section 6004.2.1 of the [2022-2025](#) California Fire Code to read as follows:

6004.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.4.

~~Adopt-Add~~ Section 6004.2.1.4 ~~of to~~ the [2022-2025](#) California Fire Code to read as follows:

6004.2.1.4 Quantities exceeding the minimum threshold quantities, but not exceeding the maximum allowable quantities per control area. The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the minimum threshold quantities per control area set forth in Table 6004.2.1.4 but not exceeding maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, and 6004.1 and 6004.4.

Add Table 6004.2.1.4 to the [2022-2025](#) California Fire Code to read as follows:

Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use	
Highly Toxic	20
Toxic	405 cubic feet
Moderately Toxic	405 cubic feet

Add Section 6004.4 to the [2022-2025](#) California Fire Code to read as follows:

6004.4 General indoor requirements. The general requirements applicable to the indoor storage and use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.4 through 6004.4.8.2.

Add Section 6004.4.1 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.1 Cylinder and tank location. Cylinders shall be located within gas cabinets, exhausted enclosures or gas rooms. Portable and stationary tanks shall be located within gas rooms or exhausted enclosures.

Exceptions:

1. Where a gas detection system is provided in accordance with 6004.4.8.

Add Section 6004.4.2 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.2. Ventilated areas. The room or area in which gas cabinets or exhausted enclosures are located shall be provided with exhaust ventilation. Gas cabinets or exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

Add Section 6004.4.3 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.3. Piping and controls. In addition to the requirements of Section 5003.2.2, piping and controls on stationary tanks, portable tanks, and cylinders shall comply with the following requirements:

1. Stationary tanks, portable tanks, and cylinders in use shall be provided with a means of excess flow control on all tank and cylinder inlet or outlet connections.

Exceptions:

1. Inlet connections designed to prevent backflow.
2. Pressure relief devices.

Add Section 6004.4.4 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.4 Gas rooms. Gas rooms shall comply with Section 5003.8.4 and both of the following requirements:

1. The exhaust ventilation from gas rooms shall be directed to an exhaust system.
 2. Gas rooms shall be equipped with an approved automatic sprinkler system.
- Alternative fire- extinguishing systems shall not be used.

Add Section 6004.4.5 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.5 Treatment systems. The exhaust ventilation from gas cabinets, exhausted enclosures and gas rooms, required in Section 6004.4.1 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Chapter 5 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic, and moderately toxic gases—storage. A treatment system is not required for cylinders, containers and tanks in storage where all of the following controls are provided:
 - 1.1 Valve outlets are equipped with gas- tight outlet plugs or caps.
 - 1.2 Hand wheel-operated valves have handles secured to prevent movement.
 - 1.3 Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.

2. Highly toxic, toxic, and moderately toxic gases —use. Treatment systems are not required for highly toxic, toxic, and moderately toxic gases supplied by stationary tanks, portable tanks, or cylinders where a gas detection system complying with Section 6004.4.8 and listed or approved automatic-closing fail- safe valves are provided. The gas detection system shall have a sensing interval not exceeding 5 minutes. Automatic-closing fail- safe valves shall be located immediately adjacent to cylinder valves and shall close when gas is detected at the permissible exposure limit (PEL) by a gas sensor monitoring the exhaust system at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure or gas room.

Add Section 6004.4.5.1 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.5.1. Design. Treatment systems shall be capable of diluting, adsorbing, absorbing, containing, neutralizing, burning or otherwise processing the contents of the largest single vessel of compressed gas. Where a total containment system is used, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

Add Section 6004.4.5.2 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.5.2. Performance. Treatment systems shall be designed to reduce the maximum allowable discharge concentrations of the gas to one-half immediate by dangerous to life and health (IDLH) at the point of discharge to the atmosphere. Where more than one gas is emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH for all compressed gases stored or used.

Add Section 6004.4.5.3 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.5.3. Sizing. Treatment systems shall be sized to process the maximum worst-case release of gas based on the maximum flow rate of release from the largest vessel utilized. The entire contents of the largest compressed gas vessel shall be considered.

Add Section 6004.4.5.4 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.5.4 Stationary tanks. Stationary tanks shall be labeled with the maximum rate of release for the compressed gas contained based on valves or fittings that are inserted directly into the tank. Where multiple valves or fittings are provided, the maximum flow

rate of release for valves or fittings with the highest flow rate shall be indicated. Where liquefied compressed gases are in contact with valves or fittings, the liquid flow rate shall be utilized for computation purposes. Flow rates indicated on the label shall be converted to cubic feet per minute (cfm/min) (m³/s) of gas at normal temperature and pressure (NTP).

Add Section 6004.4.5.5 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.5.5 Portable tanks and cylinders. The maximum flow rate of release for portable tanks and cylinders shall be calculated based on the total release from the cylinder or tank within the time specified in Table 6004.2.2.7.5. Where portable tanks or cylinders are equipped with approved excess flow or reduced flow valves, the worst-case release shall be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or compressed gas supplier. Reduced flow and excess flow valves shall be permanently marked by the valve manufacturer to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under normal temperature and pressure.

Add Section 6004.4.6 to the [2022-2025](#) California Fire Code to read as follows:

6004.4.6. Emergency power. Emergency power shall be provided for the following systems in accordance with Section [6041203](#):

1. Exhaust ventilation system.
2. Treatment system.
3. Gas detection system.
4. Smoke detection system.

Add Section 6004.4.6.1 ~~of to~~ the [2022-2025](#) California Fire Code to read as follows:

6004.4.6.1. Fail-safe systems. Emergency power shall not be required for mechanical exhaust ventilation and treatment systems where approved fail-safe systems are installed and designed to stop gas flow.

Add Section 6004.4.7 ~~of to~~ the [2022-2025](#) California Fire Code to read as follows:

6004.4.7 Automatic fire detection system. An approved automatic fire detection system shall be installed in rooms or areas where highly toxic, toxic, and moderately toxic

compressed gases are stored or used. Activation of the detection system shall sound a local alarm. The fire detection system shall comply with Section 907.

Add Section 6004.4.8 ~~of to~~ the [2022-2025](#) California Fire Code to read as follows:

6004.4.8. Gas detection system. A gas detection system complying with Section 916 shall be provided to detect the presence of gas at or below the PEL or ceiling limit of the gas for which detection is provided.

Exceptions:

1. A gas detection system is not required for toxic and moderately toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.
2. A gas detection system is not required for highly toxic, toxic, and moderately toxic gases where cylinders, portable tanks, and all non-continuously welded connects are within a gas cabinet or exhausted enclosures.

Add Section 6004.4.8.1 ~~of to~~ the [2022-2025](#) California Fire Code to read as follows:

6004.4.8.1. Alarms. The gas detection system shall initiate a local alarm and transmit a signal to an approved location.

Add Section 6004.4.8.2 ~~of to~~ the [2022-2025](#) California Fire Code to read as follows:

6004.4.8.2. Shut off of gas supply. The gas detection system shall automatically close the shut off valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

Exception: Automatic shutdown is not required for highly toxic, toxic, and moderately toxic compressed gas systems where all of the following controls are provided:

1. Constantly attended / supervised.
2. Provided with emergency shutoff valves that have ready access.

16.40.320 Chapter 61 – Liquefied Petroleum Gases.

Amend Section 6104.2 of the [2022-2025](#) California Fire Code as follows:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or

congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7,570 L) in all locations of the City of Cupertino which are residential or congested commercial areas as determined by the fire code official.

Exception: LPG may be used for industrial operations or when natural gas would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case by case basis.

16.40.340 Chapter 64 – Pyrophoric Materials.

Add Section 6405.3.1 to the [2022-2025](#) California Fire Code to read as follows:

6405.3.1 Silane distribution systems automatic shutdown. Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system

~~16.40.360 Chapter 80 – Referenced Standards.~~

~~—Add the following Referenced Standard to Chapter 80 of the 2022 California Fire Code to read:~~

~~**NFPA**~~

~~**855-20: Standard for the Installation of Stationary Energy Storage Systems**~~

16.40.~~380~~[360](#) Appendix B – Fire-Flow Requirements for Buildings.

Amend Section B105.2 of Appendix B of the [2022-2025](#) California Fire Code to read:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(2) and B105.2.

Exceptions: [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

1. California State Parks buildings of an accessory nature (restrooms).
2. Safety roadside rest areas (SRRA), public restrooms.
3. Truck inspection facilities (TIF), CHP office space and vehicle inspection bays.
4. Sand/salt storage buildings, storage of sand and salt.

The maximum fire flow reduction for all commercial buildings greater than 30,000 square feet and residential podium buildings shall not exceed 25 percent of the fire flow specified in Table B105.1(2). The maximum fire flow reduction for all other buildings shall not exceed 50 percent of the fire flow specified in Table B105.1(2).

16.40.400380 Appendix C – Fire Hydrant Locations and Distribution.

Amend Section C102 of Appendix C of the [2022-2025 California Fire Code](#) to read:

C102.1 Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1, utilizing the base fire flow without fire sprinkler reduction.

16.40.420400 Appendix D – Fire Apparatus Access Roads.

Delete Section D103.1 [as follows of the 2025 California Fire Code](#):

Amend Section D103.2 [of the 2025 California Fire Code to read](#) as follows:

D103.2 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

Amend Section D103.3 [of the 2025 California Fire Code to read](#) as follows:

D103.3 Turning radius. The required turning radius of a fire apparatus access roads shall be a minimum of 30 feet inside, and a minimum of 50 feet outside.

Amend Section D103.4 [of the 2025 California Fire Code](#) to read [as follows](#):

D103.4 Dead ends. Dead-end fire apparatus access roads and/or driveways in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Santa Clara County Fire Department apparatus access and turnaround standards.

Amend Section D103.6 [of the 2025 California Fire Code](#) to read [as follows](#):

D103.6 Signs. Where required by the Fire Code Official, fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code and the Santa Clara County Fire Department A-6 Standard. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

~~Chapter 16.42 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.42 to be entitled, numbered, and to read as follows:-~~

CHAPTER 16.42: PROPERTY MAINTENANCE CODE

16.42.010 Adoption of the 2024 International Property Maintenance Code

- A. The provisions of the ~~2021~~ [2024](#) International Property Maintenance Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, and is by such reference adopted.
- B. One (1) copy of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

[Title 16 – Chapter 16.52 – No Change]

~~Chapter 16.54 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.54 to be entitled, numbered, and to read as follows:-~~

CHAPTER 16.54: ENERGY CODE

Section

16.54.010 Adoption of the [2022 2025](#) California Energy Code.

16.54.020 Local Energy Code Amendments.

16.54.010 Adoption of [2022 2025](#) California Energy Code.

- A. The provisions of the [2022 2025](#) California Energy Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, and is by such reference adopted.
- B. One (1) copy of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

16.54.020 Local Energy Code Amendments.

A. Amendments to Subchapter 1 (All Occupancies – General Provisions)

Amend Section 100.1(b) of the [2022 2025](#) California Energy Code to add the following definitions:

ELECTRIC HEATING APPLIANCE is a device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

~~**KITCHEN, INSTITUTIONAL COMMERCIAL** is a kitchen dedicated to a foodservice establishment that provides meals at institutions including schools, colleges and universities, hospitals, correctional facilities, private cafeterias, nursing homes, and other buildings or structures in which care or supervision is provided to occupants.~~

~~**KITCHEN, QUICK-SERVICE COMMERCIAL** is a kitchen dedicated to an establishment primarily engaged in providing fast food, fast casual, or limited services. Food and drink may be consumed on premises, taken out, or delivered to the customer's location.~~

~~**NET FREE AREA (NFA)** is the total unobstructed area of the air gaps between louver and grille slats in a vent through which air can pass. The narrowest distance between two slats, perpendicular to the surface of both slats is the air gap height. The narrowest width of the gap is the air gap width. The NFA is the air gap height multiplied by the air gap width multiplied by the total number of air gaps between slats in the vent.~~

~~B. Amendments to Subchapter 3 (Nonresidential, Hotel/Motel Occupancies, and Covered Processes—Mandatory Requirements)~~

~~Amend Section 120.2 of the 2022 California Energy Code to read as follows:~~

~~SECTION 120.2—REQUIRED CONTROLS FOR SPACE-CONDITIONING SYSTEMS~~

~~(a)–(k): Subsections 120.2(a)–(k) are adopted without modification.~~

~~(l) HVAC Hot Water Temperature. Zones that use hot water for space heating shall be designed for a hot water supply temperature of no greater than 130 °F.~~

~~Amend Section 120.6 of the 2022 California Energy Code to read as follows:~~

~~SECTION 120.6—MANDATORY REQUIREMENTS FOR COVERED PROCESSES~~

~~(a)–(j): Subsections 120.6(a)–(j) are adopted without modification.~~

~~(k) Mandatory requirements for commercial kitchens. Electric Readiness for Newly Constructed Commercial Kitchens shall meet the following requirements:~~

- ~~1. Each quick-service commercial kitchens and institutional commercial kitchens shall include a dedicated branch circuit wiring and outlet that would be accessible to cookline appliances and shall meet all of the following requirements:
 - ~~a. The branch circuit conductors shall be rated at 50 amps minimum.~~
 - ~~b. The electrical service shall have a minimum capacity of 800 connected amps.~~~~
- ~~2. The electrical service panel shall be sized to accommodate an additional either 208v or 240v 50-amp breaker.~~

~~EXCEPTION 1 to Section 120.6(k): Healthcare facilities.~~

~~EXCEPTION 2 to Section 120.6(k): All electric commercial kitchens.~~

C.B. Amendments to Subchapter 4 (Nonresidential and Hotel/Motel Occupancies – Mandatory Requirements for Lighting Systems and Equipment, and Electrical Power Distribution Systems)

Amend Section 130.0 of the 2022 2025 California Energy Code To read as follows:

SECTION 130.0 – LIGHTING SYSTEMS AND EQUIPMENT, AND ELECTRICAL POWER DISTRIBUTIONS SYSTEMS – GENERAL

- (a) The design and installation of all lighting systems and equipment in nonresidential and hotel/motel buildings, outdoor lighting, and electrical power distribution systems within the scope of Section 100.0(a), shall comply with the applicable provisions of Sections 130.0 through 130.6.

NOTE: The requirements of Sections 130.0 through 130.6 apply to newly constructed buildings. Section 141.0 specifies which requirements of Sections 130.0 through 130.6 also apply to additions and alterations to existing buildings.

- (b) – (c): Subsections 130.0(b) – (c) are adopted without modification.

Amend Subchapter 4 of the [2022 2025](#) California Energy Code to add Section 130.6 to be numbered, entitled, and to read as follows:

SECTION 130.6 ELECTRIC READINESS REQUIREMENTS FOR SYSTEMS USING GAS OR PROPANE

Where nonresidential systems using gas or propane are installed, the construction drawings shall indicate electrical infrastructure and physical space accommodation the future installation of an electric heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor.

- (a) Branch circuit wiring, electrically isolated and designed to serve all electric heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
- (b) Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
- (c) Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (e.g. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
- (d) Connected subpanels, panelboards, switchboards, busbars, and transformers shall be size to serve the future electric heating appliance. The electrical capacity requires

shall be adjusted for demand factors in accordance with the California Electric Code; and

- (e) Physical space for future electric heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electric heating appliance may overlap with non-structural partitions and with the location of currently designed combustion equipment.

~~D. Amendments to Subchapter 5 (Nonresidential and Hotel/Motel Occupancies—Performance and Prescriptive Approaches for Achieving Energy Efficiency)~~

~~Amend Section 140.0 of the 2022 California Energy Code to read as follows:~~

~~SECTION 140.0—PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES~~

~~Nonresidential and hotel/motel buildings shall comply with all of the following:~~

- ~~(a) The requirements of Sections 100.0 through 110.12 applicable to the building project (mandatory measures for all buildings).~~
- ~~(b) The requirements of Sections 120.0 through 130.6 (mandatory measures for nonresidential and high-rise residential and hotel/motel buildings).~~
- ~~(c) Either the performance compliance approach (energy budgets) specified in Section 140.1 or the prescriptive compliance approach specified in Section 140.2 for the Climate Zone in which the building will be located. Climate zones are shown in FIGURE 100.1 A.~~

~~NOTE to Section 140.0(c):~~ ~~The Commission periodically updates, publishes and makes available to interested persons and local enforcement agencies precise descriptions of the Climate Zones, which is available by zip-code boundaries depicted in the Reference Joint Appendices along with a list of the communities in each zone.~~

~~NOTE to Section 140.0:~~ ~~The requirements of Sections 140.1 through 140.10 apply to newly constructed buildings. Section 141.0 specifies which requirements of Section 140.1 through 140.10 also apply to additions or alterations to existing buildings.~~

~~Amend Section 140.1 of the 2022 California Energy Code to read as follows:~~

~~**SECTION 140.1— PERFORMANCE APPROACH: ENERGY BUDGETS**~~

~~A building complies with the performance approach provided that (1) the time-dependent valuation (TDV) energy budget calculated for the Proposed Design Building under Subsection (b) is no greater than the TDV energy budget calculated for the Standard Design Building under Subsection (a), and (2) the source energy budget calculated for the proposed design building under Subsection (b) has a source energy compliance margin, relative to the energy budget calculated for the standard design building under Subsection (a), of at least 10 percent for all nonresidential occupancies.~~

~~**EXCEPTION 1 to 140.1 item (2).** A source energy compliance margin of 0 percent or greater is required when nonresidential occupancies are designed with single zone space conditioning systems complying with Section 140.4(a)2.~~

~~(a)—(c) Subsections 140.1 (a)—(c) are adopted without modification.~~

~~**E. Amendments to Subchapter 7 (Single-Family Residential Buildings—Mandatory Features and Devices)**~~

~~Amend Section 150.0 of the 2022 California Energy Code to read as follows:~~

~~**SECTION 150.0— MANDATORY FEATURES AND DEVICES**~~

~~Single-family residential buildings shall comply with the applicable requirements of Sections 150(a) through 150.0(v).~~

~~**NOTE:** The requirements of Sections 150.0 (a) through (v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through (r) also apply to additions or alterations. The amendments to Section 150.0(t) do not apply to additions or alterations.~~

~~(t) **Heat pump space heater ready.** Systems using gas or propane furnace to serve individual dwelling units shall include the following:~~

- ~~1. A dedicated 240-volt branch circuit wiring shall be installed within 3 feet from the furnace and accessible to the furnace with no obstructions. The branch circuit conductors shall be rated at 30 amps~~

~~minimum. The blank cover shall be identified as "240V ready." All electrical components shall be installed in accordance with the California Electrical Code.~~

- ~~2. The main electrical service panel shall have a reserved space to allow for the installation of a double pole circuit breaker for a future heat pump space heater installation. The reserved space shall be permanently marked as "For Future 240 V use."~~
- ~~3. A designated exterior location for a future heat pump compressor unit with either a drain or natural drainage for condensate.~~

~~(u)–(v): Subsections 150.0(u)–(v) are adopted without modification.~~

~~F. Amendments to Subchapter 8 (Performance and Prescriptive Compliance for Single-Family Residential Buildings)~~

~~Amend Section 150.1 of the 2022 California Energy Code to read as follows:~~

~~SECTION 150.1—PERFORMANCE AND PRESCRIPTIVE COMPLIANCE APPROACHES FOR SINGLE-FAMILY RESIDENTIAL BUILDINGS~~

~~(a): Subsection 150.1(a) is adopted with modification~~

~~(b) **Performance Standards.** A building complies with the performance standards if the energy consumption calculated for the proposed design building is no greater than the energy budget calculated for the standard design building using Commission-certified compliance software as specified by the Alternative Calculation Methods Approval Manual, as specified in sub-sections 1, 2 and 3 below.~~

- ~~a. **Newly Constructed Buildings.** The Energy Budget for newly constructed buildings is expressed in terms of the Energy Design Ratings, which are based on source energy and time-dependent valuation (TDV) energy. The Energy Design Rating 1 (EDR1) is based on source energy. The Energy Design Rating 2 (EDR2) is based on TDV energy and has two components, the Energy Efficiency Design Rating, and the Solar Electric Generation and Demand Flexibility Design Rating. The total Energy Design Rating shall account for both the Energy Efficiency Design Rating and the Solar Electric Generation~~

and Demand Flexibility Design Rating. The proposed building shall separately comply with the Source Energy Design Rating, Energy Efficiency Design Rating and the Total Energy Design Rating. A building complies with the performance approach if the TDV energy budget calculated for the proposed design building is no greater than the TDV energy budget calculated for the Standard Design Building AND Source Energy compliance margin of at least nine, relative to the Source Energy Design Rating 1 calculated for the Standard Design building.

~~EXCEPTION 1 to Section 150.1(b)1. A community shared solar electric generation system, or other renewable electric generation system, and/or community shared battery storage system, which provides dedicated power, utility energy reduction credits, or payments for energy bill reductions, to the permitted building and is approved by the Energy Commission as specified in Title 24, Part 1, Section 10-115, may offset part or all of the solar electric generation system Energy Design Rating required to comply with the Standards, as calculated according to methods established by the Commission in the Residential ACM Reference Manual.~~

~~EXCEPTION 2 to Section 150.1(b)1. A newly constructed building with a conditioned floor area less than 1,500 square feet shall achieve a Source Energy compliance margin of four or greater, relative to the Source Energy Design Rating 1 calculated for the Standard Design building.~~

~~EXCEPTION 3 to Section 150.1(b)1. If a newly constructed building with a conditioned floor area less than 625 square feet demonstrates that due to conditions specific to the project it is technically infeasible to achieve compliance, the Building Official may reduce the compliance margin to between 0 and 4.~~

~~(b)(2) — (3): Subsections 150.1(b)2 and (b)3 are adopted without modification.~~

~~(c): Subsection 150.1(c) is adopted without modification~~

G. Amendments to Subchapter 10 (Multifamily Buildings—Mandatory Requirements)

~~Amend Section 160.4 of the 2022 California Energy Code to read as follows:~~

~~**SECTION 160.4—MANDATORY REQUIREMENTS FOR WATER-HEATING SYSTEMS.**~~

~~(a) Reserved.~~

~~(b)(a) —(f): Subsections 160.4(b) —(f) are adopted without modification.~~

~~**SECTION 160.9—MANDATORY REQUIREMENTS FOR ELECTRIC READY BUILDINGS**~~

~~(a) —(c): Subsections 160.9(a) —(c) are adopted without modification.~~

~~(d) Individual Heat Pump Water Heater Ready. Systems using gas or propane water heaters to serve individual dwelling units shall include the following components and shall meet the requirements of Section 160.9(f):~~

- ~~1. A dedicated 125-volt, 20-amp electrical receptacle that is connected to the electric panel with a 120/240-volt 3-conductor, copper branch circuit rated to 30 amps, within 3 feet from the water heater and accessible to the water heater with no obstructions. In addition, all of the following:
 - ~~A. Both ends of the unused conductor shall be labeled with the word “spare” and be electrically isolated; and~~
 - ~~B. A reserved single-pole circuit breaker space in the electrical panel adjacent to the circuit breaker for the branch circuit in A above and labeled with the words “Future 240V Use”.~~~~
- ~~2. A condensate drain that is no more than 2 inches higher than the base of the installed water heater, and allows natural draining without pump assistance.~~
- ~~3. The construction drawings shall indicate the location of the future heat pump water heater. The reserved location shall have minimum interior dimensions of 39”x39”x96”.~~
- ~~4. A ventilation method meeting one of the following:
 - ~~A. The designed space reserved for the future heat pump water heater shall have a minimum volume of 700 cubic feet; or~~~~

~~B. The designed space reserved for the future heat pump water heater shall vent to a communicating space in the same pressure boundary via permanent openings with a minimum total net free area of 250 square inches so that the total combined volume connected via permanent openings is 700 cu. ft. or larger. The permanent openings shall be:~~

- ~~i. Fully louvered doors with fixed louvers consisting of a single layer of fixed flat slats; or~~
- ~~ii. Two permanent fixed openings, consisting of a single layer of fixed flat slat louvers or grilles, one commencing within 12 inches from the top of the enclosure and one commencing within 12 inches from the bottom of the enclosure.~~

~~C. The designed space reserved for the future heat pump water heater shall include two 8" capped ducts, venting to the building exterior:~~

- ~~i. All ducts, connections and building penetrations shall be sealed.~~
- ~~ii. Exhaust air ducts and all ducts which cross pressure boundaries shall be insulated to a minimum insulation level of R-6.~~
- ~~iii. Airflow from termination points shall be diverted away from each other.~~

~~(e) Central Heat Pump Water Heater Electric Ready. Central water heating systems using gas or propane to serve multiple dwelling units shall include the following:~~

- ~~1. The system input capacity of the gas or propane water heating system shall be determined as the sum of the input gas or propane capacity of all water heating devices associated with each gas or propane water heating system.~~
- ~~2. Space reserved shall include:~~

~~A. Heat Pump. The minimum space reserved shall include space for service clearances and air flow clearances and shall meet one of the following:~~

- ~~i. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, the minimum space reserved for the heat pump shall be 2.0 square feet per input 10,000 BTU per hour of the gas or propane water heating system, and the minimum linear dimension of the space reserved shall be 48 linear inches.~~
- ~~ii. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, the minimum space reserved for the heat pump shall be 3.6 square feet per input 10,000 BTU per hour of the gas or propane water heating system, and the minimum linear dimension of the space reserved shall be 84 linear inches.~~
- ~~iii. The space reserved shall be the space required for a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.~~

~~B. Tanks. The minimum space reserved shall include space for service clearances and shall meet one of the following:~~

- ~~i. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, the minimum space reserved for the storage and temperature maintenance tanks shall be 4.4 square feet per input 10,000 BTU per hour of the gas or propane water heating system.~~
- ~~ii. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, the minimum physical space reserved for the storage and temperature maintenance tanks shall be 3.1 square feet per input 10,000 BTU per hour of the gas or propane water heating system.~~
- ~~iii. The space reserved shall be the space required for a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.~~

~~3. Ventilation shall be provided by meeting one of the following:~~

~~A. Physical space reserved for the heat pump shall be located outside, or~~

~~B. A pathway shall be reserved for future routing of supply and exhaust air via ductwork from the reserved heat pump location to an appropriate outdoor location. Penetrations through the building envelope for louvers and ducts shall be planned and identified for future use. The reserved pathway and penetrations through the building envelope shall be sized to meet one of the following:~~

- ~~i. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, the minimum air flow rate shall be 70 CFM per input 10,000 BTU per hour of the gas or propane water heating system and the total external static pressure drop of ductwork and louvers shall not exceed 0.17 inch when the future heat pump water heater is installed.~~
- ~~ii. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, the minimum air flow rate shall be 420 CFM per input 10,000 BTU per hour of the gas or propane water heating system and the total external static pressure drop of ductwork and louvers shall not exceed 0.17 inch when the future heat pump water heater is installed.~~
- ~~iii. The reserved pathway and penetrations shall be sized to serve a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.~~

~~4. Condensate drainage piping. An approved receptacle that is sized in accordance with the California Plumbing Code to receive the condensate drainage shall be installed within 3 feet of the reserved heat pump location, or piping shall be installed from within 3 feet of the reserved heat pump location to an approved discharge location that is sized in accordance with the California Plumbing Code, and meets one of the following:~~

- ~~A. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, condensate drainage shall be sized for 0.2 tons of refrigeration capacity per input 10,000 BTU per hour.~~

~~B. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, condensate drainage shall be sized for 0.7 tons of refrigeration capacity per input 10,000 BTU per hour.~~

~~C. Condensate drainage shall be sized to serve a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.~~

~~5.—Electrical.~~

~~A. Physical space shall be reserved on the bus system of the main switchboard or on the bus system of a distribution board to serve the future heat pump water heater system including the heat pump and temperature maintenance tanks. In addition, the physical space reserved shall be capable of providing adequate power to the future heat pump water heater as follows:~~

~~i.—Heat Pump. For the Heat Pump, the physical space reserved shall comply with one of the following:~~

~~A. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, provide 0.1 kVA per input 10,000 BTU per hour.~~

~~B. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, provide 1.1 kVA per input 10,000 BTU per hour.~~

~~C. The physical space reserved supplies sufficient electrical power required to power a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.~~

~~ii.—Temperature Maintenance Tank. For the Temperature Maintenance Tank, the physical space reserved shall comply with one of the following:~~

~~A. If the system input capacity of the gas water heating system is less than 200,000 BTU per hour, provide 1.0 kVA per input 10,000 BTU per hour.~~

~~B. If the system input capacity of the gas water heating system is greater than or equal to 200,000 BTU per hour, provide 0.6 kVA per input 10,000 BTU per hour.~~

~~iii. The physical space reserved supplies sufficient electrical power required to power a heat pump water heater system that meets the total building hot water demand as calculated and documented by the responsible person associated with the project.~~

~~(f) The building electrical system shall be sized to meet the future electric requirements of the electric ready equipment specified in sections 160.9 a—e. To meet this requirement the building main service conduit, the electrical system to the point specified in each subsection, and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each electric ready appliance in accordance with the California Electric Code.~~

~~H. Amendments to Subchapter 11 (Multifamily Buildings—Performance and Prescriptive Compliance Approaches)~~

~~*Amend Section 170.1 of the 2022 California Energy Code to read as follows:*~~

~~SECTION 170.1—PERFORMANCE APPROACH~~

~~A building complies with the performance approach if the TDV energy budget calculated for the proposed design building under Subsection (b) is no greater than the TDV energy budget calculated for the standard design building under Subsection (a). Additionally, (1) the energy budget, expressed in terms of source energy, of a newly constructed low-rise multifamily building (three habitable stories or less) shall be at least 9 percent lower than that of the standard design building; and (2) newly constructed high-rise multifamily buildings (greater than four habitable stories) shall be at least 1 percent lower than that of the standard design building.~~

~~(a)—(d): Subsections 170.1(a)—(d) are adopted without modification.~~

[Title 16 – Chapter 16.56 – No Change]

~~Chapter 16.58 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.58 to be entitled, numbered, and to read as follows:~~

Chapter 16.58: GREEN BUILDING STANDARDS CODE

Section

- 16.58.010 Adoption of the ~~2022~~ 2025 California Green Building Standards Code.
- 16.58.015 Adoption of Appendix Chapters.
- 16.58.020 Local Amendments.
- 16.58.030 Title.
- 16.58.040 Scope.
- 16.58.100 Mandatory Requirements.
- 16.58.110 Project Types.
- 16.58.120 Residential Projects.
- 15.58.130 Residential New Construction – Equal To or Less Than Nine (9) Homes.
- 16.58.140 Residential New Construction – Greater than Nine (9) Homes.
- 16.58.150 Major Multi-Family Residential Renovations/Additions
- 16.58.160 Non-Residential New Construction, Small.
- 16.58.170 Non-Residential New Construction, Medium.
- 16.58.180 Non-Residential New Construction, Large.
- 16.58.190 Non-Residential Renovation/Additions, Minor.
- 16.58.200 Non-Residential Renovations/Additions, Major.
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- 16.58.300 Compliance with Local Water-Efficient Landscape Ordinance – Residential.
- 16.58.310 Compliance with Local Water-Efficient Landscape Ordinance – Non-Residential.

16.58.400 Electrical Vehicle (EV) Charging – Residential.

~~16.58.420 Electrical Vehicle (EV) Charging – Non-Residential.~~

16.58.010 Adoption of the [2022 2025](#) California Green Building Standards Code.

- A. The provisions of the [2022 2025](#) California Green Building Standards Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, and, except as to additions, deletions and amendments hereinafter described, such code is hereby adopted and made a part hereof, the same as if fully set forth in this Chapter.
1. In accordance with California Health and Safety Code Sections 17958.7 and 18941.5, express findings that modifications to the California Green Building Standards Code are reasonably necessary because of local climatic, geological, or topographical conditions are either already on file with the California Building Standards Commission or will be filed prior to the effective date of the ordinance codified in this Chapter.
- B. One (1) copy of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and is made available for public inspection.

16.58.015 Adoption of Appendix Chapters.

No Appendix Chapters from the [2022 2025](#) California Green Building Standards Code have been adopted.

16.58.020 Local Amendments.

The following provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the [2022 2025](#) California Green Building Standards Code and shall be deemed to amend the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.58.030 Title.

Amend Section 101.1 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.1 Title. These regulations shall be known as the California Green Building Standards Code as amended by the City of Cupertino and may be cited as such and will be referred to herein as “this code.” The California Green Building Standards Code as amended by the City of Cupertino is an amendment to Part 11 of 12 parts of the official compilation and publication of the adoption, amendment, and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code.

16.58.040 Scope.

Amend Section 101.3 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.3 Scope. The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code for the City of Cupertino.

The California Green Building Standards Code also is hereby amended to apply to additions, renovations and tenant improvements of privately-owned buildings and structures in accordance with the provisions of this Chapter.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any private, third-party green building program.

16.58.100 Mandatory Requirements.

Amend Section 101.10 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10 Mandatory Requirements. This code contains mandatory green building measures. In addition, this Chapter contains required minimum green building measures as amended by the City of Cupertino. All new buildings and structures, additions, renovations and tenant improvements subject to requirements in Table 101.10 shall comply with the mandatory measures of the [2022 2025](#) California Green Building Standards Code as adopted by the state in addition to local amendments included in this code, regardless of height or number of stories, unless specifically exempted by this code.

16.58.110 Project Types.

Add Section 101.10.1 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1 Project Types - as set forth in Table 101.10.

16.58.120 Residential Projects.

Add Section 101.10.1.1 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1 Residential Projects - as set forth in Table 101.10.

16.58.130 Residential New Construction – Equal To or Less than Nine (9) Homes.

Add Section 101.10.1.1.1 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.1 Residential New Construction - Equal To or Less than Nine (9) Homes - as set forth in Table 101.10.

16.58.140 Residential New Construction – Greater than Nine (9) Homes.

Add Section 101.10.1.1.2 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.2 Residential New Construction - Greater than Nine (9) Homes or More - as set forth in Table 101.10.

16.58.150 Major Multi-Family Residential Renovations/Additions.

Add Section 101.10.1.1.3 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.3 Major Multi-Family Residential Renovations/Additions - as set forth in Table 101.10. Requirements shall only apply to the area of renovation/addition.

16.58.160 Non-Residential New Construction, Small.

Add Section 101.10.1.1.4 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.4 Non-Residential New Construction, Small - as set forth in Table 101.10.

16.58.170 Non-Residential New Construction, Medium.

Add Section 101.10.1.1.5 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.5 Non-Residential New Construction, Medium - as set forth in Table 101.10.

16.58.180 Non-Residential New Construction, Large.

Add Section 101.10.1.1.6 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.6 Non-Residential New Construction, Large - as set forth in Table 101.10.

16.58.190 Non-Residential Renovations/Additions, Minor.

Add Section 101.10.1.1.7 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.7 Non-Residential Renovations/Additions, Minor – as set forth in Table 101.10. Requirements shall only apply to the scope of work of renovation/addition.

16.58.200 Non-Residential Renovations/Additions, Major.

Add Section 101.10.1.1.8 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.8 Non-Residential Renovations/Additions, Major - as set forth in Table 101.10. Requirements shall only apply to the area of renovation/addition.

16.58.210 Tenant Improvements.

Add Section 101.10.1.1.9 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.9 Tenant Improvements. Except as specified herein, the provisions of this code shall apply to the applicable tenant or occupant improvements to a project.

16.58.220 Mixed-Use.

Add Section 101.10.1.1.9 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.1.1.9 Mixed-Use - as set forth in Table 101.10.

16.58.230 Table 101.10 – Added.

Add Table 101.10 of the [2022 2025](#) California Green Building Standards Code to read as follows:

<i>Project Type</i>	<i>Minimum Green Building Requirement</i>	<i>Required Verification</i>
A. NEW CONSTRUCTION		
Residential		
Single Family and Multi-Family homes equal to or less than 9 homes:	• CALGreen Building Code in accordance with CALGreen’s minimum thresholds.	City Review
Single Family and Multi-Family homes greater than 9 homes:	• GPR certified at minimum 50 points or • LEED Silver or Alternate Reference Standard per Section 101.10.2	Third Party GPR or LEED certification as applicable Alternate Reference Standard: See Section 101.10.2
Non-Residential		
Small, Less than 25,000 SF:	• CALGreen Building Code * per Chapter 5 of the California Green Building Standards Code	City Review

Mid-Size, from 25,000 to 50,000 SF:	• LEED Certified or • Alternate Reference Standard per Section 101.10.2	Third Party LEED Certification Alternate Reference Standard: See Section 101.10.2
Large, Greater than 50,000 SF:	• LEED Silver or • Alternate Reference Standard per Section 101.10.2	Third Party LEED Certification Alternate Reference Standard: See Section 101.10.2
B. RENOVATIONS AND ADDITIONS		
Residential		
Single-Family	• CALGreen Building Code in accordance with CALGreen's minimum thresholds.	City Review
Multi-Family (minor):	• CALGreen Building Code in accordance with CALGreen's minimum thresholds.	City Review
Multi-family (major): Renovations and/or additions with a Floor Area Ratio (FAR) increase $\geq 50\%$ and at least 35,000 square feet, and that replace or substantially alter the HVAC system and at least two of the following: building envelope, hot water system and lighting system.	• GPR minimum 50 pts or • LEED Certified or • LEED EBOM Certified or • Alternate Reference Standard per Section 101.10.2	Third Party GPR or LEED Certification as applicable Alternate Reference Standard: See Section 101.10.2
Non-Residential		
Minor: Renovations and/or additions that do not meet the higher thresholds for "major renovations and additions" outlined as defined in (ii) below.	• CALGreen Building Code in accordance with CALGreen's minimum thresholds.	City Review
Major: Renovations and/or additions that comprise at least 35,000 square feet, and replace or substantially alter the HVAC system and two of the following: building envelope, hot water system, and lighting system.	• LEED Certified (applicable only to the area of renovation/addition) or LEED EBOM Certified or • Alternate Reference Standard per Section 101.10.2	Third Party LEED Certification Alternate Reference Standard: See Section 101.10.2
Mixed-Use		

For new and renovation/addition projects with residential and non-residential components, the use shall comply by either:

1. Meeting the applicable requirements for each use; or
2. Meeting the applicable requirements for the use that comprises the majority of the project's square footage where uses are attached and/or combined in a building.

Notes:

"Major" renovations and/or additions apply only to the area of the renovation/addition unless the LEED EBOM Certified option is selected.

*Chapter 5 of the California Green Building Standards Code (Cal Green Mandatory) requirements shall only be applied to elements included in the scope of a project, unless otherwise required by the California Green Building Standards Code.

16.58.240 Alternate Green Building Standards.

Add Section 101.10.2 of the [2022 2025](#) California Green Building Standards Code to read as follows:

101.10.2 Alternate Green Building Standards. The applicant may request to apply an alternate green building standard for a project in lieu of the minimum standards per Table 101.10. In making a determination in response to an application under this section, the Building Official may allow an alternate standard if he/she finds that the proposed alternative standard complies with all of the following:

- A. Addresses a comprehensive scope of green building issues including energy efficiency, water efficiency, resource efficient materials, and healthy building practices;
- B. Applies standards that are, when taken as a whole, as stringent as the GPR and LEED standards;
- C. Includes a formalized certification process that incorporates third party verification; and
- D. The project will advance the purposes of this Chapter.

16.58.250 Verification.

Amend Section 102.3 of the [2022 2025](#) California Green Building Standards Code to read as follows:

102.3 Verification. Documentation of conformance for applicable green building measures shall be provided to the City of Cupertino. Verification that the project meets the applicable environmental standards occurs through either the Third-Party process or City Review per the requirements in Table 101.10. The following lists the verification requirements for Third Party verification, and alternative methods:

- A. **Third Party Certification.** A project will be required to meet the Third-Party certification process if the City determines that the project meets or exceeds the applicable thresholds listed in Table 101.10. The applicant shall submit all of the following to the City, in addition to other application requirements, to assist the City in determining compliance with the green building requirements:

1. **Planning Application.** A green building checklist that includes cross-references to appropriate locations in the construction documents for all prerequisites and selected points or credits that demonstrates that the proposed project meets the applicable minimum requirements.
2. **Building Permit.**
 - a. Proof of project registration with administrating body of the applicable reference standard, and
 - b. A green building checklist that includes cross-references to appropriate locations in the construction documents for all prerequisites and selected points or credits; that demonstrate that the proposed project meets the applicable minimum requirements, and
3. **Green Building Deposit.** The green building deposit in an amount that may be set from time to time by resolution of the City Council. The applicant may provide the deposit in the form of cash or in any other form that the City finds acceptable to meet the purposes of this Section. The full amount of the deposit shall be returned upon the certification document being provided per 102.3 (A)(4). If however, the project does not meet the requirements of this Chapter, as applied to the project, then the City shall retain the full amount of the deposit and shall use the deposit solely to advance the purposes of this Chapter.
4. **Time Limit.** Within 18 months of Final Occupancy - Provide certification document for LEED, GPR or alternate rating standard in a form accepted by the City per Table 101.10. The Building Official may grant a one-time 6-month extension.

16.58.260 Exemptions.

Added Section 102.3.1 of the [2022 2025](#) California Green Building Standards Code to read as follows:

102.3.1 Exemptions. The Building Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. Projects that are exempted from the requirements of the California Green Building Standards Code as amended by the City of Cupertino shall meet the requirement in section A and at least one of the requirements in sections B-D:

- A. Projects that demonstrate that it is not feasible for the project to fully meet the green building requirements and that the purposes of this chapter will have been achieved

to the maximum extent possible shall be exempted only for the specific rating system prerequisite that has been determined to be infeasible.

- B. Projects that demonstrate compliance with this code but which will conflict with the Cupertino General Plan and/or Municipal Code Ordinance, such as those requiring historic preservation as determined by the Director of Community Development; or
- C. Projects that demonstrate compliance with this code but which will conflict with the California Building Standards Code; or
- D. Projects with atypical energy-related design requirements and/or patterns of use that make compliance with the thresholds of this code infeasible.

16.58.280 Definitions.

Amend Section 202 of the [2022 2025](#) California Green Building Standards Code to add or amend the following definitions:

Affordable Housing. Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

Decision maker. The person or entity with final approval authority over the underlying project.

Direct Current Fast Charging (DCFC). A parking space provided with electrical infrastructure that meets the following conditions:

- A. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- B. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Green Building Checklist. A checklist, typically with prerequisites and credits and/or points that is developed by the administrators of green building certification systems and used to determine whether a development project can achieve certification.

Green Point Rated (GPR). A residential green building rating system developed by Build It Green. Projects can use any of the adopted GPR checklists that most appropriately apply to the project type proposed.

Leadership in Energy and Environmental Design (LEED). A green building rating system developed by the U.S. Green Building Council for residential and non-

residential projects. Projects can use any of the adopted LEED checklists that most appropriately apply to the project type proposed.

~~**Electric Vehicle Supply Equipment (EVSE).** The conductors, including the ungrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~**Level 2 EV Capable.** A parking space provided with electrical infrastructure that meets the following requirements:~~

- ~~A. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.~~
- ~~B. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.~~
- ~~C. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."~~
- ~~D. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.~~
- ~~E. The parking space shall contain signage with at least a 12" font adjacent to the parking space indicating the space is EV Capable.~~

~~**Level 1 EV Ready.** A parking space that is served by a complete electric circuit with the following requirements:~~

- ~~A. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.~~
- ~~B. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.~~

~~C. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.~~

~~**Level 2 EV Ready.** A parking space that is served by a complete electric circuit with the following requirements:~~

~~A. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.~~

~~B. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.~~

~~**Low Power Level 2 EV Ready.** A parking space that is served by a complete electric circuit with the following requirements:~~

~~A. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.~~

~~B. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.~~

~~C. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.~~

~~**Low Power Level 2 Electric Vehicle (EV) Charging Receptacle. [HCD]** A 208/240 Volt 20-ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.~~

Minimum Green Building Requirement. The minimum green building requirement that applies to a particular project, as listed in column 2 of Table 101.10.

Required Verification. The standards that correspond to the requirements of a particular green building rating system and project type, as listed in column 3 of Table 101.10, for which verification procedures are fully set forth in Section 102.3.

16.58.300 Compliance with Local Water - Efficient Landscape Ordinance - Residential.

Add Section 4.304.1.1 of the [2022 2025](#) California Green Building Standards Code to read as follows:

4.304.1.1 Compliance with Local Water-Efficient Landscape Ordinance. Residential projects must comply with the City of Cupertino's Landscape Ordinance, pursuant to Chapter 14.15 of the Cupertino Municipal Code.

16.58.310 Compliance with Local Water - Efficient Landscape Ordinance - Non-Residential.

Add Section 5.304.1.1 of the [2022 2025](#) California Green Building Standards Code to read as follows:

5.304.1.1 Compliance with Local Water-Efficient Landscape Ordinance. Non-residential projects must comply with the City of Cupertino’s Landscape Ordinance, pursuant to Chapter 14.15 of the Cupertino Municipal Code.

16.58.400 Electric Vehicle (EV) Charging – Residential.

Amend Section 4.106.4 of the [2022 2025](#) California Green Building Standards Code to read as follows:

4.106.4 Electric Vehicle (EV) Charging for new construction. ~~Residential New~~ construction shall comply with Section 4.106.4.1 or 4.106.4.2, ~~and 4.106.4.3, to facilitate future installation and use of EV chargers.~~ Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, ~~Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).~~ Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.
 - 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may increase construction cost by an average of \$4,500 per parking space for market rate housing or \$400 per parking space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according

to the requirements of 4.106.4.1.

3. Multifamily residential R-2 building projects that have approved entitlements before the code effective date.

4.106.4.1 ~~New One- and Two-Family Dwellings and Town-Houses with Private Garages.~~ For each dwelling unit, ~~install a listed raceway to accommodate~~ a dedicated 208/240-volt branch circuit shall be installed in a raceway. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. ~~The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device. The branch circuit and associated overcurrent protective device shall be rated at 40 amperes minimum. Other electrical components, including a receptacle or blank cover, related to this section shall be installed in accordance with the California Electrical Code.~~

Exception: A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.

4.106.4.1.1 Identification. The service panel and subpanel circuit directory shall identify the overcurrent protective device ~~space(s) reserved for future EV charging as "EV CAPABLE".~~ designated for future EV charging purposes as "EV READY" in accordance with the California Electrical Code. The raceway termination location shall be permanently and visibly marked as "EV CAPABLE". The receptacle or blank cover shall be identified as "EV READY."

~~**4.106.4.1.1 New Construction.** One parking space provided shall be a Level 2 EV Ready space. If a second parking space is provided, it shall be provided with a Level 1 EV Ready space.~~

~~**4.106.4.1.2 Existing Building.** Parking additions or electrical panel upgrades must have reserved breaker spaces and electrical capacity according to the requirements of 4.106.4.1.1.~~

~~**4.106.4.2 Multifamily Dwellings with Residential Parking Facilities.** Requirements apply to parking spaces that are assigned or leased to individual~~

~~dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.~~

~~— **4.106.4.2.1 New Construction.** Forty percent (40%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.~~

~~— Note: The total number of EV spaces should be one hundred percent (100%) of dwelling units or one hundred percent (100%) of parking spaces, whichever is less.~~

~~— **4.106.4.2.2 Existing Buildings.**~~

- ~~1. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.~~
- ~~2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20 ampere).~~

~~— **4.106.4.3 Electric Vehicle Charging Stations (EVCS).**~~

~~— Electric vehicle charging stations required by Section 4.106.4.2 shall comply with Section 4.106.4.3.~~

~~— **Exception:** Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B, for applicable requirements.~~

~~— **4.106.4.3.1 Location.**~~

~~EVCS shall comply with at least one of the following options:~~

- ~~1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.~~
- ~~2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.~~

~~— **Exception:** Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.3.1 and Section 4.106.4.3.2, Item 3.~~

~~4.106.4.3.2 Dimensions.~~

~~The charging spaces shall be designed to comply with the following:~~

- ~~1. The minimum length of each EV space shall be 18 feet (5486 mm).~~
- ~~2. The minimum width of each EV space shall be 9 feet (2743 mm).~~
- ~~3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).~~
 - ~~a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.~~

~~— **Exception:** Where the City's Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.~~

~~— **4.106.4.4 Direct Current Fast Charging Stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.~~

A106.4.2.6 Hotels and motels.

1. EV ready parking spaces with receptacles.

- a. Hotels and motels.** Forty (40) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles.

Exception: Areas of parking facilities served by parking lifts, including but not limited to automated mechanical-access open parking garages as defined in the California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.

- b. Receptacle Configurations.** 208/240V EV charging receptacles shall comply with one of the following configurations:

- i. For 20- ampere receptacles, NEMA 6-20R
- ii. For 30- ampere receptacles, NEMA 14-30R
- iii. For 50- ampere receptacles, NEMA 14-50R

2. EV Ready parking spaces with EV chargers.

- a. Hotels and motels.** Twenty-five ~~(25)~~ (40) percent of the total number of parking spaces shall be equipped with Level 2 EV chargers.

a.b. Multifamily parking facilities with unassigned or common use parking.
In addition to the low power Level 2 EV charging receptacle requirements of Section A4.106.8 (Tier 1, subsection 1), forty (40) percent of the total number of parking spaces shall be equipped with Level 2 EV chargers and shall be made available for use by all residents or guests.

- b.c. EV charger connectors.** EV chargers shall be equipped with J1772 or J3400 connectors.

~~**Exception:** Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.~~

- e.d.** An automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EV chargers shall have a capacity of not less than 30 amperes.

Exception: Areas of parking facilities served by parking lifts, including but not limited to automated mechanical-access open parking garages as defined in the

California Building Code; or parking facilities otherwise incapable of supporting electric vehicle charging.

16.58.420 Electric Vehicle (EV) Charging—Non-Residential

Amend Section 5.106.5.3 of the 2022 California Green Building Standards Code to read as follows:

~~5.106.5.3 Electric Vehicle (EV) Charging.~~ Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the California Building Code and the California Electrical Code. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

- ~~1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.~~
- ~~2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.~~

5.106.5.3.1 Nonresidential Occupancy Class B Offices—Shared Parking Space.

- ~~—5.106.5.3.1.1 New Construction.~~ Twenty percent (20%) of parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty percent (30%) of parking spaces provided shall be Level 2 EV Capable.

~~**5.106.5.3.1.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.~~

~~**5.106.5.3.2 Hotel and Motel Occupancies — Shared Parking Facilities.**~~

~~**5.106.5.3.2.1 New Construction.** Five percent (5%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.~~

~~**5.106.5.3.2.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.~~

~~**5.106.5.3.3 All Other Nonresidential Occupancies — Shared Parking Facilities.**~~

~~**5.106.5.3.3.1 New Construction.** Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.~~

~~**5.106.5.3.3.2 Existing Buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total~~

number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

5.106.5.3.4 Direct Current Fast Charging Stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

~~—5.106.5.4 Electric Vehicle Charging Readiness: Medium Duty and Heavy Duty.~~ Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

5.106.5.4.1 Warehouses, Grocery Stores and Retail Stores with Planned Off-Street Loading Spaces.

~~In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the California Electrical Code. Construction plans and specifications shall include, but are not limited to, the following:~~

- ~~1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1 to accommodate the dedicated branch circuits for the future installation of EVSE.~~
- ~~1. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium and heavy-duty EV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.~~
- ~~2. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium and heavy-duty EVSE will be located and shall terminate in close proximity to the potential future location of the charging equipment for medium and heavy-duty vehicles.~~
- ~~3. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium and heavy-duty EVs as shown in Table 5.106.5.4.1.~~

~~TABLE 5.106.5.4.1, Raceway Conduit and Panel Power Requirements for Medium and Heavy-Duty EVSE~~

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery Grocery	10,000 to 90,000	1 or 2	200
	Greater than 90,000	3 or Greater	400
Grocery	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
Retail	10,000 to 135,000	3 or Greater	400

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Retail	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
Warehouse	256,000 to 20,000 to 256,000	3 or Greater	400
Warehouse	Greater than 256,000	1 or Greater	400

[Title 16 – Chapter 16.60 – No Change]

CHAPTER 16.62: HISTORICAL BUILDING CODE

- A. Except as otherwise provided in this chapter, the provisions of the ~~2022~~ 2025 California Historical Building Code and specified Appendices and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.
- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

CHAPTER 16.64: EXISTING BUILDING CODE

- A. Except as otherwise provided in this chapter, the provisions of the ~~2022~~ 2025 California Existing Building Code and specified Appendices and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.

- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

CHAPTER 16.68: REFERENCED STANDARDS CODE

- A. The provisions of the ~~2022~~ 2025 California Referenced Standards Code and specified Appendices and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and is by such adopted by reference.
- B. One (1) copy of each volume of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942 and are made available for public inspection.

[Title 16 – Chapter 16.70 – No Change]

[Title 16 – Chapter 16.72 – No Change]

[Title 16 – Chapter 16.74 – No Change]

CHAPTER 16.80: ~~SAFETY ASSESSMENT~~ PLACARDS

Amend Section 16.80 of the Cupertino Municipal Code to read as follows:

Section

- 16.80.010 Intent
- 16.80.020 Application of Provisions
- 16.80.030 Definitions
- 16.80.040 Safety Assessment Placards
- 16.80.050 Stop Work Order Placard
- 16.80.060 Other Placards – General
- 16.80.070 Violations and Enforcement
- 16.80.080 Enforcement of Other Laws Unaffected

16.80.010 Intent.

This chapter establishes ~~standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.~~ the authority of the Building Official, Code Enforcement Officer, and/or City Manager or their designee, to post notices which notify the general public of pending actions and/or safety issues. Such notices or placards also serve to provide immediate notice to responsible parties, property owner(s) and/or any other party which may have an interest in responding to the content of the notice and/or placard.

16.80.020 Application of Provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Cupertino. The Council may extend the provisions as necessary.

16.80.030 Definitions

“Notice” is any written communication issued in accordance with Title 1 of this code.

“Placard” is a written notice which is directly posted on any conspicuous location or area of any real property and/or public right-of-way, and which communicates or provides notice of a particular action or fining by the Building Official, Code Enforcement Officer, and/or City Manager or their designee.

“Stop Work Order” is a written directive and command to cease performing an action or work activity, and/or which orders specified actions to immediately come to a complete halt.

“Safety assessment” is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

16.80.040 Safety Assessment Placards

Safety assessment placards are used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached in Exhibit A-1, Exhibit A-2, and A-3.

1. INSPECTED – LAWFUL OCCUPANCY PERMITTED is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
2. RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
3. UNSAFE – DO NOT ENTER OR OCCUPY is to be posted on each building or structure that has been damage such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

This ordinance number, the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

16.80.050 Stop Work Order Placard

Stop Work Order:

1. Addresses any work regulated by this code, and/or the California Building Code being performed in a manner contrary to provisions, or in a dangerous or unsafe manner.
2. Is issued in accordance with Section 16.04.010 of this code and Section 115 of the 2025 California Building Code.

3. May be initially issued verbally and then shortly thereafter followed in written form.

1.4. Placard shall be given to the owner of the property, the owner's authorized agent or the person performing the work, and/or posted at the property in a conspicuous area or place. Upon issuance, the listed work shall immediately cease. The Stop Work Order shall state the reason for the directive and the conditions under which the work is authorized to resume. A copy of actual placard is attached in Exhibit B-1.

16.80.060 Other Placards – General

Under the ordinances of the City, the Building Official, Code Enforcement Officer, and/or City Manager or their designee, may post notices as outlined in Title 1 and/or placards in accordance with this chapter, as deemed necessary to keep the community safe, promote the welfare and general health and safety of the residents and public at-large, to promote justice and/or to effect the objectives of this code.

16.80.070 Violations and Enforcement

1. Any person or responsible party who defaces, obliterates, tears down, removes, alters, tampers with or destroys any placard as posted by Building Official, Code Enforcement Officer, and/or City Manager or their designee, including violation(s) of section 1.04.040, is in violation of the terms of this chapter and subject to the enforcement actions of this section.
2. Any violation of any provision of this chapter constitutes a public nuisance, which may be resolved and/or abated pursuant to section 16.80.050 (C) of this code.
3. Enforcement. Notwithstanding the provisions of the California Building Code, and provisions of California Penal Code section 616, or any other authority, any person who violates the provisions of this chapter shall also be subject to enforcement under Chapter 1.10, including but not limited to section 1.10.070 (C), and to prosecution under Chapter 1.12.

16.80.080 Enforcement of Other Laws Unaffected

Nothing in this chapter shall affect the powers of the City or authorized law enforcement officers to prosecute violators of any stature of the State of California or other ordinances of the City.

EXHIBIT A-1



INSPECTED

LAWFUL OCCUPANCY PERMITTED



ADDRESS: _____ DATE: _____ TIME: _____

This structure has been inspected as indicated below and no apparent structural hazard has been found:

- ☐ Inspected Exterior Only
- ☐ Inspected Exterior and Interior

This facility was inspected under
Emergency conditions for:

Inspector Comments:

City of Cupertino
10300 Torre Ave.
Cupertino, CA 95014
(408) 777-3228

Caution: Aftershocks since inspection may increase
damage and risk.

Building Inspector: _____

Do not Remove, Alter, or Cover this Placard until authorized by the Building Official
(CMC Section 16.08.040 and California Penal Code Section 616)

CITY OF CUPERTINO
Community Development Department | Building Division | 10300 Torre Ave., Cupertino, CA 95014 | (408) 777-3228 | www.cupertino.org

*Copy to
Green*



RESTRICTED USE



ADDRESS: _____ DATE: _____ TIME: _____

This structure has been inspected and found to be damaged as described below: _____

This facility was inspected under
Emergency conditions for:

City of Cupertino
10300 Torre Ave.
Cupertino, CA 95014
(408) 777-3228

Entry, occupancy, and lawful use are restricted as
indicated below: _____

Caution: Aftershocks since inspection may increase
damage and risk.

Building Inspector: _____

Do not Remove, Alter, or Cover this Placard until authorized by the Building Official
(CMC Section 16.08.040 and California Penal Code Section 616)

CITY OF CUPERTINO
Community Development Department | Building Division | 10300 Torre Ave., Cupertino, CA 95014 | (408) 777-3228 | www.cupertino.org

*Copy to
Yellow*



UNSAFE

DO NOT ENTER OR OCCUPY

(THIS PLACARD IS NOT A DEMOLITION ORDER)

ADDRESS: _____ DATE: _____ TIME: _____

This structure presents immediate or imminent hazards to occupants and the public and is considered a "Dangerous Building" within the meaning of CMC Chapter 16.70. It must be vacated immediately, and may not be re-occupied unless corrected by rehabilitation or repair under a City issued building permit.

This facility was inspected under
Emergency conditions for:
City of Cupertino
10300 Torre Ave.
Cupertino, CA 95014
(408) 777-3228

If the following box is checked ☐ this structure
must be boarded up and continuously secured
against entry.

Building Inspector: _____

It is unlawful to enter this property after having being lawfully removed (California Penal Code 419).
It is unlawful to intentionally remove, alter, cover, deface, obliterate, tear down, or destroy this Placard until authorized by the
Building Official (CMC Section 16.08.040 and California Penal Code Section 616).

CITY OF CUPERTINO

Community Development Department | Building Division | 10300 Torre Ave., Cupertino, CA 95014 | (408) 777-3228 | www.cupertino.org

*Copy to
Red Paper*



STOP WORK ORDER

Issued in accordance with Cupertino Municipal Code § 16.04.130 and California Building Code § 115.

ALL WORK SHALL BE SUSPENDED UNTIL FURTHER NOTICE

PROPERTY ADDRESS: _____ DATE: _____ TIME: _____

CITY OFFICIAL NAME: _____ PHONE: _____

THIS NOTICE SHALL REMAIN POSTED IN A CONSPICUOUS PLACE AT THE SUBJECT PROPERTY

DESCRIPTION OF UNPERMITTED WORK:

CONDITIONS UNDER WHICH THE CITED WORK WILL BE PERMITTED TO RESUME:

Any person who shall continue any work after having been served with a Stop Work Order, except such work as that person is directed to perform by the Building Official to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law. (Ord. 19-2189, 2019)

Per CA Penal Code § 616, intentional defacement, obliteration, tear down, or destruction of this notice is punishable by fine or by imprisonment.

Community Development Department | Building Division | 10300 Torre Ave., Cupertino, CA 95014 | (408) 777-3228
www.cupertino.gov

Copy to Red Paper