



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, October 15, 2019

6:45 PM

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation by Faria Elementary School Lego Robotics Club 5th Graders regarding transportation solutions and "managing parking at a busy parking lot."  
Recommended Action: Presentation by Faria Elementary School Lego Robotics Club 5th Graders regarding transportation solutions and "managing parking at a busy parking lot."

#### POSTPONEMENTS

#### ORAL COMMUNICATIONS

*This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.*

#### REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: Report on Committee assignments  
Recommended Action: Report on Committee assignments

#### CONSENT CALENDAR

*Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.*

3. Subject: Approve the October 1 City Council minutes  
Recommended Action: Approve the October 1 City Council minutes  
[A - Draft Minutes](#)

4. Subject: Cancel the January 7, 2020 Council meeting  
Recommended Action: Cancel the January 7, 2020 Council meeting  
[Staff Report](#)
5. Subject: Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3 (Operating Engineers), Appointed (City Attorney and City Manager), Elected Official groups and retired annuitants.  
Recommended Action: Adopt Resolution No. 19-126, increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local union No. 3, Appointed, Elected Officials, and retired annuitant groups.  
[Staff Report](#)  
[Draft Resolution](#)
6. Subject: Accept Accounts Payable for the period ending August 09, 2019  
Recommended Action: Adopt Resolution No. 19-127 accepting Accounts Payable for the period ending August 09, 2019  
[A - Draft Resolution](#)  
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending August 16, 2019  
Recommended Action: Adopt Resolution No. 19-128 accepting Accounts Payable for the period ending August 16, 2019  
[A - Draft Resolution](#)  
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending August 23, 2019  
Recommended Action: Adopt Resolution No. 19-129 accepting Accounts Payable for the period ending August 23, 2019  
[A - Draft Resolution](#)  
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending August 30, 2019  
Recommended Action: Adopt Resolution No. 19-130 accepting Accounts Payable for the period ending August 30, 2019  
[A - Draft Resolution](#)  
[B - AP Report](#)

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10. Subject: Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.  
Recommended Action: Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.  
[Staff Report](#)  
[A – Local Appointments List and Notice of Vacancies](#)  
[B – Resolution Governing Recruitment](#)
11. Subject: Authorize City Manager to award contract for Street Sweeping Services, Project No. 2019-101, to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years. No additional budget appropriations are needed at this time.  
Recommended Action: Authorize City Manager to award a contract for Street Sweeping Services, Project No. 2019-101 to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years.  
[Staff Report](#)  
[A - Draft Contract](#)
12. Subject: Consider a Linda Vista Trail Donation Agreement for donation of property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course. No additional budget allocation needed.  
Recommended Action: Authorize the City Manager to execute an Agreement for Donation of Real Estate with Richard Lowenthal and Ellen Lowenthal for the Linda Vista Trail property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, and any subsequent documents necessary to acquire the property, consistent with the Agreement.  
[Staff Report](#)  
[A - Draft Linda Vista Trail Donation Agreement](#)
13. Subject: Master Agreement between the City of Cupertino and HF&H Consultants, LLC, to conduct a rate study of the current franchise agreement and to provide assistance for implementation of a new solid waste, recycling, and compostables/organics franchise agreement. No additional budget appropriations are needed.  
Recommended Action: Authorize the City Manager to approve a Master Agreement between the City of Cupertino and HF&H Consultants, LLC, in an amount not-to-exceed \$250,000, for a term ending on January 31, 2022.  
[Staff Report](#)  
[A - Draft HF&H Master Agreement](#)
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## SECOND READING OF ORDINANCES

### PUBLIC HEARINGS

14. Subject: Amendment to Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the California Buildings Standards Code and Fire Code as mandated by the State of California and making local exceptions to those standards as warranted.

Recommended Action: 1. Conduct the first reading of Ordinance No. 19-2189: "An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.40, 16.54, and 16.58 and Adding Chapters 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Existing Building Code, Referenced Standards Code, and Green Building Standards Code with certain exceptions, deletions, modifications, additions and amendments"; and  
2. Adopt Resolution No. 19-131 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Municipal Code Redline](#)

[C - Draft Resolution](#)

### ORDINANCES AND ACTION ITEMS

15. Subject: Update on revised Community Garden Improvements Project at McClellan Ranch Preserve and provide any input. Status update on the investigation of creating community gardens at other parks in the City and provide any input.

Recommended Action: Review the revised design and proposed construction approach for the Community Garden Improvements Project and provide input. Receive status update on the investigation of creating community gardens at other parks in the City and provide any input.

[Staff Report](#)

[A - Proposed Conceptual Layout](#)

### ORAL COMMUNICATIONS - CONTINUED (As necessary)

### COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

### ADJOURNMENT

*The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is*



*announced unless a shorter time is required by State or Federal law.*

*Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/index.aspx?page=125> for a reconsideration petition form.*

*In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend the next City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.*

*Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.*

*IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*

*Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.*



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, October 1, 2019

**SPECIAL CITY COUNCIL MEETING**

At 5:30 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the Cupertino City Hall Conference Room A, 10300 Torre Avenue.

**ROLL CALL**

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

**CLOSED SESSION**

Written communications for closed session item(s) included emails to Council.

1. Subject: Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(1); Re: Pending Litigation; Vallco Property Owner LLC v. City of Cupertino; Santa Clara County Superior Court, Case No. 19CV355457 (Vallco General Plan and Zoning Amendments)

In open session, Mayor Scharf announced that with respect to this item, Vice Mayor Chao did not attend the discussions out of an abundance of caution due to the proximity of her home to the property line of the Vallco site. The rest of the Council discussed with legal counsel this pending litigation for which discussion in open session would prejudice the City in the litigation.

The Council gave its approval to the City Attorney to defend the lawsuit filed by Vallco Property Owner LLC, which challenges the City's August 20<sup>th</sup> and September 3<sup>rd</sup> adoption of General Plan and Zoning amendments for the Vallco Shopping District Special Area.

This action was taken by the following vote:

Ayes: Scharf, Paul, Sinks and Willey

Noes: None

Abstain: None

Recused: Chao

2. Subject: Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): One potential case (Public Storage).

In open session, Mayor Scharf announced that the Council discussed with legal counsel a threat of litigation received from attorneys for the applicant of the recently approved Public Storage project regarding imposition of fees. No reportable action was taken.

3. Subject: Conference with Legal Counsel - Anticipated Litigation; Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case.

In open session, Mayor Scharf announced that the Council discussed with legal counsel an invitation to sign on to the Cities and Counties Amicus Brief prepared by the City of Los Angeles and Los Angeles County in litigation to protect the children of immigrants currently pending in the U.S. Supreme Court.

The Council gave its approval to the City Attorney to enter into the litigation, Department of Homeland Sec. v. Regents of the University of California, by signing on to the Cities and Counties Amicus Brief amicus brief, which to opposes the termination of the Deferred Action for Childhood Arrivals ("DACA") program.

This action was taken by the following vote:

Ayes: Scharf, Chao, Pual, Sinks, and Willey

Noes: None

Abstain: None

## **ADJOURNMENT**

### **REGULAR CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Steven Scharf called the Regular City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

## **ROLL CALL**

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

## **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamations recognizing October as National Breast Cancer Awareness Month.  
Recommended Action: Present proclamations recognizing October as National Breast Cancer Awareness Month.

Mayor Scharf presented a proclamation to Executive Director Rina Bello from Bay Area Cancer Connections.

## **POSTPONEMENTS – None**

## **ORAL COMMUNICATIONS**

Tim McRae (San Jose resident) on behalf of Silicon Valley Leadership Group talked about the upcoming 15<sup>th</sup> Annual Applied Materials Annual Turkey Trot to be held on Thanksgiving Day (provided written comments).

Jennifer Griffin talked housing concerns in Portland, OR.

Dolly Sandoval (Cupertino resident) thanked Council for its positive vote on Regnart Creek Trail and talked about Planning Commissioner Ray Wang's comments on NextDoor.

Rick Kitson (Cupertino resident) on behalf of the Cupertino Chamber of Commerce talked about the upcoming Diwali Festival on October 12 from 11 a.m. – 6 p.m. at Memorial Park.

Rhoda Fry (Cupertino resident) talked about letters from organizations regarding the Lehigh Expansion Plan (provided written comments).

Jean Bedord (Cupertino resident) talked about various concerns regarding Council and Commission members, and issues in the community (provided written comments).

Kitty Moore talked about the Environmental Review Committee (ERC) scope of work and adding public relations items to the Council agenda.

## **REPORTS BY COUNCIL AND STAFF (10 minutes)**

2. Subject: Report on Committee assignments

Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

## CONSENT CALENDAR

Paul moved and Willey seconded to approve items on the Consent Calendar as presented except for item numbers 5 and 6 which were pulled for discussion. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

3. Subject: Approve the September 17 City Council minutes  
Recommended Action: Approve the September 17 City Council minutes
4. Subject: Approve the September 18 City Council minutes.  
Recommended Action: Approve the September 18 City Council minutes.
5. Subject: Update on required July 1, 2020 implementation of SB743 (Environmental quality: transit-oriented infill projects, judicial review streamlining for environmental leadership development projects) and FY 2019-20 budget adjustment request for consultant services to assist the City in the required transition from using Level of Services (LOS) to Vehicle Miles Traveled (VMT) as the measure of transportation impacts under CEQA  
Recommended Action: Adopt Resolution 19-116 amending the FY 2019-20 General Fund budget in the amount of \$173,400 for consultant services for the update on implementation of SB 743

Jennifer Griffin spoke on this item.

Senior Transit and Transportation Planner Chris Corrao and Assistant Director of Public Works Chad Mosely reviewed the staff report and answered questions from Council.

Sinks moved and Chao seconded to adopt Resolution 19-116 amending the FY 2019-20 General Fund budget in the amount of \$173,400 for consultant services for the update on implementation of SB 743. The motion carried unanimously.

6. Subject: Amend the Fiscal Year 2019-2020 City Work Program to add a new Financial Sustainability item to study and present options to City Council on potential changes to the Blackberry Farm Golf Course and extend the project completion date for the Use of Athletic Fields in Parks from June 2020 to June 2021, and approve budget modification #1920-064 to appropriate \$35,000 to fund the new work.

Recommended Action: Approve amendments to the Fiscal Year 2019-2020 City Work Program as proposed in Attachment A, adding Review and Present Options for Changes to the Blackberry Farm Golf Course project and extending the completion date for the Use of Athletic Fields in Parks project from June 2020 to June 2021, and approve budget modification #1920-064 to appropriate \$35,000 to fund the new work.

Written communications for this item included an email to Council.

Director of Parks and Recreation Jeff Milkes reviewed the staff report and answered questions from Council.

The following individuals spoke on this item:

Jennifer Griffin  
Kitty Moore  
Rhoda Fry

Paul moved and Scharf seconded to adjust the Community Livability page on the Council Work Program as reflected in Attachment A of the meeting materials to indicate that the estimated total staff hours of the item regarding to the use of athletic fields and parks be adjusted from 2000 to 1000 hours with direction given to staff regarding the timeline. Chao added a friendly amendment to also update the name of the department to Parks and Recreation Department. The motion carried with Sinks abstaining.

Direction was also given to staff not to delay the use of athletic fields item in the 2019/2020 Council work program and to provide the Council background and historical information on the golf course to continue the discussion in the January/February time frame.

7. Subject: Application for Alcohol Beverage License for CH Cupertino, LLC (dba Curry House), 10350 S. De Anza Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for CH Cupertino, LLC (dba Curry House), 10350 S. De Anza Boulevard

8. Subject: Application for Alcohol Beverage License for Zest Food, Inc (dba Zest Food), 10881 S. Blaney Avenue

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Zest Food, Inc (dba Zest Food), 10881 S. Blaney Avenue

9. Subject: Application for Alcohol Beverage License for Supparod FC, Inc. (dba Pineapple Thai), 19369 Stevens Creek Boulevard, Suite #120  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Supparod FC, Inc. (dba Pineapple Thai), 19369 Stevens Creek Boulevard, Suite #120
10. Subject: Application for Alcohol Beverage License for Savory Kitchen, LLC (dba Savory Kitchen), 20530 Stevens Creek Boulevard  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Savory Kitchen, LLC (dba Savory Kitchen), 20530 Stevens Creek Boulevard
11. Subject: Accept Accounts Payable for the period ending June 07, 2019  
Recommended Action: Adopt Resolution No. 19-117 accepting Accounts Payable for the period ending June 07, 2019
12. Subject: Accept Accounts Payable for the period ending June 14, 2019  
Recommended Action: Adopt Resolution No. 19-118 accepting Accounts Payable for the period ending June 14, 2019
13. Subject: Accept Accounts Payable for the period ending June 21, 2019  
Recommended Action: Adopt Resolution No. 19-119 accepting Accounts Payable for the period ending June 21, 2019
14. Subject: Accept Accounts Payable for the period ending June 28, 2019  
Recommended Action: Adopt Resolution No. 19-120 accepting Accounts Payable for the period ending June 28, 2019
15. Subject: Accept Accounts Payable for the period ending July 05, 2019  
Recommended Action: Adopt Resolution No. 19-121 accepting Accounts Payable for the period ending July 05, 2019
16. Subject: Accept Accounts Payable for the period ending July 12, 2019  
Recommended Action: Adopt Resolution No. 19-122 accepting Accounts Payable for the period ending July 12, 2019
17. Subject: Accept Accounts Payable for the period ending July 19, 2019  
Recommended Action: Adopt Resolution No. 19-123 accepting Accounts Payable for the period ending July 19, 2019



**18. Subject:** Accept Accounts Payable for the period ending July 26, 2019

**Recommended Action:** Adopt Resolution No. 19-124 accepting Accounts Payable for the period ending July 26, 2019

**19. Subject:** Accept Accounts Payable for the period ending August 02, 2019

**Recommended Action:** Adopt Resolution No. 19-125 accepting Accounts Payable for the period ending August 02, 2019

Council recessed from 8:39 p.m. to 8:48 p.m.

## **SECOND READING OF ORDINANCES – None**

## **ORDINANCES AND ACTION ITEMS**

**20. Subject:** Subject Consider possible options regarding formation of a Santa Clara County Regional Housing Needs Allocation (RHNA) subregion allowing the City the option of trading allocation of housing needs among participating entities.

**Recommended Action:** That the City Council: 1. Review the attached memo from the Cities Association of Santa Clara County regarding RHNA subregion formation (Attachment A) and 2. Determine which of the 4 options identified in the memo (RHNA Light, RHNA All-In, Planning Collaborative, Do Nothing) the Council wishes to proceed with, about formation of the Santa Clara County RHNA Subregion

Written communications for this item included a presentation.

Director of Community Development Ben Fu introduced the item and Planning Manager Piu Ghosh reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin  
Kitty Moore

Mayor Scharf closed public comment.

Sinks moved and Chao seconded to choose the Planning Collaborative option as identified in the agenda packet materials. The motion carried unanimously.

## **PUBLIC HEARINGS – None**

## **STUDY SESSION**

**21. Subject:** Study Session regarding status of the Objective Standards Update to General Plan and Zoning Ordinance FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide), provide direction to staff (continued from 9/18/19).

**Recommended Action:** That the City Council receive this report, staff presentation, and public comment, and provide direction to staff.

Written communications for this item included a presentation.

Director of Community Development Ben Fu reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin

Kitty Moore

Mayor Scharf closed public comment.

Council continued the study session to October 15 with the following direction:

- Create one combined document with items discussed by individual councilmembers from 9/18/19 study session, and Attachments A, B and C
- As the Planning Commission evaluates the General Plan Annual report, they can identify the objectivity of policies and strategies
- Present the Department of Housing and Community Development (HCD) forms to the Planning Commission prior to presentation to the City Council

## **ORAL COMMUNICATIONS - CONTINUED (As necessary)**

## **COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Councilmembers highlighted the activities of their various community events.

Look at the Environmental Review Committee (ERC) scope and make up to see if there is a functional need to include the review of projects or to consider topics that affect local legislation which are currently outside of the ERC's scope and purview and to amendments to the Cupertino Municipal Code to reflect the additional scope (Paul/Scharf).

## **ADJOURNMENT**

At 11:15 p.m., Mayor Scharf adjourned the meeting.

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Grace Schmidt, City Clerk



## OFFICE OF THE CITY CLERK

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

## CITY COUNCIL STAFF REPORT

Meeting: October 15, 2019

### **Subject**

Cancel the January 7, 2020 City Council meeting.

### **Recommended Action**

Cancel the January 7, 2020 City Council meeting.

### **Discussion**

It has been past City Council practice to cancel the first meeting in January because City Hall is closed between Christmas and New Year's Day.

### **Sustainability Impact**

No sustainability impact.

### **Fiscal Impact**

No fiscal impact.

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**Prepared by:** Grace Schmidt, City Clerk

**Approved for Submission by:** Deborah Feng, City Manager

**Attachments:** None



## ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3220 • FAX: (408) 777-3109  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: October 15, 2019

#### Subject

Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3 (Operating Engineers), Appointed (City Attorney and City Manager), Elected Official groups and retired annuitants.

#### Recommended Action

Adopt the draft resolution increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local union No. 3, Appointed, Elected Officials, and retired annuitant groups.

#### Discussion

On July 16, 2019, City Council approved a three-year Memorandum of Understanding (MOU) that extends through June 30, 2022 for Cupertino Employees' Association and the Operating Engineers, Local Union No. 3 groups. The MOU's include an increase in the City's health contribution for employee medical insurance effective January 1, 2020, as shown below:

- Employee Only - \$848.87/month
- Employee plus one dependent - \$1,443.09/month
- Employee plus 2 or more dependents - \$1,876.02/month

The same benefit has been extended to the Unrepresented, Appointed, and Elected Official groups. Adoption of the attached resolution fulfills reporting requirements associated with the Meyers-Geddes Act.

#### Sustainability Impact

No sustainability impacts.

Fiscal Impact

This will increase the City's retiree annuitant medical contribution by approximately \$12,487.00. No budget adjustments are requested because the cost was factored in when calculating total costs of MOU's that were approved by City Council on July 16, 2019.

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Prepared by: Karen Bernard, HR Analyst II

Reviewed by: Maria Jimenez, HR Manager

Approved for Submission by: Kristina Alfaro, Director of Administrative Services

Attachments:

A – Draft Resolution

## RESOLUTION NO. 19-

### A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF CUPERTINO FIXING THE EMPLOYER CONTRIBUTION AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

- WHEREAS, City of Cupertino is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, Government Code Section 22892(a) provides that a contracting agency subject to the Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act;
- RESOLVED, (1) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of:

Medical Group	Monthly Employer Contribution		
	Single	Two-Party	Family
001 Management	\$848.87	\$1443.09	\$1876.02
002 Confidential	\$848.87	\$1443.09	\$1876.02
003 Employees Association	\$848.87	\$1443.09	\$1876.02
004 Operating Engineers	\$848.87	\$1443.09	\$1876.02
005 City Attorney	\$848.87	\$1443.09	\$1876.02

Plus administrative fees and Contingency Reserve Fund assessments; and be it further

- RESOLVED, (2) City of Cupertino has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (3) That the participation of the employees and annuitants of City of Cupertino shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that City of Cupertino would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final



Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

RESOLVED, (4) That the executive body appoint and direct, and it does hereby appoint and direct, City Clerk to file with City Council a verified copy of this resolution, and to perform on behalf of City of Cupertino all functions required of it under the Act.

Passed and Adopted at a regular meeting of the City of Cupertino City Council, this 15th day of October 2019, by the following vote.

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Steven Scharf, Mayor City of Cupertino	  _____ Date
ATTEST:  _____ Grace Schmidt, City Clerk	  _____ Date

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS PAYABLE IN  
THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER DESCRIBED  
FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR THE PERIOD  
ENDING

August 09, 2019

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 15<sup>th</sup> day of October, 2019, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

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<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Grace Schmidt, City Clerk</p>	<p>_____</p> <p>Date</p>

# Payment Register

From Payment Date: 8/3/2019 - To Payment Date: 8/9/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
721907	08/09/2019	Open			Accounts Payable	INTERSTATE TRAFFIC CONTROL PRODUCTS	\$11,911.96		
	Invoice		Date	Description		Amount			
	231651		05/16/2019	FY 18-19 traffic control supplies (late invoice)		\$10,745.17			
	231316		05/02/2019	FY 18-19 traffic control supplies (late invoice)		\$1,166.79			
721908	08/09/2019	Open			Accounts Payable	LSA ASSOCIATES INC	\$1,353.00		
	Invoice		Date	Description		Amount			
	166770		07/22/2019	FY 18/19 enviro services Public Storage		\$1,353.00			
721909	08/09/2019	Open			Accounts Payable	CREPE EM COMING	\$150.00		
	Invoice		Date	Description		Amount			
	8298		08/08/2019	Business License Refund		\$150.00			
721910	08/09/2019	Open			Accounts Payable	4IMPRINT INC.	\$473.26		
	Invoice		Date	Description		Amount			
	7504852		07/15/2019	Retractable Banner Display (City Council)		\$473.26			
721911	08/09/2019	Open			Accounts Payable	A T & T	\$121.04		
	Invoice		Date	Description		Amount			
	5558-072819		07/28/2019	960 731-7142 555 8 0728 -082719		\$121.04			
721912	08/09/2019	Open			Accounts Payable	A-1 FENCE INC.	\$7,250.00		
	Invoice		Date	Description		Amount			
	11154		07/30/2019	Grounds: Chain link fence installation		\$7,250.00			
721913	08/09/2019	Open			Accounts Payable	ADAMO & ASSOCIATES INC	\$525.00		
	Invoice		Date	Description		Amount			
	14759		07/29/2019	Design Prof Svcs through July 25, 2019 for 21750 Rainbow Dr		\$525.00			
721914	08/09/2019	Open			Accounts Payable	ADVANTAGE GRAFIX	\$106.82		
	Invoice		Date	Description		Amount			
	43896		08/05/2019	Business Cards - Roger Lee and Chad Mosley		\$106.82			
721915	08/09/2019	Open			Accounts Payable	ALHAMBRA & SIERRA SPRINGS	\$92.14		
	Invoice		Date	Description		Amount			
	4984729071319		07/13/2019	QCC- 7.13.19 - Employee Drinking Water		\$92.14			
721916	08/09/2019	Open			Accounts Payable	AMAN SEHGAL	\$9,300.00		
	Invoice		Date	Description		Amount			
	080319M		08/03/2019	Prepared Wireless & Fiber Master Plan RFP for Cupertino		\$9,300.00			
721917	08/09/2019	Open			Accounts Payable	AMAZON WEB SERVICES INC	\$235.16		
	Invoice		Date	Description		Amount			
	268815641		08/03/2019	Amazon Web Services - GIS		\$235.16			
721918	08/09/2019	Open			Accounts Payable	AMERICAN LEGAL PUBLISHING	\$194.72		
	Invoice		Date	Description		Amount			
	0129471		07/22/2019	2019 S-72 Supplement Pages		\$194.72			
721919	08/09/2019	Open			Accounts Payable	ARTHUR MURRAY DANCE CENTER	\$500.00		
	Invoice		Date	Description		Amount			
	00012		07/23/2019	SummerEvents-ArthurMurrayDance-7.23.19		\$500.00			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
721920	08/09/2019	Open			Accounts Payable	AT&T	\$2,439.82		
	Invoice		Date	Description		Amount			
	000013308544		07/12/2019	9391023225 (408-777-8204) 0612-071119		\$20.63			
	000013308636		07/12/2019	9391023218 (238-371-7141) 0612-071119		\$69.53			
	000013308637		07/12/2019	9391023217 (237-361-8095) 0612-071119		\$88.27			
	000013308638		07/12/2019	9391023216 (233-281-5494) 0612-071119		\$98.82			
	000013308542		07/12/2019	9391023223 0612-071119		\$99.94			
	000013308639		07/12/2019	9391023215 (233-281-4421) 0612-071119		\$109.78			
	000013298997		07/10/2019	9391051384 0610-070919		\$1,952.85			
721921	08/09/2019	Open			Accounts Payable	AVERY ASSOCIATES	\$5,500.00		
	Invoice		Date	Description		Amount			
	2781		07/31/2019	ACM RECRUITMENT		\$5,500.00			
721922	08/09/2019	Open			Accounts Payable	B&H PHOTO VIDEO	\$6,040.78		
	Invoice		Date	Description		Amount			
	160779373		08/01/2019	BarcoShare/WebCam/Kramer/Intel Nuc Kit		\$6,040.78			
721923	08/09/2019	Open			Accounts Payable	BOETHING TREELAND FARMS INC	\$1,002.42		
	Invoice		Date	Description		Amount			
	SI-1204968		07/30/2019	Trees&ROW: Plants		\$1,002.42			
721924	08/09/2019	Open			Accounts Payable	CINTAS CORPORATION	\$1,179.50		
	Invoice		Date	Description		Amount			
	630688941		07/30/2019	Uniforms/Safety Apparel		\$568.38			
	630692617		08/06/2019	Uniforms/Safety Apparel		\$611.12			
721925	08/09/2019	Open			Accounts Payable	CITY OF FOSTER CITY	\$3,500.00		
	Invoice		Date	Description		Amount			
	13033		07/02/2019	CALOPPS ANNUAL FEE		\$3,500.00			
721926	08/09/2019	Open			Accounts Payable	Colonial Life & Accident Insurance	\$76.47		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	Colonial Products pp 7/20/19-8/2/19		\$76.47			
721927	08/09/2019	Open			Accounts Payable	COMCAST	\$833.14		
	Invoice		Date	Description		Amount			
	3310-07072019		07/07/2019	8155400650183310 - 7/12/19-8/11/19		\$833.14			
721928	08/09/2019	Open			Accounts Payable	COMCAST	\$303.11		
	Invoice		Date	Description		Amount			
	1232-072319		07/23/2019	8155100050011232 080119-083119		\$303.11			
721929	08/09/2019	Open			Accounts Payable	Community Health Charities of California	\$267.50		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	Community Health Charities pp 7/20/19-8/2/19		\$267.50			
721930	08/09/2019	Open			Accounts Payable	Corbalis, Alex	\$138.00		
	Invoice		Date	Description		Amount			
	080719		08/07/2019	Per Diem for Pageant of the Masters Tour 08/19		\$138.00			
721931	08/09/2019	Open			Accounts Payable	CUPERTINO SUPPLY INC	\$819.68		
	Invoice		Date	Description		Amount			
	206394		08/05/2019	Grounds:Push Button Valves		\$819.68			

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721932	08/09/2019	Open			Accounts Payable	DAILY JOURNAL CORPORATION	\$360.00		
	Invoice		Date	Description		Amount			
	A3277209		08/01/2019	RFQs for CIP: Customer Account 1124112703		\$174.00			
	A3277210		08/01/2019	RFQs for CIP: Customer Account 1124112703		\$186.00			
721933	08/09/2019	Open			Accounts Payable	Darcy Paul	\$102.91		
	Invoice		Date	Description		Amount			
	DarcyP08062019		08/06/2019	Reimbursement - 8/6/2019		\$102.91			
721934	08/09/2019	Open			Accounts Payable	DELL MARKETING L.P.	\$7,579.83		
	Invoice		Date	Description		Amount			
	10330576760		07/29/2019	Computers for McClellan Ed Center and Sports Center Day Care Cen		\$7,579.83			
721935	08/09/2019	Open			Accounts Payable	Edges Electrical Group	\$680.82		
	Invoice		Date	Description		Amount			
	S4719019.001		07/30/2019	Facilities: electric grease, SQD QOB		\$298.94			
	S4721827.001		08/01/2019	Streets: Wire, Port Clear,		\$381.88			
721936	08/09/2019	Open			Accounts Payable	EPAC TECHNOLOGIES INC	\$373.28		
	Invoice		Date	Description		Amount			
	E320659		07/25/2019	COC #10 ENVELOPE W/ LOGO		\$373.28			
721937	08/09/2019	Open			Accounts Payable	FJM TRUCK & TRAILER CENTER	\$5,541.70		
	Invoice		Date	Description		Amount			
	US001005480		07/26/2019	Fleet: PJ 13' Single Axle Tilt		\$5,541.70			
721938	08/09/2019	Open			Accounts Payable	FOSTER BROS SECURITY SYSTEMS INC	\$912.23		
	Invoice		Date	Description		Amount			
	312638		07/25/2019	Fleet: Depository Sage		\$912.23			
721939	08/09/2019	Open			Accounts Payable	GARDENLAND	\$495.84		
	Invoice		Date	Description		Amount			
	694782		07/25/2019	Trees&ROW:Pole Pruner, etc.		\$495.84			
721940	08/09/2019	Open			Accounts Payable	GRAINGER INC	\$262.50		
	Invoice		Date	Description		Amount			
	9235893733		07/17/2019	Fleet: Spring Check Valve		\$53.41			
	9247125637		07/29/2019	Grounds:Safety Can		\$209.09			
721941	08/09/2019	Open			Accounts Payable	Hartford Life Insurance	\$10,555.20		
	Invoice		Date	Description		Amount			
	657909165142		08/07/2019	AUGUST 2019 Life and AD&D Benefit		\$10,555.20			
721942	08/09/2019	Open			Accounts Payable	Hartford-Priority Accts	\$403.10		
	Invoice		Date	Description		Amount			
	759405599059		08/07/2019	AUGUST 2019		\$403.10			
721943	08/09/2019	Open			Accounts Payable	Health Care Dental Trust	\$28,905.84		
	Invoice		Date	Description		Amount			
	1539-0006		08/07/2019	AUGUST 2019 DENTAL BENEFIT		\$28,905.84			
721944	08/09/2019	Open			Accounts Payable	HOME DEPOT U.S.A., INC. DBA THE HOME DEPOT PRO	\$443.31		
	Invoice		Date	Description		Amount			
	503251522		07/23/2019	Facilities: Supplies		\$443.31			

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721945	08/09/2019	Open			Accounts Payable	HORIZON	\$460.48		
	Invoice		Date	Description		Amount			
	1Y303337		07/25/2019	Trees&ROW:Shovels, Spot Punch and Spanner		\$460.48			
721946	08/09/2019	Open			Accounts Payable	IFPTE LOCAL 21	\$1,965.26		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	Association Dues - CEA pp 7/20/19-8/2/19		\$1,965.26			
721947	08/09/2019	Open			Accounts Payable	IMPEC GROUP (CLEAN INNOVATION)	\$70,456.22		
	Invoice		Date	Description		Amount			
	1908121		08/01/2019	August 2019 Janitorial Services		\$67,348.77			
	1908120		08/01/2019	August 2019 Janitorial Services		\$3,107.45			
721948	08/09/2019	Open			Accounts Payable	IMPERIAL SPRINKLER SUPPLY	\$1,536.75		
	Invoice		Date	Description		Amount			
	3832298-00		07/26/2019	Trees&ROW:Irrigation Supplies		\$1,536.75			
721949	08/09/2019	Open			Accounts Payable	INTERSTATE TRAFFIC CONTROL PRODUCTS	\$3,107.73		
	Invoice		Date	Description		Amount			
	233158		08/05/2019	Streets; Glass Beads		\$2,857.98			
	232812		07/17/2019	Streets: Stencil Guard		\$249.75			
721950	08/09/2019	Open			Accounts Payable	IRON MOUNTAIN RECORDS MGMNT	\$1,949.91		
	Invoice		Date	Description		Amount			
	BWKC783		07/31/2019	City Clerk Office Storage 8/1 - 8/31		\$1,949.91			
721951	08/09/2019	Open			Accounts Payable	Keith Day Company, Inc.	\$300.00		
	Invoice		Date	Description		Amount			
	23524		08/02/2019	compost delivered to compost site		\$300.00			
721952	08/09/2019	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$1,853.00		
	Invoice		Date	Description		Amount			
	808-00000731998		06/12/2019	Facilities: G-Force II 4040		\$1,853.00			
721953	08/09/2019	Open			Accounts Payable	KIMBALL-MIDWEST	\$566.08		
	Invoice		Date	Description		Amount			
	7303446		07/31/2019	Fleet: Solder, Wipes, Battt Crimpe		\$252.84			
	7305804		08/01/2019	Fleet:Credit - End KF UL		(\$92.91)			
	7305807		08/01/2019	Streets: Credit USS G8 Armo		(\$76.85)			
	7305274		07/31/2019	Streets: Safety Glass, Glass Wipes, Studs, etc.		\$483.00			
721954	08/09/2019	Open			Accounts Payable	Life Insurance Company of North America	\$13,587.30		
	Invoice		Date	Description		Amount			
	19213 3		08/07/2019	AUGUST 2019 CIGNA BENEFIT		\$13,587.30			
721955	08/09/2019	Open			Accounts Payable	LUIS MACIAS SALAMANCA	\$726.49		
	Invoice		Date	Description		Amount			
	4		07/25/2019	Leadership Academy-72519		\$726.49			
721956	08/09/2019	Open			Accounts Payable	Managed Health Network Inc	\$765.16		
	Invoice		Date	Description		Amount			
	PRM-041515		08/07/2019	AUGUST 2019 EAP BENEFIT		\$765.16			



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721957	08/09/2019	Open			Accounts Payable	MAZE AND ASSOCIATES	\$1,995.00		
	Invoice		Date	Description		Amount			
	33086		07/31/2019	Qualys Guard Enterprise expires 8/17/20		\$1,995.00			
721958	08/09/2019	Open			Accounts Payable	MOOD MEDIA	\$98.84		
	Invoice		Date	Description		Amount			
	54782888		08/01/2019	Mood Media Music Service August 2019		\$98.84			
721959	08/09/2019	Open			Accounts Payable	MOUNTAIN VIEW GARDEN CENTER	\$138.87		
	Invoice		Date	Description		Amount			
	99681		07/02/2019	Grounds: BBF: Base Rock, Fill Sand		\$138.87			
721960	08/09/2019	Open			Accounts Payable	OFFICE DEPOT	\$2,451.22		
	Invoice		Date	Description		Amount			
	336902140001		07/03/2019	Dept. highlighters, paid stamp, blue fine ink pens		\$91.25			
	345048566001		07/22/2019	City Hall: Kitchen and Office Supplies		\$50.95			
	345048566002		07/23/2019	City Hall: Kitchen Supplies		\$16.15			
	340713915001		07/12/2019	Drawer organizer		\$11.98			
	340717110001		07/12/2019	Drawer organizers for pens, pencils, markers		\$47.39			
	340717111001		07/12/2019	drawer organizers and business card holders		\$79.08			
	340982418001		07/12/2019	Stapler Removers		\$21.14			
	339827325001		07/15/2019	Credit for tape dispensers		(\$76.91)			
	340627200001		07/12/2019	Black 3 drawer file cabinet		\$234.90			
	334693286001		07/18/2019	Toner		\$468.69			
	343945549001		07/17/2019	Credit for drawer organizers		(\$23.70)			
	352437434001		07/31/2019	Service Ctr: Office Supplies		\$152.94			
	348468830001		07/25/2019	Serv Ctr: Kitchen Supplies and Paper		\$170.34			
	343732485001		07/18/2019	EarBuds-Jumaini		\$43.59			
	343731817001		07/18/2019	Office Suplies		\$74.80			
	347820048001		07/25/2019	headsetwireless- Ergo		\$240.88			
	347820439001		07/24/2019	EPBEATS Blue Headphones		\$141.65			
	341257122001		07/15/2019	Cups Hot		\$5.30			
	340951584001		07/12/2019	File Holder		\$24.13			
	341233650001		07/15/2019	Binder Cover		\$25.56			
	340132094001		07/11/2019	Supplies and Ergo Equipment		\$596.20			
	340138305001		07/11/2019	Office Supplies		\$54.91			
721961	08/09/2019	Open			Accounts Payable	Operating Engineer #3	\$1,565.62		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	Union Dues pp 7/20/19-8/2/19		\$1,565.62			
721962	08/09/2019	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$15,785.64		
	Invoice		Date	Description		Amount			
	072719		07/27/2019	MRW Parking Lot, 22241 McClellan Rd, Contract ID 1247977		\$15,785.64			
721963	08/09/2019	Open			Accounts Payable	PG&E	\$1,111.05		
	Invoice		Date	Description		Amount			
	5875-072319		07/23/2019	2012160587-5 0621- 072219		\$6.90			
	9785-073019		07/30/2019	2016881978-5 062119-072219		\$10.77			
	0719-072919		07/29/2019	9223068071-9 062119 -07222019		\$28.21			
	1937-072919		07/29/2019	8754273193-7 062119-072219		\$6.67			
	4212-073019		07/30/2019	3535370421-2 062219-072319		\$67.40			

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721964	0349-072919	Open	07/29/2019	3042033034-9	062119-072219		\$171.26		
	6480-080119		08/01/2019	5587684648-0	0626-072519		\$819.84		
	08/09/2019				Accounts Payable	PLACEWORKS, INC		\$8,309.38	
	Invoice		Date	Description			Amount		
	68969		05/31/2019	FY1819 enviro services - Cupertino Village Hotel			\$8,309.38		
721965	08/09/2019	Open			Accounts Payable	PUBLIC GOOD PR, LLC		\$3,699.30	
	Invoice		Date	Description			Amount		
	1731		08/05/2019	Public Relations (PR) Services - July 2019			\$3,699.30		
721966	08/09/2019	Open			Accounts Payable	PYRO SPECTACULARS INC		\$568.00	
	Invoice		Date	Description			Amount		
	6683		06/30/2019	July 4 event- Pyro permit fees- 7.4.19			\$568.00		
721967	08/09/2019	Open			Accounts Payable	Quench USA, Inc		\$312.08	
	Invoice		Date	Description			Amount		
	INV01935287		08/01/2019	Service Center: Water Dispenser Rental			\$78.59		
721968	INV01928588	Open	08/01/2019	TOC: Water Dispenser Rental			\$78.59		
	INV01927340		08/01/2019	City Hall: Water Dispenser Rental			\$154.90		
	08/09/2019				Accounts Payable	RAMOS OIL COMPANY INC.		\$385.18	
	Invoice		Date	Description			Amount		
	15620		07/16/2019	Fleet: Oil			\$385.18		
721969	08/09/2019	Open			Accounts Payable	REUSER INC.		\$2,627.77	
	Invoice		Date	Description			Amount		
	14210		07/19/2019	Trees/ROW: Wood Chips			\$2,627.77		
721970	08/09/2019	Open			Accounts Payable	ROSS RECREATION EQUIPMENT CO INC		\$1,342.16	
	Invoice		Date	Description			Amount		
	115454		07/31/2019	Grounds: Playground equipment parts			\$1,342.16		
721971	08/09/2019	Open			Accounts Payable	ROYAL BRASS INC		\$178.67	
	Invoice		Date	Description			Amount		
	901935-001		07/19/2019	Fleet: hose assemblies			\$162.83		
721972	901939-001	Open	07/19/2019	Fleet: protective sleeves			\$15.84		
	08/09/2019				Accounts Payable	RPM EXTERMINATORS INC		\$1,050.00	
	Invoice		Date	Description			Amount		
	0074932		07/31/2019	Facilities: Change Rodent Bait			\$1,050.00		
721973	08/09/2019	Open			Accounts Payable	SABRE BACKFLOW INC		\$135.80	
	Invoice		Date	Description			Amount		
	1154		07/31/2019	Grounds: Equipment Parts			\$135.80		
721974	08/09/2019	Open			Accounts Payable	SAN JOSE WATER COMPANY		\$106,143.25	
	Invoice		Date	Description			Amount		
	Import - 860087		07/25/2019	0068410000-1 - 22221 McClellan 8302			\$330.81		
	Import - 860088		07/25/2019	0134100000-6 - 8303 Memorial Park			\$6,519.17		
	Import - 860091		07/25/2019	0345710000-0 - Alderbrook Ln.FS			\$111.35		
	Import - 860093		07/25/2019	0677310000-0 - 10300 Torre Ave LS (Comm.Hall)			\$1,458.31		
	Import - 860095		07/25/2019	1198300000-8 - 21979 San Fernando Ave. 6620			\$396.19		
	Import - 860096		07/25/2019	1250520000-1 - 6620 Blackberry/Snack			\$913.70		
	Import - 860097		07/25/2019	1332100000-5 - Hyde Avenue			\$5,046.48		
	Import - 860098		07/25/2019	1393820000-6 - Irrig SC/Stelling LS (Stev Crk Blvd)			\$41.18		

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	Import - 860100		07/25/2019	1444810000-9	- Hyannisport Dr.	LS	\$5,069.74		
	Import - 860104		07/25/2019	1735700000-3	- 8303 Memorial Park Restroom		\$161.93		
	Import - 860105		07/25/2019	1787904559-3	- 22221 McClellan 8302		\$418.95		
	Import - 860106		07/25/2019	1832500000-0	- Ruppell PL LS		\$3,508.70		
	Import - 860107		07/25/2019	1836700000-9	- 8322 Mary Mini Park		\$129.29		
	Import - 860108		07/25/2019	1987700000-0	- Alderbrook Ln LS		\$8,281.63		
	Import - 860109		07/25/2019	2228610000-7	- 21111 Stevens Crk LS		\$194.61		
	Import - 860110		07/25/2019	2243500000-9	- 10300 Ainsworth Dr.LS		\$3,909.83		
	Import - 860111		07/25/2019	2286120000-8	- 21251 Stevens Creek Blvd		\$48.84		
	Import - 860112		07/25/2019	2288800000-1	- 8306 Somerset Park		\$1,115.26		
	Import - 860114		07/25/2019	2649300000-9	- 10300 Torre Ave. FS (Comm.Hall)		\$111.35		
	Import - 860115		07/25/2019	2892070144-9	- 22221 McClellan 8320		\$97.69		
	Import - 860116		07/25/2019	2958510000-0	- 10555 Mary Ave.		\$117.40		
	Import - 860117		07/25/2019	2974010000-2	- 21251 Stevens Creek Blvd		\$1,164.29		
	Import - 860118		07/25/2019	2984810000-3	- 8504 Alves and Stelling		\$260.00		
	Import - 860120		07/25/2019	3207400000-4	- 21710 McClellan 8312		\$5,233.56		
	Import - 860121		07/25/2019	3296700000-4	- Irrig SC/Stelling LS (Stev Crk Blvd)		\$41.18		
	Import - 860124		07/25/2019	3530520000-4	- 21111 Stev.Crk Blvd 8510		\$341.71		
	Import - 860125		07/25/2019	3612707315-7	- Stocklmeir Ct		\$1,474.80		
	Import - 860126		07/25/2019	3673220000-5	- Stev.Crk/Cupertino Rd.		\$41.18		
	Import - 860129		07/25/2019	3746710000-6	- 21111 Stev.Crk BL FS		\$73.28		
	Import - 860130		07/25/2019	3841010000-2	- 8507 Monta Vista Park		\$172.84		
	Import - 860131		07/25/2019	3856110000-9	- 8322 Stella Estates		\$41.18		
	Import - 860132		07/25/2019	3857710000-1	- 8322 Foothill/Cupertino Rd		\$81.24		
	Import - 860134		07/25/2019	3900520000-9	- 10300 Torre Ave		\$630.85		
	Import - 860135		07/25/2019	4012210000-7	- 22601 Voss Av 8304		\$4,926.23		
	Import - 860136		07/25/2019	4103020000-4	- 6620 Blackberry/Snack		\$1,556.50		
	Import - 860137		07/25/2019	4227520000-6	- 8303 Memorial Park		\$1,403.97		
	Import - 860141		07/25/2019	5122900000-8	- Portable Meter		\$350.33		
	Import - 860142		07/25/2019	5237400000-9	- Dumas Dr, LS		\$7,518.20		
	Import - 860144		07/25/2019	5356310000-6	- 8322 Stev.Crk/Median		\$129.29		
	Import - 860148		07/25/2019	5778910000-5	- 8504 Quinlan Ln.FS		\$48.84		
	Import - 860149		07/25/2019	5835000000-4	- 8322 Stelling/Alves		\$81.24		
	Import - 860151		07/25/2019	5948100000-4	- Emerg Irrig/Golf		\$11,105.80		
	Import - 860152		07/25/2019	5986710000-6	- 10300 Torre Ave. FS (Comm.Hall)		\$412.73		
	Import - 860153		07/25/2019	5997110000-9	- 7555 Barnhart Pl		\$5,140.62		
	Import - 860154		07/25/2019	6292600000-1	- 10800 Torre Ave LS		\$4,049.98		
	Import - 860155		07/25/2019	6296810000-8	- 8322 Stev.Crk Bl median		\$41.18		
	Import - 860156		07/25/2019	6405210000-1	- 8506 McClellan Ranch		\$84.73		
	Import - 860157		07/25/2019	6578520000-0	- 8322 Foothill/Alpine LS		\$81.24		
	Import - 860158		07/25/2019	6730700000-9	- 21975 San Fernando Av		\$700.29		
	Import - 860160		07/25/2019	6788620000-4	- 10555 Mary Ave. 8503		\$232.75		
	Import - 860162		07/25/2019	6907100000-9	- Alderbrook Ln		\$205.81		
	Import - 860163		07/25/2019	6935200000-9	- 8303 Memorial Park		\$7,325.40		
	Import - 860164		07/25/2019	6973320000-5	- 8301 Linda Vista PK1		\$1,496.57		
	Import - 860165		07/25/2019	7036000000-7	- 85 Stev.Crk/Mary LS		\$81.24		
	Import - 860167		07/25/2019	7054200000-8	- 8322 Phar Lap LS		\$25.19		
	Import - 860169		07/25/2019	7495200000-3	- 10300 Torre Ave FS		\$111.35		
	Import - 860171		07/25/2019	7630410000-1	- Salem Av.LS		\$429.85		
	Import - 860174		07/25/2019	7930000000-1	- 8322 Stelling/Christensen Dr.		\$102.99		

# Payment Register

From Payment Date: 8/3/2019 - To Payment Date: 8/9/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Import - 860175		07/25/2019		8006810000-9 - 10450 Mann Dr		\$25.19		
	Import - 860176		07/25/2019		8065700000-8 - Peninsula and Fitzgerald Is		\$36.04		
	Import - 860178		07/25/2019		8270010000-9 - Janice Ave.LS		\$129.29		
	Import - 860179		07/25/2019		8287220000-9 - 8322 Stevens Cr/San Antonio Ls		\$41.18		
	Import - 860180		07/25/2019		8427420000-9 - 8322 Foothill/Vista Knoll		\$97.53		
	Import - 860181		07/25/2019		8549600000-2 - Bubbs Rd.LS		\$4,884.32		
	Import - 860182		07/25/2019		8605220000-2 - Stev.Crk/Orange LS		\$41.18		
	Import - 860183		07/25/2019		8647520000-1 - 10555 Mary Ave/Corp Yard FS		\$122.12		
	Import - 860184		07/25/2019		8755010000-9 - 10455 Miller Ave/Creekside		\$407.27		
	Import - 860185		07/25/2019		8879620000-9 - 8504 Christensen Dr		\$243.65		
	Import - 860186		07/25/2019		8886800000-6 - 8301 Linda Vista PK2		\$1,273.24		
	Import - 860189		07/25/2019		9377600000-7 - 8307 Varian Park		\$2,994.63		
	Import - 860195		07/25/2019		9785210000-3 - 8322 Stev.Crk BL median		\$46.58		
	Import - 860196		07/25/2019		9824500000-9 - 8322 Irrig SC/Stelling		\$141.13		
	Import - 860198		07/29/2019		5461910000-8 - De Anza Blvd.S.		\$479.06		
721975	08/09/2019	Open			Accounts Payable	SMITH'S FAMILY OF COMPANIES, INC	\$180.00		
	Invoice		Date		Description	Amount			
	28225		07/15/2019		Trees ROW: Trapping School Park	\$180.00			
721976	08/09/2019	Open			Accounts Payable	STAPLES BUSINESS ADVANTAGE	\$333.13		
	Invoice		Date		Description	Amount			
	3419953632		07/23/2019		hand wipes and post-its	\$45.13			
	3420148348		07/25/2019		CMO Office Supplies	\$241.74			
	3420148349		07/25/2019		CMO Office Supplies	\$46.26			
721977	08/09/2019	Open			Accounts Payable	State Disbursement Unit	\$276.92		
	Invoice		Date		Description	Amount			
	08022019		08/02/2019		Child Support pp 7/20/19-8/2/19	\$276.92			
721978	08/09/2019	Open			Accounts Payable	SUNNYVALE FORD	\$60.43		
	Invoice		Date		Description	Amount			
	153221		07/31/2019		Fleet: Belt	\$60.43			
721979	08/09/2019	Open			Accounts Payable	SWANK MOTION PICTURES, INC.	\$693.00		
	Invoice		Date		Description	Amount			
	RG 2716028		07/29/2019		Cinema-Swank license-8.9.19	\$693.00			
721980	08/09/2019	Open			Accounts Payable	SYSCO FOOD SERVICES OF SF	\$1,329.84		
	Invoice		Date		Description	Amount			
	350055720		07/06/2019		supplies for coffee, lunch socials, and kitchen	\$1,263.05			
	250992356		06/07/2019		aprons 2 pocket - black	\$66.79			
721981	08/09/2019	Open			Accounts Payable	T & T PAVEMENT MARKINGS AND	\$257.86		
	Invoice		Date		Description	Amount			
	2019308		08/01/2019		Streets: Flared Leg Brackets	\$257.86			
721982	08/09/2019	Open			Accounts Payable	TEAMVIEWER GMBH	\$4,236.20		
	Invoice		Date		Description	Amount			
	2105594420		08/06/2019		Team Viewer subscription	\$4,236.20			
721983	08/09/2019	Open			Accounts Payable	THE BBQ BOYS LLC	\$2,764.00		
	Invoice		Date		Description	Amount			
	3469		07/15/2019		Employee Service Awards 2019 - Deposit	\$2,764.00			

# Payment Register

From Payment Date: 8/3/2019 - To Payment Date: 8/9/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
721984	08/09/2019	Open			Accounts Payable	THE CALIFORNIA CHANNEL	\$253.34		
	Invoice		Date	Description		Amount			
	817		08/01/2019	August 2019 fees		\$253.34			
721985	08/09/2019	Open			Accounts Payable	TOWNSEND PUBLIC AFFAIRS INC	\$12,000.00		
	Invoice		Date	Description		Amount			
	14974		07/01/2019	Consulting Services - July 2019		\$6,000.00			
	15063		08/01/2019	Consulting Services - August 2019		\$6,000.00			
721986	08/09/2019	Open			Accounts Payable	TREESTUFF.COM	\$648.48		
	Invoice		Date	Description		Amount			
	INV-477408		08/01/2019	Trees ROW: safety items - eye shields, boots		\$648.48			
721987	08/09/2019	Open			Accounts Payable	TURFPRO-CARSON LANDSCAPE	\$86,817.44		
	Invoice		Date	Description		Amount			
	IVC0..0218844		07/17/2019	Trees&ROW: Irrigation Supplies		\$86,817.44			
721988	08/09/2019	Open			Accounts Payable	TYLER TECHNOLOGIES	\$79,392.82		
	Invoice		Date	Description		Amount			
	045-270116		07/09/2019	Annual Maintenance 7/1/19 - 6/30/20		\$79,392.82			
721989	08/09/2019	Open			Accounts Payable	UNITED RENTALS NORTHWEST INC	\$1,260.82		
	Invoice		Date	Description		Amount			
	171530510-001		07/23/2019	Grounds: Mini Excavator Rental		\$1,260.82			
721990	08/09/2019	Open			Accounts Payable	United Way Silicon Valley	\$5.00		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	United Way pp 7/20/19-8/2/19		\$5.00			
721991	08/09/2019	Open			Accounts Payable	Vision Service Plan (CA)	\$306.56		
	Invoice		Date	Description		Amount			
	807205583		08/07/2019	AUGUST 2019 VISION BENEFIT- SAFETY GLASSES		\$306.56			
721992	08/09/2019	Open			Accounts Payable	Vision Service Plan (CA)	\$3,268.00		
	Invoice		Date	Description		Amount			
	807205586		08/07/2019	AUGUST 2019 VISION BENEFIT		\$3,268.00			
721993	08/09/2019	Open			Accounts Payable	WESTERN SITE SERVICES LLC.	\$2,207.25		
	Invoice		Date	Description		Amount			
	11177		07/22/2019	SummerEvents-WesternSiteServices-7.22.19		\$468.70			
	11223		07/24/2019	SummerEvent-WesternSiteServices.7.24.19		\$397.85			
	11293		07/26/2019	SummerEvent-WesternSiteServices.7.26.19		\$397.85			
	11329		07/29/2019	SummerEvent-WesternSiteServices.7.29.19		\$397.85			
	11360		07/31/2019	SummerEvent-WesternSiteServices.7.31.19		\$545.00			
721994	08/09/2019	Open			Accounts Payable	Balaji, Swethaa	\$25.00		
	Invoice		Date	Description		Amount			
	2001376.030		08/02/2019	QCC-8.2.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
721995	08/09/2019	Open			Accounts Payable	Cadillac LaSalle Car Club - Nor. Cal.	\$500.00		
	Invoice		Date	Description		Amount			
	2001367.030		08/01/2019	QCC-8.01.19-Portal Park 7.28.19		\$500.00			

# Payment Register

From Payment Date: 8/3/2019 - To Payment Date: 8/9/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
721996	08/09/2019	Open			Accounts Payable	Chappidi, Sindhuri	\$25.00		
	Invoice		Date	Description		Amount			
	2001377.030		08/02/2019	QCC-8.2.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
721997	08/09/2019	Open			Accounts Payable	Chu, Liz, Y	\$3,000.00		
	Invoice		Date	Description		Amount			
	219704		08/05/2019	11150 Bubb Road, Encroachment Bond Release, 219704		\$3,000.00			
721998	08/09/2019	Open			Accounts Payable	Durai, Aravindhan	\$25.00		
	Invoice		Date	Description		Amount			
	2001383.030		08/02/2019	QCC-8.2.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
721999	08/09/2019	Open			Accounts Payable	Ennu, Venkat Reddy	\$25.00		
	Invoice		Date	Description		Amount			
	2001378.030		08/02/2019	QCC-8.2.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
722000	08/09/2019	Open			Accounts Payable	Gahlan, Vikas	\$25.00		
	Invoice		Date	Description		Amount			
	2001379.030		08/02/2019	QCC-8.2.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
722001	08/09/2019	Open			Accounts Payable	Khemka, Ranjana	\$38.00		
	Invoice		Date	Description		Amount			
	2001380.030		08/02/2019	QCC-8.2.19 Refund for C#6785 & 6786, power outage on 3.26.19.		\$38.00			
722002	08/09/2019	Open			Accounts Payable	Kuo, Kevin	\$25.00		
	Invoice		Date	Description		Amount			
	2001381.030		08/02/2019	QCC-8.2.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
722003	08/09/2019	Open			Accounts Payable	Lee, Soo Im	\$210.00		
	Invoice		Date	Description		Amount			
	2001370.030		08/01/2019	QCC-8.1.19 Refund for cancelled C#6732.		\$210.00			
722004	08/09/2019	Open			Accounts Payable	Mahzoon, Shabnam	\$6,000.00		
	Invoice		Date	Description		Amount			
	220524		08/08/2019	10598 Creston Drive, Encroachment, 220524		\$6,000.00			
722005	08/09/2019	Open			Accounts Payable	Mahzoon, Shabnam	\$456.00		
	Invoice		Date	Description		Amount			
	220524		08/05/2019	10598 Creston Dr, Encroachment Permit Fee Refund, 220524		\$456.00			
722006	08/09/2019	Open			Accounts Payable	Nathan, Vandana	\$150.00		
	Invoice		Date	Description		Amount			
	2001354.030		07/31/2019	QCC-7.31.19- Teen Leadership Academy #7962		\$150.00			
722007	08/09/2019	Open			Accounts Payable	Ochi, Keiichiro	\$38.00		
	Invoice		Date	Description		Amount			
	2001382.030		08/02/2019	QCC-8.2.19 Refund for C#6785 & 6786, power outage on 3.26.19.		\$38.00			



# Payment Register

From Payment Date: 8/3/2019 - To Payment Date: 8/9/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722008	08/09/2019	Open			Accounts Payable	Peng, Penny	\$113.00		
	Invoice		Date	Description		Amount			
	2001402.030		08/05/2019	QCC-8.5.19 Memorial Park, 9.7.19, custom cancelled P # R22757		\$113.00			
722009	08/09/2019	Open			Accounts Payable	Sayyed, Amjad	\$25.00		
	Invoice		Date	Description		Amount			
	2001407.030		08/05/2019	QCC-8.5.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
722010	08/09/2019	Open			Accounts Payable	Tammie Pereira Insurance Services, Inc.	\$428.00		
	Invoice		Date	Description		Amount			
	2001363.030		08/01/2019	QCC- 7.31.19- Cupertino Room rental 7.18.19		\$428.00			
722011	08/09/2019	Open			Accounts Payable	Thippeswamy, Sangeetha	\$30.00		
	Invoice		Date	Description		Amount			
	2001408.030		08/05/2019	QCC-8.5.19 Refund for C#6785, power outage on 3.26.19.		\$30.00			
722012	08/09/2019	Open			Accounts Payable	Vasagiri, Ajaykartheek	\$25.00		
	Invoice		Date	Description		Amount			
	2001409.030		08/05/2019	QCC-8.5.19 Refund for C#6785, power outage on 3.26.19.		\$25.00			
722013	08/09/2019	Open			Accounts Payable	Yarlagadda, Harish	\$30.00		
	Invoice		Date	Description		Amount			
	2001410.030		08/05/2019	QCC-8.5.19 Refund for C#6785, power outage on 3.26.19.		\$30.00			
Type Check Totals:					107 Transactions		\$563,586.38		
EFT									
28767	08/05/2019	Open			Accounts Payable	SQUARE INC	\$115.00		
	Invoice		Date	Description		Amount			
	Square080219		08/02/2019	Square Billing Period 08/01/2019-09/01/2019		\$115.00			
28768	08/08/2019	Open			Accounts Payable	California Public Employees' Retirement System	\$327,784.90		
	Invoice		Date	Description		Amount			
	7158-080719		07/15/2019	Health Premiums 8/2019		\$327,784.90			
28769	08/09/2019	Open			Accounts Payable	Employment Development	\$4,176.40		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	State Disability Insurance pp 7/20/19-8/2/19		\$4,176.40			
28770	08/09/2019	Open			Accounts Payable	PERS-457K	\$6,930.69		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	PERS Deferred Comp pp 7/20/19-8/2/19		\$6,930.69			
28771	08/09/2019	Open			Accounts Payable	CLIFF MABUTAS	\$55.00		
	Invoice		Date	Description		Amount			
	CliffM071219		07/12/2019	Cell Ph Svc Reimbursement;06.13.19-07.12.19		\$55.00			
28772	08/09/2019	Open			Accounts Payable	Eflex Group, Inc	\$4,459.26		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	FSA pp 7/20/19-8/2/19		\$4,459.26			



# Payment Register

From Payment Date: 8/3/2019 - To Payment Date: 8/9/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
28773	08/09/2019	Open			Accounts Payable	ICMA Retirement Trust-457	\$4,092.02		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	ICMA Deferred Comp pp 7/20/19-8/2/19		\$4,092.02			
28774	08/09/2019	Open			Accounts Payable	LAW OFFICE OF LAWRENCE E. KERN, INC.	\$376.35		
	Invoice		Date	Description		Amount			
	40178		07/29/2019	Legal Services		\$376.35			
28775	08/09/2019	Open			Accounts Payable	National Deferred (ROTH)	\$5,676.54		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	Nationwide Roth pp 7/20/19-8/2/19		\$5,676.54			
28776	08/09/2019	Open			Accounts Payable	National Deferred Compensatin	\$51,383.95		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	Nationwide Deferred Comp pp 7/20/19-8/2/19		\$51,383.95			
28777	08/09/2019	Open			Accounts Payable	PARS/City of Cupertino	\$10,903.08		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	PARS pp 7/20/19-8/2/19		\$10,903.08			
28778	08/09/2019	Open			Accounts Payable	USWIRED INCORPORATED	\$107.91		
	Invoice		Date	Description		Amount			
	334273		07/31/2019	Toner Cartridge, Cyan		\$107.91			
Type EFT Totals:							\$416,061.10		
Main Account - Main Checking Account Totals									
12 Transactions									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	107	\$563,586.38	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	107	\$563,586.38	\$0.00
EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	12	\$416,061.10	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	12	\$416,061.10	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	119	\$979,647.48	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00

*Approved: Beth G. Viajar*  
*08.12.19*

# Payment Register

From Payment Date: 8/3/2019 - To Payment Date: 8/9/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Total	119	\$979,647.48	\$0.00	
Grand Totals:									
		Checks	Status	Count	Transaction Amount		Reconciled Amount		
			Open	107	\$563,586.38		\$0.00		
			Reconciled	0	\$0.00		\$0.00		
			Voided	0	\$0.00		\$0.00		
			Stopped	0	\$0.00		\$0.00		
			Total	107	\$563,586.38		\$0.00		
		EFTs	Status	Count	Transaction Amount		Reconciled Amount		
			Open	12	\$416,061.10		\$0.00		
			Reconciled	0	\$0.00		\$0.00		
			Voided	0	\$0.00		\$0.00		
			Total	12	\$416,061.10		\$0.00		
		All	Status	Count	Transaction Amount		Reconciled Amount		
			Open	119	\$979,647.48		\$0.00		
			Reconciled	0	\$0.00		\$0.00		
			Voided	0	\$0.00		\$0.00		
			Stopped	0	\$0.00		\$0.00		
			Total	119	\$979,647.48		\$0.00		

Approved: Beth G. Viajar

08.12.19

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS PAYABLE IN  
THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER DESCRIBED  
FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR THE PERIOD  
ENDING

August 16, 2019

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 15<sup>th</sup> day of October, 2019, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
-------------	------------------------------------

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

Page 2

<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Grace Schmidt, City Clerk</p>	<p>_____</p> <p>Date</p>

# Payment Register

From Payment Date: 8/10/2019 - To Payment Date: 8/16/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
722014	08/16/2019	Open			Accounts Payable	4 PAWS GOOSE CONTROL	\$1,850.00		
	Invoice		Date	Description		Amount			
	1324		08/03/2019	Grounds: July 2019 Services		\$1,850.00			
722015	08/16/2019	Open			Accounts Payable	A-1 FENCE INC.	\$8,500.00		
	Invoice		Date	Description		Amount			
	11169		08/05/2019	Grounds: BBF cafe fence repairs		\$8,500.00			
722016	08/16/2019	Open			Accounts Payable	AdTaxi   Bay Area News Group	\$6,136.62		
	Invoice		Date	Description		Amount			
	0001206232		07/31/2019	Legal Advertising - July 2019		\$6,136.62			
722017	08/16/2019	Open			Accounts Payable	ADVANTAGE GRAFIX	\$53.41		
	Invoice		Date	Description		Amount			
	43929		08/08/2019	Business Cards - Andre Duurvoort		\$53.41			
722018	08/16/2019	Open			Accounts Payable	AIR PRODUCTS GROUP INC	\$782.24		
	Invoice		Date	Description		Amount			
	110661		08/01/2019	Facilities: Ceiling Tile		\$782.24			
722019	08/16/2019	Open			Accounts Payable	AIRGAS USA LLC	\$194.07		
	Invoice		Date	Description		Amount			
	9963999157		07/31/2019	Fleet:Welding Shop Gas Cylinders		\$130.06			
	9963999156		07/31/2019	Fleet:Welding Shop Gas Cylinders		\$64.01			
722020	08/16/2019	Open			Accounts Payable	ANDY BADAL	\$53.56		
	Invoice		Date	Description		Amount			
	AndyB08122019		08/12/2019	Cell Reimbursement 6/29-7/28 2019		\$53.56			
722021	08/16/2019	Open			Accounts Payable	AT&T	\$469.30		
	Invoice		Date	Description		Amount			
	1001-71819		07/18/2019	911 EMERGENCY PHONE LINES		\$43.13			
	5001-71819		07/18/2019	911 EMERGENCY PHONE LINES		\$43.13			
	6001-71819		07/18/2019	911 EMERGENCY PHONE LINES		\$43.13			
	7001-71819		07/18/2019	911 EMERGENCY PHONE LINES		\$43.13			
	6001-72119		07/21/2019	911 EMERGENCY PHONE LINES		\$43.13			
	9001-72119		07/21/2019	911 EMERGENCY PHONE LINES		\$43.13			
	1001-72119		07/21/2019	911 EMERGENCY PHONE LINES		\$43.13			
	7001-72119		07/21/2019	911 EMERGENCY PHONE LINES		\$41.42			
	8001-72119		07/21/2019	911 EMERGENCY PHONE LINES		\$41.42			
	0001-072119		07/21/2019	911 EMERGENCY PHONE LINES		\$41.42			
	8001-072519		07/25/2019	911 EMERGENCY PHONE LINES		\$43.13			
722022	08/16/2019	Open			Accounts Payable	BALANCE STUDIOS, INC	\$10,000.00		
	Invoice		Date	Description		Amount			
	3472		08/07/2019	Public Art Augmented reality app		\$10,000.00			
722023	08/16/2019	Open			Accounts Payable	BASELINE ENVIRONMENTAL CONSULTING	\$9,310.00		
	Invoice		Date	Description		Amount			
	19307-00.003		08/06/2019	Vallco Town Center #852 Peer Review 2019/07		\$9,310.00			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722024	08/16/2019	Open			Accounts Payable	BUBBLE MARKETING	\$538.80		
	Invoice		Date	Description		Amount			
	19832		07/08/2019	club wipes		\$538.80			
722025	08/16/2019	Open			Accounts Payable	BUSINESS ORIENTED SOFTWARE SOLUTIONS, INC	\$800.00		
	Invoice		Date	Description		Amount			
	BOSS2020UC19083		08/08/2019	User Conference: BOSS 2020 Toan		\$800.00			
722026	08/16/2019	Open			Accounts Payable	CAL-LINE EQUIPMENT CO INC	\$2,283.32		
	Invoice		Date	Description		Amount			
	114987		07/12/2019	Fleet: Cooler w/suction fan		\$1,779.68			
	114612		06/20/2019	Fleet:Carbide Side and Lead Hex Tooth		\$503.64			
722027	08/16/2019	Open			Accounts Payable	CAL-WEST LIGHTING & SIGNAL MAINTENANCE INC	\$5,814.76		
	Invoice		Date	Description		Amount			
	190859		08/09/2019	Traffic Pole Replacement Stevens Creek & Northbound Hwy 85 Ramp		\$5,814.76			
722028	08/16/2019	Open			Accounts Payable	CAROL LIU DBA JOYFUL MELODIES	\$4,211.70		
	Invoice		Date	Description		Amount			
	JMMS19		08/08/2019	JMMS19		\$4,211.70			
722029	08/16/2019	Open			Accounts Payable	CHARITIES HOUSING DEVELOP CORP	\$1,000.00		
	Invoice		Date	Description		Amount			
	Winters0819		08/13/2019	CM Client Back Rent		\$1,000.00			
722030	08/16/2019	Open			Accounts Payable	CITY OF SUNNYVALE	\$522.22		
	Invoice		Date	Description		Amount			
	73066-080819		08/08/2019	Sewer Service		\$522.22			
722031	08/16/2019	Open			Accounts Payable	CLEARBLU ENVIRONMENTAL	\$105.25		
	Invoice		Date	Description		Amount			
	21273		08/07/2019	Streets:Switch Rocker		\$105.25			
722032	08/16/2019	Open			Accounts Payable	CORELOGIC INFORMATION SOLUTIONS INC	\$860.48		
	Invoice		Date	Description		Amount			
	81977737		07/31/2019	Metroscan fares July 2019		\$860.48			
722033	08/16/2019	Open			Accounts Payable	CUPERTINO SUPPLY INC	\$17.88		
	Invoice		Date	Description		Amount			
	207466		08/06/2019	Grounds: 10 Mil Tape		\$17.88			
722034	08/16/2019	Open			Accounts Payable	DAILY JOURNAL CORPORATION	\$104.00		
	Invoice		Date	Description		Amount			
	A3280547		08/06/2019	Legal Notice LOS to VMT Transition Project		\$104.00			
722035	08/16/2019	Open			Accounts Payable	DEPARTMENT OF JUSTICE	\$224.00		
	Invoice		Date	Description		Amount			
	394366		08/05/2019	FINGERPRINTS		\$224.00			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722036	08/16/2019	Open			Accounts Payable	DEPT OF CONSUMER AFFAIRS	\$115.00		
	Invoice		Date	Description		Amount			
	JohnR072019		07/20/2019	Professional Engineer License Renewal - John Raaymakers		\$115.00			
722037	08/16/2019	Open			Accounts Payable	DIGITAL PRINT	\$331.74		
	Invoice		Date	Description		Amount			
	19227		07/29/2019	business cards		\$165.87			
722038	08/16/2019	Open			Accounts Payable	Edges Electrical Group	\$59.17		
	Invoice		Date	Description		Amount			
	S4713315.001		08/07/2019	Streets: Wire Stripper/Cutter		\$59.17			
722039	08/16/2019	Open			Accounts Payable	ELCOR ELECTRIC	\$11,277.00		
	Invoice		Date	Description		Amount			
	3522-1		07/30/2019	Facilities: Community Hall Mecho Shades		\$722.00			
722040	08/16/2019	Open			Accounts Payable	EPAC TECHNOLOGIES INC	\$773.24		
	Invoice		Date	Description		Amount			
	E320909		07/31/2019	QCC - 7.31.19 - QCC Dept. Logo Envelopes		\$773.24			
722041	08/16/2019	Open			Accounts Payable	EPOCH EYEWEAR	\$260.10		
	Invoice		Date	Description		Amount			
	SO-115478		08/08/2019	Sunglasses for Resale		\$260.10			
722042	08/16/2019	Open			Accounts Payable	ERIC GONZALES	\$589.02		
	Invoice		Date	Description		Amount			
	EricG081419		08/14/2019	Reimbursement for Nature Camp & Summer Science supply purchases		\$589.02			
722043	08/16/2019	Open			Accounts Payable	EUPHRAT MUSEUM OF ART	\$8,950.50		
	Invoice		Date	Description		Amount			
	EMOA-SumCamps19		08/13/2019	Euphrat - Summer Camps 2019		\$8,950.50			
722044	08/16/2019	Open			Accounts Payable	EWING IRRIGATION	\$3,673.70		
	Invoice		Date	Description		Amount			
	8036590		08/03/2019	Grounds: Topper		\$324.47			
722045	08/16/2019	Open			Accounts Payable	FOSTER BROS SECURITY SYSTEMS INC	\$17.40		
	Invoice		Date	Description		Amount			
	313107		08/09/2019	Facilities: Supplies		\$17.40			
722046	08/16/2019	Open			Accounts Payable	FRANCAVILLA, CLARE	\$275.00		
	Invoice		Date	Description		Amount			
	ClareF08142019		08/14/2019	Cell Phone Reimbursement (March - July 2019)		\$275.00			
722047	08/16/2019	Open			Accounts Payable	FRANK VILLA	\$110.47		
	Invoice		Date	Description		Amount			
	FrankV050419		05/04/2019	Cell Ph Svc Reimbursement;04.05.19-05.04.19		\$36.61			
	FrankV070419		07/04/2019	Cell Ph Svc Reimbursement;06.05.19-07.04.19		\$37.25			
	FrankV060419		06/04/2019	Cell Ph Svc Reimbursement;05.05.19-06.04.19		\$36.61			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722048	08/16/2019	Open			Accounts Payable	Friends of Vision Literacy	\$311.00		
	Invoice		Date	Description		Amount			
	081319		08/13/2019	ESL Intermediate (6.26-8.14)	14 Enrolled - Admin Fee	\$311.00			
722049	08/16/2019	Open			Accounts Payable	GARROD FARMS/STABLES	\$9,085.00		
	Invoice		Date	Description		Amount			
	081319		08/13/2019	Summer Payment		\$9,085.00			
722050	08/16/2019	Open			Accounts Payable	GOLDEN STATE BRIDGE INC	\$91,759.98		
	Invoice		Date	Description		Amount			
	2019-108-001		08/12/2019	Don Burnett Bridge Bearing Pin Repair Project CCO #1		\$91,759.98			
722051	08/16/2019	Open			Accounts Payable	GRAINGER INC	\$1,993.08		
	Invoice		Date	Description		Amount			
	9250716413		08/01/2019	Trees&ROW: Harnesses, Fall Limiters		\$1,993.08			
722052	08/16/2019	Open			Accounts Payable	GYM PRECISION INC	\$195.00		
	Invoice		Date	Description		Amount			
	12047		07/15/2019	PM		\$195.00			
722053	08/16/2019	Open			Accounts Payable	HDL COREN & CONE	\$4,081.25		
	Invoice		Date	Description		Amount			
	0026895-IN		07/29/2019	July - September 2019		\$4,081.25			
722054	08/16/2019	Open			Accounts Payable	HEIDI MERRY HENN-ECKER	\$2,747.50		
	Invoice		Date	Description		Amount			
	HeidiSU19		08/08/2019	HeidiSU19		\$2,747.50			
722055	08/16/2019	Open			Accounts Payable	HEXAGON TRANSPORTATION CONSULTANTS	\$1,667.50		
	Invoice		Date	Description		Amount			
	12814		05/09/2019	traffic study - Cupertino Village Hotel		\$1,334.00			
	13024		07/19/2019	traffic study - Cupertino Village Hotel		\$333.50			
722056	08/16/2019	Open			Accounts Payable	HOME DEPOT CREDIT SERVICES	\$2,181.71		
	Invoice		Date	Description		Amount			
	4323097		06/28/2019	Trees ROW Supplies		\$27.29			
	372703		07/02/2019	Grounds Supplies		\$4.33			
	391325		07/02/2019	Grounds Supplies		\$15.55			
	9372742		07/03/2019	Grounds supplies		\$326.66			
	4021257		07/08/2019	Grounds supplies		\$75.83			
	21795		07/12/2019	Fleet supplies		\$198.49			
	391361		07/12/2019	Fleet supplies		\$28.79			
	7320445		07/15/2019	Grounds supplies		\$30.64			
	6022232		07/16/2019	grounds supplies		\$54.59			
	5320603		07/17/2019	grounds supplies		\$39.26			
	4362311		07/18/2019	grounds supplies		\$89.49			
	22982		07/22/2019	grounds supplies		\$64.60			
	9023077		07/23/2019	streets supplies		\$467.51			
	9023104		07/23/2019	grounds supplies		\$51.88			
	9373097		07/23/2019	grounds supplies		\$43.63			
	7033570		07/25/2019	grounds supplies		\$50.70			
	7362357		07/25/2019	grounds supplies		\$304.81			
	7373165		07/25/2019	grounds supplies		\$291.29			
	6023473		07/26/2019	grounds supplies		\$16.37			



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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722057	08/16/2019	Open			Accounts Payable	HU, POLLY	\$1,805.00		
	Invoice		Date	Description		Amount			
	08082019		08/08/2019	Summer Events 2019 - Zumba in the Park 7/10 to 8/7		\$300.00			
	081319		08/13/2019	Chair Exercise (7.1-8.12) 40 Students - Admin Fee		\$1,505.00			
722058	08/16/2019	Open			Accounts Payable	ICE CENTER ENTERPRISES, LLC	\$2,970.00		
	Invoice		Date	Description		Amount			
	081319		08/13/2019	Summer Payment 1		\$2,970.00			
722059	08/16/2019	Open			Accounts Payable	IMPEC GROUP (CLEAN INNOVATION)	\$1,916.94		
	Invoice		Date	Description		Amount			
	1907105-2		07/31/2019	Facilities: July 2019 Janitorial Services		\$21.70			
	1907106-2		07/31/2019	Facilities: July 2019 Janitorial Services		\$470.24			
	1907209		07/31/2019	Special Custodial Service for BBF Snack Bar		\$1,350.00			
	1907204		07/19/2019	Special Custodial Service for Senior Center		\$75.00			
722060	08/16/2019	Open			Accounts Payable	IMPERIAL SPRINKLER SUPPLY	\$552.94		
	Invoice		Date	Description		Amount			
	3846268-00		08/06/2019	Grounds: PVC, Cement, Primer		\$140.49			
	3843438-00		08/05/2019	Grounds: Saw Cable, Blade, Probe, Nozzles, etc.		\$207.83			
	3839425-00		08/01/2019	Trees&ROW: Couplings and Tubing		\$202.09			
	3841641-00		08/02/2019	Grounds: TBE Nipples		\$2.53			
722061	08/16/2019	Open			Accounts Payable	INDEPENDENT CODE CONSULTANTS, INC.	\$13,154.81		
	Invoice		Date	Description		Amount			
	1167		08/01/2019	On-Call Building Plan Review Services		\$13,154.81			
722062	08/16/2019	Open			Accounts Payable	INTEGEM INC	\$2,388.75		
	Invoice		Date	Description		Amount			
	IntegremSu19		08/08/2019	IntegremSu19		\$2,388.75			
722063	08/16/2019	Open			Accounts Payable	INTERSTATE BATTERY SYSTEM OF SAN JOSE INC.	\$559.02		
	Invoice		Date	Description		Amount			
	10286556		08/13/2019	Fleet: Auto Supplies		\$559.02			
722064	08/16/2019	Open			Accounts Payable	JOHN RAMOS	\$110.00		
	Invoice		Date	Description		Amount			
	JohnR061319		06/13/2019	Cell Ph Svc Rmbrsmnt;05.14.19-06.13.19		\$55.00			
	JohnR071319		07/13/2019	Cell Ph Svc Rmbrsmnt; 06.14.19-07.13.19		\$55.00			
722065	08/16/2019	Open			Accounts Payable	JON WILLEY	\$178.11		
	Invoice		Date	Description		Amount			
	JonW08142019		08/14/2019	Reimbursement - Print (April - June 2019)		\$178.11			
722066	08/16/2019	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$28.65		
	Invoice		Date	Description		Amount			
	808-00000740586		08/14/2019	Streets: Paint		\$28.65			
722067	08/16/2019	Open			Accounts Payable	KIMBALL-MIDWEST	\$464.62		
	Invoice		Date	Description		Amount			
	7286502		07/23/2019	Streets:KKRMP, Snap Plug, Cable Tie, Bolt Clamp, etc.		\$407.61			
	7316173		08/06/2019	Streets: Sonar Repl Cuffs		\$57.01			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722068	08/16/2019	Open			Accounts Payable	KMVT COMMUNITY TELEVISION	\$1,872.80		
	Invoice		Date	Description			Amount		
	KMVT-SU19		08/08/2019	KMVT-SU19			\$1,872.80		
722069	08/16/2019	Open			Accounts Payable	KNORR SYSTEMS INC	\$1,039.86		
	Invoice		Date	Description			Amount		
	SI214392		08/02/2019	BBF:Chemicals			\$1,039.86		
722070	08/16/2019	Open			Accounts Payable	KOFF AND ASSOCIATES	\$4,824.00		
	Invoice		Date	Description			Amount		
	5535		08/04/2019	Compensation Study- ACM			\$4,824.00		
722071	08/16/2019	Open			Accounts Payable	LANGUAGE NETWORK, INC.	\$597.55		
	Invoice		Date	Description			Amount		
	315506		08/13/2019	Chinese Translation BAAG			\$597.55		
722072	08/16/2019	Open			Accounts Payable	LIEBERT CASSIDY WHITMORE	\$5,735.00		
	Invoice		Date	Description			Amount		
	1482890		07/31/2019	PROFESSIONAL SERVICES THRU 7/31			\$5,217.00		
	1482891		07/31/2019	PROFESSIONAL SERVICES THRU 7/31 CU060 00028			\$518.00		
722073	08/16/2019	Open			Accounts Payable	Little Medical School	\$3,650.00		
	Invoice		Date	Description			Amount		
	LMSSu19		08/08/2019	LMSSu19			\$3,650.00		
722074	08/16/2019	Open			Accounts Payable	LOGO LOCKER L.L.C.	\$622.16		
	Invoice		Date	Description			Amount		
	15833		07/30/2019	3rd Year Staff Jackets			\$622.16		
722075	08/16/2019	Open			Accounts Payable	MAD SCIENCE OF THE BAY AREA	\$21,310.25		
	Invoice		Date	Description			Amount		
	MadSciSummer2019		08/06/2019	Mad Science Summer Camps 2019			\$21,310.25		
722076	08/16/2019	Open			Accounts Payable	Madonich, Jeffrey	\$1,319.00		
	Invoice		Date	Description			Amount		
	081319		08/13/2019	Tai Chi 1, 2, 3 (4.25-8.8) 3, 16, 9 Students - Admin Fee			\$1,319.00		
722077	08/16/2019	Open			Accounts Payable	MISSION ACADEMY OF MUSIC	\$696.00		
	Invoice		Date	Description			Amount		
	MAM-SU19		08/08/2019	MAM-SU19			\$696.00		
722078	08/16/2019	Open			Accounts Payable	MOLARO, LISA	\$10,630.80		
	Invoice		Date	Description			Amount		
	MolaroSummer19-2		08/13/2019	Molaro - Summer 2019 Payment 2			\$10,630.80		
722079	08/16/2019	Open			Accounts Payable	MOLLY JAMES	\$355.28		
	Invoice		Date	Description			Amount		
	Reimb062819		06/28/2019	Reimbursement for Molly James: BBF A-Frame Signs for			\$355.28		
722080	08/16/2019	Open			Accounts Payable	MOOD MEDIA	\$98.84		
	Invoice		Date	Description			Amount		
	54717860		07/01/2019	music			\$98.84		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722081	08/16/2019	Open			Accounts Payable	MOUNTAIN VIEW GARDEN CENTER	\$133.45		
	Invoice		Date	Description		Amount			
	100103		08/07/2019	Grounds: mix and sand		\$133.45			
722082	08/16/2019	Open			Accounts Payable	NEOFUNDS BY NEOPOST	\$4,000.00		
	Invoice		Date	Description		Amount			
	08042019		08/04/2019	Postage		\$4,000.00			
722083	08/16/2019	Open			Accounts Payable	NI GOVERNMENT SERVICES INC	\$79.04		
	Invoice		Date	Description		Amount			
	9071309784		08/01/2019	CM Satellite Services 7/1 - 7/31		\$79.04			
722084	08/16/2019	Open			Accounts Payable	O'REILLY AUTO PARTS	\$587.81		
	Invoice		Date	Description		Amount			
	2591-420820		08/05/2019	Fleet:Micro-V Belt		\$18.24			
	2591-420821		08/05/2019	Fleet:Reflex Shock		\$113.77			
	2591-420049		08/01/2019	Fleet:Oil and Air Filters		\$82.16			
	2591-421210		08/07/2019	Fleet:Black Shine		\$23.96			
	2591-414268		07/03/2019	Fleet:V-Belt, Brake Cln		\$44.81			
	2591-415404		07/09/2019	Fleet:Seam Sealer		\$95.66			
	2591-421538		08/08/2019	Fleet:Reservoir		\$187.36			
	2591-421476		08/08/2019	Fleet:Press Switch		\$21.85			
722085	08/16/2019	Open			Accounts Payable	OCCUPATIONAL HEALTH CENTERS OF CALIFORNIA, A MEDIC	\$165.00		
	Invoice		Date	Description		Amount			
	64977691		07/31/2019	DOT PHYS TEST		\$135.50			
	65049262		08/07/2019	DOT Tests and TB Test		\$29.50			
722086	08/16/2019	Open			Accounts Payable	OFFICE DEPOT	\$900.06		
	Invoice		Date	Description		Amount			
	343015271001		07/17/2019	office supplies		\$226.74			
	343066540001		07/17/2019	office supplies		\$16.01			
	353327143001		08/01/2019	QCC - 8.01.19 - QCC Office Supplies		\$73.60			
	355040663001		08/05/2019	Kitchen supplies for City Hall Lower Level		\$13.98			
	355035258001		08/05/2019	Kitchen supplies for City Hall Lower Level		\$123.30			
	357840836001		08/07/2019	CMO Supplies - Chair Mat (Acting CM Office)		\$38.14			
	346685235001		07/24/2019	Code Enforcement Kitchen Supplies - Creamer & Coffee		\$45.06			
	350092758001		07/29/2019	Code Enforcement Kitchen Supplies - Tea		\$14.99			
	343015271002		07/22/2019	Office Supplies - Copy Paper		\$63.75			
	346687561001		07/24/2019	Code Enforcement Kitchen Supplies - Handsoap		\$6.85			
	350093507001		07/29/2019	Code Enforcement equipment - Combo Keyboard		\$185.29			
	346250814001		07/23/2019	Code Enforcement equipment - Tripod		\$41.41			
	354708941001		08/05/2019	Office Supplies - Pens,Batteries & Post-It		\$50.94			
722087	08/16/2019	Open			Accounts Payable	PACIFIC TELEMAGEMENT SVCS	\$543.00		
	Invoice		Date	Description		Amount			
	2025760		08/08/2019	payphone svcs 08/08/19 9/01/19 to 09/30/19		\$543.00			

# Payment Register

From Payment Date: 8/10/2019 - To Payment Date: 8/16/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722088	08/16/2019	Open			Accounts Payable	PAVEMENT ENGINEERING INC	\$1,337.50		
	Invoice		Date	Description					
	1907-080		08/07/2019	SO #1 Pavement Maint. Phase 1 7/1/19-7/31/19 Project 190148-01					
722089	08/16/2019	Open			Accounts Payable	PLACEWORKS, INC	\$2,664.36		
	Invoice		Date	Description					
	69517		07/31/2019	Cupertino Village Hotel #812 IS/MND 2019/07					
722090	08/16/2019	Open			Accounts Payable	PLAY-WELL TEKNOLOGIES	\$6,000.00		
	Invoice		Date	Description					
	PlayWellSu19		08/08/2019	PlayWellSu19					
722091	08/16/2019	Open			Accounts Payable	PREFERRED ALLIANCE INC	\$25.00		
	Invoice		Date	Description					
	0149590-IN		06/30/2019	Laura M. Collection Fee					
722092	08/16/2019	Open			Accounts Payable	QUALITY SPORTS, INC.	\$110.52		
	Invoice		Date	Description					
	16374		06/21/2019	Gloves for Resale					
722093	08/16/2019	Open			Accounts Payable	ROGER LEE	\$94.50		
	Invoice		Date	Description					
	RogerL051719		05/17/2019	Reimbursement CCPIC Meeting 5/16/19/5/17/19 Long Beach					
722094	08/16/2019	Open			Accounts Payable	ROYAL COACH TOURS	\$3,268.30		
	Invoice		Date	Description					
	17449		08/14/2019	Gilroy Gardens 09/15/2019					
	17451		08/14/2019	Bodega Bay 09/19/2019					
	17452		08/14/2019	Beach Blanket Babylon 09/29/2019					
722095	08/16/2019	Voided	Printing Error	08/16/2019	Accounts Payable	SANTA CLARA CNTY CLERK/RECORDER	\$200.00		
	Invoice		Date	Description					
	TR-2019-22		08/07/2019	exempt filing					
	TR-2019-21		08/07/2019	exempt filing					
	TR-2019-16		08/07/2019	exempt filing					
	CEQA-2019-08		08/08/2019	SCC CEQA filing - NOD for Cup Village DA app					
722096	08/16/2019	Open			Accounts Payable	SERVICE STATION SYSTEMS, INC.	\$1,475.83		
	Invoice		Date	Description					
	1644536		07/31/2019	Streets: Compliance Testing					
722097	08/16/2019	Open			Accounts Payable	SILICON SHORES INC	\$9,064.00		
	Invoice		Date	Description					
	081319		08/13/2019	Summer Payment					
722098	08/16/2019	Open			Accounts Payable	SOUTH BAY REGIONAL PUBLIC SAFETY	\$126.00		
	Invoice		Date	Description					
	220044		07/30/2019	PC 832 Class for Park Ranger Schryver					
722099	08/16/2019	Open			Accounts Payable	SPRIG ELECTRIC	\$1,466.00		
	Invoice		Date	Description					
	43874		08/08/2019	Facilities: Sports Center Antenna Service Call					

# Payment Register

From Payment Date: 8/10/2019 - To Payment Date: 8/16/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722100	08/16/2019	Open			Accounts Payable	SRIXON	\$5.10		
	Invoice		Date	Description		Amount			
	5519111SO		10/30/2018	Special Order FedEx		\$5.10			
722101	08/16/2019	Open			Accounts Payable	STAPLES BUSINESS ADVANTAGE	\$120.09		
	Invoice		Date	Description		Amount			
	3420942716		08/01/2019	QCC - 8.01.19 - QCC Office Supplies		\$120.09			
722102	08/16/2019	Open			Accounts Payable	STARBIRD CONSULTING LLC	\$3,926.61		
	Invoice		Date	Description		Amount			
	0054		08/09/2019	Environmental Consulting Svcs MRW Parking Lot thru 6/30/19		\$3,926.61			
722103	08/16/2019	Open			Accounts Payable	SUNNYVALE FORD	\$1,501.10		
	Invoice		Date	Description		Amount			
	153578		08/07/2019	Fleet: Pulley		\$85.25			
	153839		08/08/2019	Fleet:Hose		\$105.72			
	153557		08/06/2019	Fleet:Anti-Fr, Radiator, Kits		\$747.40			
	153458		08/02/2019	Fleet:Sensor		\$39.49			
	FOCS801473		08/06/2019	Fleet:Tire Alignment		\$129.95			
	154110		08/13/2019	Fleet:Keys		\$393.29			
722104	08/16/2019	Open			Accounts Payable	SUPERCO SPECIALTY PRODUCTS	\$445.77		
	Invoice		Date	Description		Amount			
	PSI301094		08/02/2019	Fleet: Hurricane, Terminal Sealer		\$445.77			
722105	08/16/2019	Open			Accounts Payable	SYN-TECH SYSTEMS	\$78.30		
	Invoice		Date	Description		Amount			
	189777		05/31/2019	Fleet:ReBoot SQL Server		\$78.30			
722106	08/16/2019	Open			Accounts Payable	SYSCO FOOD SERVICES OF SF	\$3,797.76		
	Invoice		Date	Description		Amount			
	350094679		07/24/2019	Food for BBF Cafe		\$2,259.78			
	350130267		08/07/2019	Food for BBF Cafe		\$1,537.98			
722107	08/16/2019	Open			Accounts Payable	TERRYBERRY COMPANY LLC	\$929.11		
	Invoice		Date	Description		Amount			
	G34951		07/09/2019	CHRIS ORR		\$308.62			
	G34952		07/09/2019	DAVID BRANDT		\$105.43			
	G35512		07/10/2019	GARY STREAM		\$119.44			
	G35513		07/10/2019	CHYLENE OSBOURN		\$307.38			
	G36081		07/11/2019	LISA M.		\$88.24			
722108	08/16/2019	Open			Accounts Payable	THERMAL MECHANICAL, INC.	\$5,330.12		
	Invoice		Date	Description		Amount			
	77023		08/13/2019	Facilities: McClellan Ranch Heating/Cooling Floor System		\$5,330.12			
722109	08/16/2019	Open			Accounts Payable	TREESTUFF.COM	\$197.22		
	Invoice		Date	Description		Amount			
	INV-477615		08/02/2019	Trees&ROW:Carabiner, Racking Clip, Bowling Buff		\$197.22			
722110	08/16/2019	Open			Accounts Payable	WINGFOOT COMMERCIAL TIRE	\$674.44		
	Invoice		Date	Description		Amount			
	189-1101732		07/17/2019	Fleet:WRL AT ADV OWL		\$447.62			
	189-1101741		07/18/2019	Fleet:Auto Parts/Supplies		\$81.28			

# Payment Register

From Payment Date: 8/10/2019 - To Payment Date: 8/16/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	189-1101826		07/29/2019		Fleet:Turf Saver, Waste Tire Fee		\$145.54		
722111	08/16/2019	Open			Accounts Payable	Chen, Kevin	\$3,800.00		
	Invoice		Date	Description		Amount			
	220388		08/08/2019	10364 Sterling, Encroachment Bond Release, 220388		\$3,800.00			
722112	08/16/2019	Open			Accounts Payable	Darmawan, Casey	\$299.00		
	Invoice		Date	Description		Amount			
	9HH44146N7040154		05/24/2019	Reimbursement for Lifeguard Certification		\$299.00			
722113	08/16/2019	Open			Accounts Payable	Ecklund, Kier	\$310.00		
	Invoice		Date	Description		Amount			
	220716		08/01/2019	refund application fees not needed		\$310.00			
722114	08/16/2019	Open			Accounts Payable	Jain, Giriraj	\$500.00		
	Invoice		Date	Description		Amount			
	2001413.030		08/08/2019	QCC- 8.08.19- Cupertino Room rental 8.04.19		\$500.00			
722115	08/16/2019	Open			Accounts Payable	JOHN K.S. TONG D.D.S. INC	\$4.00		
	Invoice		Date	Description		Amount			
	350485		08/15/2019	JOHN K.S. TONG D.D.S. INC refund		\$4.00			
722116	08/16/2019	Open			Accounts Payable	Navneet, Kaur	\$252.00		
	Invoice		Date	Description		Amount			
	081319		08/13/2019	basketball refund		\$252.00			
722117	08/16/2019	Open			Accounts Payable	Ron Kent	\$150.00		
	Invoice		Date	Description		Amount			
	8408		08/15/2019	Oaxacan Kitchen Mobile refund		\$150.00			
722118	08/16/2019	Open			Accounts Payable	Yeung, Alice, Wai-Kwan	\$2,500.00		
	Invoice		Date	Description		Amount			
	209060		08/08/2019	21925 Lomita Avenue, 10% FP & Dev Maint, 209060		\$2,500.00			
722119	08/16/2019	Open			Accounts Payable	You, Ruhua	\$299.00		
	Invoice		Date	Description		Amount			
	4528-2841-9192-6		04/20/2019	Reimbursement for Lifeguard Certification for Young Yu		\$299.00			
722120	08/16/2019	Open			Accounts Payable	SANTA CLARA CNTY CLERK/RECORDER	\$150.00		
	Invoice		Date	Description		Amount			
	TR-2019-22		08/07/2019	exempt filing		\$50.00			
	TR-2019-21		08/07/2019	exempt filing		\$50.00			
	TR-2019-16		08/07/2019	exempt filing		\$50.00			
722121	08/16/2019	Open			Accounts Payable	SANTA CLARA CNTY CLERK/RECORDER	\$50.00		
	Invoice		Date	Description		Amount			
	CEQA-2019-08		08/08/2019	SCC CEQA filing - NOD for Cup Village DA app		\$50.00			
Type Check Totals:							\$328,726.34		
EFT									
28779	08/12/2019	Open			Accounts Payable	EMPLOYMENT DEVEL DEPT	\$39,543.29		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	CA - CA State Tax pp 7/20/19-8/2/19		\$39,543.29			

# Payment Register

From Payment Date: 8/10/2019 - To Payment Date: 8/16/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
28780	08/13/2019	Open			Accounts Payable	IRS	\$135,346.30		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	FED - Federal Tax pp 7/20/19-8/2/19		\$135,346.30			
28781	08/15/2019	Open			Accounts Payable	P E R S	\$402,090.52		
	Invoice		Date	Description		Amount			
	08022019		08/02/2019	CalPERS pp 7/20/19-8/2/19		\$402,090.52			
28782	08/13/2019	Open			Accounts Payable	TASC	\$894.48		
	Invoice		Date	Description		Amount			
	IN1568441		08/11/2019	HRA AND FSA		\$894.48			
28783	08/16/2019	Open			Accounts Payable	AUSTIN, NATASHA	\$255.30		
	Invoice		Date	Description		Amount			
	NATASHA-SU19		08/08/2019	NATASHA-SU19		\$255.30			
28784	08/16/2019	Open			Accounts Payable	BRIAN GATHERS	\$55.00		
	Invoice		Date	Description		Amount			
	BrianG080419		08/04/2019	Cell Ph Svc Reimbursement; 07.05.19-08.04.19		\$55.00			
28785	08/16/2019	Open			Accounts Payable	CLAP ARTS	\$9,110.40		
	Invoice		Date	Description		Amount			
	CLAPSumCamps2019		08/13/2019	CLAP - Summer Camps 2019 Payment		\$9,110.40			
28786	08/16/2019	Open			Accounts Payable	COMMUNICATION ACADEMY	\$5,671.25		
	Invoice		Date	Description		Amount			
	CASumCamps2019		08/13/2019	Comm. Academy - Summer Camps 2019		\$5,671.25			
28787	08/16/2019	Open			Accounts Payable	FIRE & RISK ALLIANCE, LLC	\$225.00		
	Invoice		Date	Description		Amount			
	142-001-27		07/31/2019	AC2#501 Plan Review 2019/07		\$225.00			
28788	08/16/2019	Open			Accounts Payable	GRACE SCHMIDT	\$55.00		
	Invoice		Date	Description		Amount			
	GraceS0142019		08/14/2019	Cell Phone Reimbursement 7/5 - 8/4		\$55.00			
28789	08/16/2019	Open			Accounts Payable	ICONIX WATERWORKS (US) INC.	\$88.29		
	Invoice		Date	Description		Amount			
	17913026850		08/02/2019	Grounds: shovels		\$88.29			
28790	08/16/2019	Open			Accounts Payable	JASON FAUTH	\$55.00		
	Invoice		Date	Description		Amount			
	JasonF071919		07/19/2019	Cell Ph Svc Reimbursement;06.20.19-07.19.19		\$55.00			
28791	08/16/2019	Open			Accounts Payable	LAW OFFICES OF BURKE, WILLIAMS & SORENSEN	\$379.50		
	Invoice		Date	Description		Amount			
	243087		07/22/2019	legal services Marina Plaza		\$379.50			
28792	08/16/2019	Open			Accounts Payable	OH, JENNIFER	\$220.00		
	Invoice		Date	Description		Amount			
	081319		08/13/2019	Nutrition Made EZ (8.9, 8.12) 3, 5 Students		\$220.00			
28793	08/16/2019	Open			Accounts Payable	SHUTE, MIHALY & WEINBERGER LLP	\$2,529.60		
	Invoice		Date	Description		Amount			
	260485		07/22/2019	legal services Westport Shopping Center		\$1,516.50			
	260484		07/22/2019	legal services Cupertino Village Hotel		\$750.60			



# Payment Register

From Payment Date: 8/10/2019 - To Payment Date: 8/16/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	260483		07/22/2019		legal services Cupertino Inn project		\$262.50		
28794	08/16/2019	Open			Accounts Payable	SMART & FINAL	\$408.06		
	Invoice		Date	Description		Amount			
	21853		07/23/2019	Smart and Final Teen Center Food Run - 7.23.19		\$302.58			
	53493		08/01/2019	Smart and Final Teen Center Food Run - 8.1.19		\$105.48			
28795	08/16/2019	Open			Accounts Payable	USWIRED INCORPORATED	\$119.91		
	Invoice		Date	Description		Amount			
	334274		07/31/2019	toner cartridge		\$119.91			

Type EFT Totals:

Main Account - Main Checking Account Totals

17 Transactions

\$597,046.90

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	107	\$328,526.34	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$200.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	108	\$328,726.34	\$0.00
EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	17	\$597,046.90	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	17	\$597,046.90	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	124	\$925,573.24	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$200.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	125	\$925,773.24	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	107	\$328,526.34	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$200.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	108	\$328,726.34	\$0.00
EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	17	\$597,046.90	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	17	\$597,046.90	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	124	\$925,573.24	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$200.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	125	\$925,773.24	\$0.00

*Approved: Beth G. Viajar*  
*08.19.19*



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS PAYABLE IN  
THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER DESCRIBED  
FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR THE PERIOD  
ENDING

August 23, 2019

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 15<sup>th</sup> day of October, 2019, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
-------------	------------------------------------

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

Page 2

<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Grace Schmidt, City Clerk</p>	<p>_____</p> <p>Date</p>

# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
722122	08/22/2019	Open			Accounts Payable	THE BBQ BOYS LLC	\$2,211.25		
	Invoice		Date	Description		Amount			
	2745		08/13/2019	Employee Service Awards BBQ Lunch		\$2,211.25			
722123	08/23/2019	Open			Accounts Payable	A-1 FENCE INC.	\$750.00		
	Invoice		Date	Description		Amount			
	11204		08/16/2019	Grounds: BBF Fence Repair		\$750.00			
722124	08/23/2019	Open			Accounts Payable	ADVANTAGE GRAFIX	\$75.21		
	Invoice		Date	Description		Amount			
	43921		08/08/2019	Summer Volunteer Dinner Summer Programs		\$75.21			
722125	08/23/2019	Open			Accounts Payable	Alta Planning and Design	\$4,296.00		
	Invoice		Date	Description		Amount			
	00-2017-271-12		08/14/2019	UPRR Trail Feasibility Study through 7/31/19		\$1,783.00			
	00-2017-271-11		07/09/2019	UPRR Trail Feasibility Study, Prof Svcs through 6.30.19		\$2,513.00			
722126	08/23/2019	Open			Accounts Payable	American Assured Security, Inc.	\$207.00		
	Invoice		Date	Description		Amount			
	4793		08/16/2019	CommunityHall- 8.11.19- Alcohol Security		\$207.00			
722127	08/23/2019	Open			Accounts Payable	AMERICAN CUSTOM MARBLE INC	\$14,345.00		
	Invoice		Date	Description		Amount			
	10691		08/16/2019	Facilities:Monte Vista Kitchen Counter Installation		\$14,345.00			
722128	08/23/2019	Open			Accounts Payable	ANDRE DUURVOORT	\$440.34		
	Invoice		Date	Description		Amount			
	AndreD082119		08/21/2019	Reimbursement - Climate Action Planning Conference		\$440.34			
722129	08/23/2019	Open			Accounts Payable	AVOCETTE TECHNOLOGIES INC	\$5,978.15		
	Invoice		Date	Description		Amount			
	1907CUE1		07/31/2019	Accela Configuration & Support Services		\$5,978.15			
722130	08/23/2019	Open			Accounts Payable	BAY AREA SELF STORAGE	\$586.00		
	Invoice		Date	Description		Amount			
	9079		08/17/2019	Rental-Storage Units:G33&G34;9/1/19-9/30/19		\$586.00			
722131	08/23/2019	Open			Accounts Payable	BEAR ELECTRICALSOLUTIONS, INC.	\$97,350.00		
	Invoice		Date	Description		Amount			
	8763		07/31/2019	Streets: Wolf Rd & Alves Dr. Street lights		\$34,500.00			
	8762		07/31/2019	Streets: Bollinger & DeAnza Streetlight Improvements		\$28,900.00			
	8764		07/31/2019	Streets: Dubon Ave. & Camino Vista Dr.		\$33,950.00			
722132	08/23/2019	Open			Accounts Payable	BRAD ALEXANDER	\$44.04		
	Invoice		Date	Description		Amount			
	BradA080419		08/04/2019	Cell Ph Svc Reimbursement; 07.05.19-08.04.19		\$44.04			
722133	08/23/2019	Open			Accounts Payable	BRIGHTVIEW TREE COMPANY	\$1,443.16		
	Invoice		Date	Description		Amount			
	6455435		08/08/2019	Trees/ROW: Acer rebrum Red Sunset		\$632.20			
	6455416		08/08/2019	Trees/ROW: Acer rubrum, Lagerstroemia		\$810.96			

# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722134	08/23/2019	Open			Accounts Payable	BRUCE E BIORDI	\$1,750.00		
	Invoice		Date	Description			Amount		
	1902		05/01/2019	PM services for CIP, May-July 2019			\$1,750.00		
722135	08/23/2019	Open			Accounts Payable	CDW-G	\$2,445.61		
	Invoice		Date	Description			Amount		
	THB2966		07/30/2019	replacement lamps Community Hall video projector			\$2,445.61		
722136	08/23/2019	Open			Accounts Payable	CENTURYLINK	\$22.18		
	Invoice		Date	Description			Amount		
	08072019		08/07/2019	Clare Phone Service 8/7 - 9/6			\$22.18		
722137	08/23/2019	Open			Accounts Payable	CHINESE PERFORMING ARTS OF AMER	\$2,750.00		
	Invoice		Date	Description			Amount		
	2267		07/16/2019	Summer Events 2019 - Performance 07.27.19			\$2,500.00		
	2268		07/16/2019	Summer Event 2019 - Sound Engineer 07.27.19			\$250.00		
722138	08/23/2019	Open			Accounts Payable	CINTAS CORPORATION	\$2,039.71		
	Invoice		Date	Description			Amount		
	630696429		08/13/2019	Uniforms/Safety Apparel			\$1,245.92		
	630700318		08/20/2019	Uniforms/Safety Apparel			\$798.79		
	630041074		08/20/2019	Uniforms/Safety Apparel			(\$5.00)		
722139	08/23/2019	Open			Accounts Payable	Colonial Life & Accident Insurance	\$68.16		
	Invoice		Date	Description			Amount		
	08162019		08/16/2019	Colonial Products pp 8/3/19-8/16/19			\$68.16		
722140	08/23/2019	Open			Accounts Payable	COMCAST	\$301.21		
	Invoice		Date	Description			Amount		
	2330 - 080119		08/01/2019	8155100050182330 08/10/19-09/09/19			\$301.21		
722141	08/23/2019	Open			Accounts Payable	COMCAST	\$118.43		
	Invoice		Date	Description			Amount		
	6411-080319		08/03/2019	8155100050376411 08/06-09/05/19			\$118.43		
722142	08/23/2019	Open			Accounts Payable	COMCAST BUSINESS COMMUNICATIONS, LLC	\$1,229.20		
	Invoice		Date	Description			Amount		
	85681608		08/01/2019	Business Class Internet - Mary, Stevens Creek, Town Center, Voss			\$1,229.20		
722143	08/23/2019	Open			Accounts Payable	Community Health Charities of California	\$267.50		
	Invoice		Date	Description			Amount		
	08162019		08/16/2019	Community Health Charities pp 8/3/19-8/16/19			\$267.50		
722144	08/23/2019	Open			Accounts Payable	CORELOGIC INFORMATION SOLUTIONS INC	\$860.48		
	Invoice		Date	Description			Amount		
	81971453		06/30/2019	Metro Scan fees May 2019			\$860.48		
722145	08/23/2019	Open			Accounts Payable	CORRAL , GILIAN	\$113.40		
	Invoice		Date	Description			Amount		
	GileeC082119		08/21/2019	Reimbursement - Climate Action Planning Conference			\$113.40		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722146	08/23/2019	Open			Accounts Payable	COSTCO MEMBERSHIP	\$60.00		
	Invoice		Date	Description		Amount			
	Costco082119		08/21/2019	Costco Membership - Julia and Cherie		\$60.00			
722147	08/23/2019	Open			Accounts Payable	CSG CONSULTANTS INC	\$500.00		
	Invoice		Date	Description		Amount			
	B190851		08/02/2019	Building Plan Review Services 7/1/2019 - 7/31/2019		\$500.00			
722148	08/23/2019	Open			Accounts Payable	CUPERTINO SUPPLY INC	\$19.03		
	Invoice		Date	Description		Amount			
	208102		08/13/2019	Facilities: Strainer		\$19.03			
722149	08/23/2019	Open			Accounts Payable	DEPT OF INDUSTRIAL RELATIONS	\$195.00		
	Invoice		Date	Description		Amount			
	P 1673306 SA		08/20/2019	Facilities: BBF Water Slide Inspection		\$195.00			
722150	08/23/2019	Open			Accounts Payable	DOLPHIN DESIGN INC	\$2,160.00		
	Invoice		Date	Description		Amount			
	40003		08/01/2019	Facilities:Aquarium service for August 2019		\$2,160.00			
722151	08/23/2019	Open			Accounts Payable	ECONOMIC & PLANNING SYSTEMS INC	\$4,655.00		
	Invoice		Date	Description		Amount			
	191050-1		07/31/2019	10168 Amelia Ct #985 Fiscal Impact Analysis 2019/07		\$4,655.00			
722152	08/23/2019	Open			Accounts Payable	ECS IMAGING INC	\$5,400.00		
	Invoice		Date	Description		Amount			
	14162		06/13/2019	On site training services		\$5,400.00			
722153	08/23/2019	Open			Accounts Payable	EOA, INC.	\$7,280.18		
	Invoice		Date	Description		Amount			
	CT01-0619		07/23/2019	assistance with preparing GSI plan		\$7,280.18			
722154	08/23/2019	Open			Accounts Payable	EWING IRRIGATION	\$72.66		
	Invoice		Date	Description		Amount			
	8036588		08/03/2019	Grounds: 36 in remote cable		\$72.66			
722155	08/23/2019	Open			Accounts Payable	EXPLORATORIUM	\$399.00		
	Invoice		Date	Description		Amount			
	8940061000		06/05/2019	Deposit for group admission Exploratorium trip 10/02/2019		\$399.00			
722156	08/23/2019	Open			Accounts Payable	Fire Protection Management Inc	\$1,440.00		
	Invoice		Date	Description		Amount			
	112399		08/16/2019	Facilities: Quarterly Sprinkler Inspections		\$1,440.00			
722157	08/23/2019	Open			Accounts Payable	FOSTER BROS SECURITY SYSTEMS INC	\$40.00		
	Invoice		Date	Description		Amount			
	313222		08/13/2019	Facilities: 99Lab Labor		\$40.00			
722158	08/23/2019	Open			Accounts Payable	GARDENLAND	\$1,317.83		
	Invoice		Date	Description		Amount			
	700218		08/15/2019	Trees/ROW: supplies		\$1,317.83			
722159	08/23/2019	Open			Accounts Payable	GRAINGER INC	\$188.00		
	Invoice		Date	Description		Amount			
	9257488768		08/08/2019	Facilities:V-Belts		\$188.00			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722160	08/23/2019	Open			Accounts Payable	HMH ENGINEERS INC	\$6,276.50		
	Invoice		Date	Description		Amount			
	36680		08/14/2019	Cupertino Bridge Repairs thru 8/3/19		Payment 13	\$6,276.50		
722161	08/23/2019	Open			Accounts Payable	HOME DEPOT U.S.A., INC. DBA THE HOME DEPOT PRO	\$165.66		
	Invoice		Date	Description		Amount			
	506842624		08/13/2019	Facilities: Towel Rolls and TT			\$165.66		
722162	08/23/2019	Open			Accounts Payable	HU, POLLY	\$840.40		
	Invoice		Date	Description		Amount			
	082119		08/21/2019	Yoga 50+, yogalates (7.2-8.20, 7.5-8.23) 13,6 students + 54 Flex			\$840.40		
722163	08/23/2019	Open			Accounts Payable	IFPTE LOCAL 21	\$2,008.59		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	Association Dues - CEA pp 8/3/19-8/16/19			\$2,008.59		
722164	08/23/2019	Open			Accounts Payable	IMPERIAL SPRINKLER SUPPLY	\$587.67		
	Invoice		Date	Description		Amount			
	3855518-00		08/13/2019	Grounds:PVC, Nipples, Unions, Pipe			\$287.24		
	3849121-00		08/09/2019	Trees&ROW:Seed Cover			\$300.43		
722165	08/23/2019	Open			Accounts Payable	J.MAREZ / OCEAN PLUMBING CONSTRUCTION	\$2,500.00		
	Invoice		Date	Description		Amount			
	1		08/20/2019	Facilities: McClellan Ranch Park Re-Pipe			\$2,500.00		
722166	08/23/2019	Open			Accounts Payable	JOSH FRIEDMAN	\$1,200.00		
	Invoice		Date	Description		Amount			
	08302019		08/19/2019	Summer Event - Aug 30, 2019			\$1,200.00		
722167	08/23/2019	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$207.92		
	Invoice		Date	Description		Amount			
	808-00000740779		08/15/2019	Streets: Paint			\$207.92		
722168	08/23/2019	Open			Accounts Payable	KIMBALL-MIDWEST	\$759.52		
	Invoice		Date	Description		Amount			
	7333183		08/13/2019	Streets: Instacrete			\$119.36		
	7339126		08/15/2019	Streets: Hex Nuts, Washers			\$345.53		
	7337594		08/14/2019	Streets:Studs and Coupling Nuts			\$294.63		
722169	08/23/2019	Open			Accounts Payable	LAFCO	\$7,150.53		
	Invoice		Date	Description		Amount			
	061019-LAFCO		06/10/2019	LAFCO -06/10/19			\$7,150.53		
722170	08/23/2019	Open			Accounts Payable	LOPEZ, COLLEEN	\$3,600.00		
	Invoice		Date	Description		Amount			
	2019-1		08/14/2019	Housing Consultant 2019/07			\$3,600.00		
722171	08/23/2019	Open			Accounts Payable	MAHAN AND SONS INC	\$1,400.00		
	Invoice		Date	Description		Amount			
	1707		08/01/2019	Grounds: Monthly Maint			\$1,400.00		
722172	08/23/2019	Open			Accounts Payable	MARC LABRIE	\$55.00		
	Invoice		Date	Description		Amount			
	MarcL071919		07/19/2019	Cell Phone Reimbursement 6/20/19-7/19/19			\$55.00		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722173	08/23/2019	Open			Accounts Payable	MICHELE WESTLAKEN	\$339.40		
	Invoice		Date	Description		Amount			
	082119		08/21/2019	Feldenkrais (7.2-8.20) 10 students		\$339.40			
722174	08/23/2019	Open			Accounts Payable	MOLLY JAMES	\$75.00		
	Invoice		Date	Description		Amount			
	Reimb073119		07/31/2019	Reimbursement for Alcohol Permit Costs for Corridor Stroll		\$75.00			
722175	08/23/2019	Open			Accounts Payable	O'REILLY AUTO PARTS	\$65.37		
	Invoice		Date	Description		Amount			
	2591-422724		08/14/2019	Fleet: Motor Oil		\$65.37			
722176	08/23/2019	Open			Accounts Payable	Operating Engineer #3	\$1,506.54		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	Union Dues pp 8/3/19-8/16/19		\$1,506.54			
722177	08/23/2019	Open			Accounts Payable	PACIFIC OFFICE AUTOMATION, INC	\$112.55		
	Invoice		Date	Description		Amount			
	175689		07/25/2019	Sharp printer staplers		\$112.55			
722178	08/23/2019	Open			Accounts Payable	PARTNERS IN COMMUNICATION LLC	\$305.61		
	Invoice		Date	Description		Amount			
	341464		08/19/2019	Job #667428		\$305.61			
722179	08/23/2019	Open			Accounts Payable	PAUL SAPUDAR	\$110.00		
	Invoice		Date	Description		Amount			
	PaulS071419		07/14/2019	Cell Ph Svc Reimbursement; 06.15.19-07.14.19		\$55.00			
	PaulS081419		08/14/2019	Cell Ph Svc Reimbursement; 07.14.19-08.14.19		\$55.00			
722180	08/23/2019	Open			Accounts Payable	PERKINS EASTMAN ARCHITECTS, DPC	\$6,250.00		
	Invoice		Date	Description		Amount			
	8		08/12/2019	Sport Center HVAC Replacement Project, Prof Svcs through 7.31.19		\$6,250.00			
722181	08/23/2019	Open			Accounts Payable	PG&E	\$55,648.88		
	Invoice		Date	Description		Amount			
	Import - 860200		08/01/2019	116367001 -E27H4 Wolfe and Rte 280 NB Loc A		\$46.38			
	Import - 860201		08/01/2019	116367013 -1486 S Stelling Rd, Irrigation Control		\$10.52			
	Import - 860202		08/01/2019	116367025 -De Anza and Lazaneo, Traffic Signal		\$67.32			
	Import - 860203		08/01/2019	116367026 -Behind 10343 N Wolfe, Fountain Pump Pub Works		\$49.47			
	Import - 860204		08/01/2019	116367035 -De Anza Blvd and Mariani, Traffic Signal/Safety Lts		\$71.94			
	Import - 860206		08/01/2019	116367044 - 10555 Mary Ave NEM		\$36.89			
	Import - 860207		08/01/2019	116367045 -De Anza Blvd and Hwy 280 S/Ramp, Traffic Signal		\$68.10			
	Import - 860208		08/01/2019	116367050 -NW Corner Stevens Crk, Traffic Signals		\$64.67			
	Import - 860209		08/01/2019	116367055 -Saich Wy and Stevens Crk NE Corner, Traffic Signal		\$57.26			
	Import - 860210		08/01/2019	116367060 -E37R0 Stevens Creek and De Anza Blvd, Traffic Signal		\$88.07			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Import - 860211			08/01/2019		116367065 -Stevens Creek Blvd E/Saich Wy, Sprinkler Control		\$11.03		
Import - 860212			08/01/2019		116367067 -Stonydale Dr and Varian Park, walkway lighting and Ir		\$71.28		
Import - 860213			08/01/2019		116367070 -Stevens Creek and Blaney Ave., Traffic Signal		\$78.82		
Import - 860214			08/01/2019		116367071 -Linda Vista Dr / Hillside Park, Hillside Park		\$21.64		
Import - 860215			08/01/2019		116367075 -Vallco Pkwy and Perimeter Rd., Traffic Signals		\$53.95		
Import - 860217			08/01/2019		116367090 -Wolfe and Vallco Pkwy, Traffic Signals		\$80.42		
Import - 860218			08/01/2019		116367100 -E37H3 Wolfe and 280 SB Loc B, Traffic Signal		\$71.55		
Import - 860219			08/01/2019		116367105 -Stevens Crk and Wolfe Rd, Traffic Signals		\$76.19		
Import - 860220			08/01/2019		116367110 -SW Cor Stevens Crk and Portal, Traffic Signal		\$67.28		
Import - 860221			08/01/2019		116367113 -Miller E/S 100N off Calle De Barcelona		\$59.37		
Import - 860222			08/01/2019		116367115 -Stevens Crk and Perimeter Rd, Traffic Control Signal		\$67.48		
Import - 860223			08/01/2019		116367120 -Vallco Prky/Tantau Ave, Traffic Signal		\$72.93		
Import - 860224			08/01/2019		116367125 -Stevens Crk and Tantau, Traffic Signals		\$68.03		
Import - 860225			08/01/2019		116367130 -NW Corner Steven Crk and Torre, Traffic Signal		\$69.73		
Import - 860226			08/01/2019		116367145 -10300 Torre Ave, City Hall		\$11,612.65		
Import - 860227			08/01/2019		116367150 -Homestead and Wolfe Road, Sunnyvale		\$77.81		
Import - 860228			08/01/2019		116367154 -22601 Voss Ave		\$1,489.73		
Import - 860229			08/01/2019		116367155 -Homestead and Blaney, Cupertino Traffic Signal, Sunny		\$46.49		
Import - 860230			08/01/2019		116367165 -S/E Wolfe-Pruneridge, Sprinkler Control and Traffic S		\$85.23		
Import - 860231			08/01/2019		116367170 -Tantau Ave and Tandem D/W, Traffic Signal		\$68.15		
Import - 860232			08/01/2019		116367171 -10155 Barbara Ln, Irrigation and Scoreboard		\$174.92		
Import - 860233			08/01/2019		116367175 -S/E Corner Pruneridge and Tantau, Traffic Controller		\$64.25		
Import - 860234			08/01/2019		116367180 -Finch and Stevens Creek, Traffic Signals		\$72.35		
Import - 860237			08/01/2019		116367185 -Wolfe Rd 500 Ft S/O Homestead, City/Sign Lighting		\$29.63		
Import - 860238			08/01/2019		116367195 -Corner Miller and Phil Ln, Traffic Signal		\$52.53		
Import - 860239			08/01/2019		116367200 -Homestead and De Anza Blvd, Traffic Signal/Dept Pub W		\$78.00		
Import - 860240			08/01/2019		116367205 -Homestead Rd and Franco Ct, Traffic Signals		\$46.07		
Import - 860241			08/01/2019		116367215 -N/Ramp De Anza Blvd, Traffic Signal		\$58.14		
Import - 860242			08/01/2019		116367220 -Homestead Rd and Bluejay Rd, Traffic Signals		\$54.55		
Import - 860243			08/01/2019		116367225 -WS Portal Btw Amhurst-Wheaton , Portal Prk Ltg, Prk L		\$214.24		
Import - 860244			08/01/2019		116367236 -Stelling Rd Median 450' S/O Stevens Crk, Landscape Ir		\$11.81		
Import - 860245			08/01/2019		116367245 -Stevens Creek Blvd and Janice Ave, Sprinkler Control		\$16.37		



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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Import - 860246			08/01/2019		116367255 -Lucille and Villa De Anza, Sprinkler Control		\$259.78		
Import - 860247			08/01/2019		116367269 -Cor/Lucille and Randy Ln, Sprinkler System		\$11.80		
Import - 860248			08/01/2019		116367274 -1170 Yorkshire Dr.		\$11.01		
Import - 860249			08/01/2019		116367275 -Homestead and Tantau, Cupertino Traffic Signal, Sunny		\$72.77		
Import - 860250			08/01/2019		116367280 -Stevens Creek Blvd and Fwy 85 East Ramp, Traffic Sign		\$74.77		
Import - 860251			08/01/2019		116367285 -21111 Stevens Creek Blvd, Sports Center		\$8,128.25		
Import - 860252			08/01/2019		116367285 -21111 Stevens Creek Blvd, Teen Center		\$375.00		
Import - 860253			08/01/2019		116367290 -Stevens Creek and Mary Ave, Traffic Signals		\$72.93		
Import - 860257			08/01/2019		116367325 -21975 San Fernando Ave, Picnic Area		\$4,978.43		
Import - 860258			08/01/2019		116367332 -821 Bubb Rd #B/Building Concession		\$117.15		
Import - 860260			08/01/2019		116367343 -Foothill Blvd 150' N/O Alpine E/S, Irrigation Control		\$10.52		
Import - 860261			08/01/2019		116367357 -N De Anza 188 FT N/Valley Green Dr, Irrig Controller		\$13.17		
Import - 860262			08/01/2019		116367359 -Homestead and Heron, traffic control svc		\$51.16		
Import - 860263			08/01/2019		116367360 -10300 Aninworth Dr, Ball Park Stevens Creek SV		\$10.39		
Import - 860264			08/01/2019		116367370 -Stevens Creek Blvd and Fwy 85 West Ramp, Traffic Sign		\$10.52		
Import - 860265			08/01/2019		116367375 -10710 Stokes Ave, Somerset Park		\$28.71		
Import - 860266			08/01/2019		116367380 -NE Corner Peninsula and Stevens Creek, Traffic Signal		\$65.16		
Import - 860267			08/01/2019		116367385 -End/Stokes W/Wilson Crt, Sprinkler Control		\$12.10		
Import - 860268			08/01/2019		116367395 -N/E corner Foothill and Starling Dr, Traffic Signals		\$58.26		
Import - 860269			08/01/2019		116367401 -Miller W/S N of Greenwood		\$13.95		
Import - 860270			08/01/2019		116367408 -Stevens Creek Bl and Mary Avenue, Memorial Park Pump		\$61.67		
Import - 860273			08/01/2019		116367437 -10455 Miller Ave, Creekside Park		\$427.81		
Import - 860275			08/01/2019		116367447 -Stelling Rd Median 500' S/O Peppertree Ln, Landscape		\$11.83		
Import - 860276			08/01/2019		116367449 -10350 Torre Ave, Community Hall		\$3,549.87		
Import - 860277			08/01/2019		116367455 -E37R9 Rodriguez and De Anza Blvd, Traffic Signal		\$74.41		
Import - 860278			08/01/2019		116367465 -De Anza Blvd and Scofield Dr, Sprinkler Controller		\$11.85		
Import - 860280			08/01/2019		116367474 -10500 Ann Arbor Ave, Field-Garden Gate		\$213.11		
Import - 860281			08/01/2019		116367475 -Foothill and Stevens Creek, Traffic Signal		\$64.34		
Import - 860282			08/01/2019		116367476 -Salem Ave and Foothill Blvd, Irrigation Control		\$10.53		
Import - 860283			08/01/2019		116367477 -21121 Stevens Creek Blvd, Memorial Park		\$1,307.35		
Import - 860284			08/01/2019		116367484 -20220 Suisun Dr, Parks and Rec Free Standing Panel		\$185.47		
Import - 860285			08/01/2019		116367493 -Dumas Dr/Jollyman Park, Jollyman Park Restroom		\$532.47		

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Import - 860286			08/01/2019		116367505 -Stevens Crk and Stelling, Signal		\$33.66		
Import - 860287			08/01/2019		116367510 -Bubb Rd and Results Wy, Traffic Signal		\$49.39		
Import - 860288			08/01/2019		116367515 -Bubb Rd and McClellan Intersection, Traffic Signal		\$68.53		
Import - 860289			08/01/2019		116367520 -Stelling Rd and Peppertree, Traffic Signal		\$51.42		
Import - 860290			08/01/2019		116367525 -Stelling and McClellan, Signals		\$66.50		
Import - 860291			08/01/2019		116367527 -Foothill Blvd 200' N/O Stevens Creek W/S, Irrigation		\$10.52		
Import - 860292			08/01/2019		116367530 -Orange Ave and Stevens Creek N/E corner, Traffic Cont		\$46.77		
Import - 860293			08/01/2019		116367536 -Senior Center		\$5,726.50		
Import - 860294			08/01/2019		116367545 -Saratoga-Sunnyvale Rd, Traffic Signal		\$67.72		
Import - 860295			08/01/2019		116367550 -W/S Saratoga-Sunnyvale Rd @ RT85, Traffic Signal		\$58.84		
Import - 860296			08/01/2019		116367559 -21011 Prospect Rd, Irrigation Control		\$10.53		
Import - 860297			08/01/2019		116367560 -S/E corner De Anza and Pacifica, Traffic Signal		\$71.35		
Import - 860298			08/01/2019		116367568 -CORP YARD NEM		\$21.53		
Import - 860299			08/01/2019		116367570 -De Anza Blvd, Sprinkler Controller *		\$11.85		
Import - 860300			08/01/2019		116367585 -Rainbow and Stelling, Traffic Signal		\$65.27		
Import - 860301			08/01/2019		116367587 -10430 S De Anza Blvd, Holiday Lighting		\$42.07		
Import - 860302			08/01/2019		116367590 -Saratoga Sunnyvale Rd and Hwy 85, Traffic Signal		\$61.01		
Import - 860303			08/01/2019		116367605 -E37C1 Prospect and Rte 85, Traffic Signal		\$70.02		
Import - 860304			08/01/2019		116367610 -E37R6 Kentwood/S. De Anza Blvd, Traffic Signal		\$68.61		
Import - 860305			08/01/2019		116367615 -Fallenleaf Ln and S De Anza Blvd, Traffic Signal		\$69.99		
Import - 860306			08/01/2019		116367620 -S De Anza Blvd and Sharon Dr , Irrigation Controller		\$16.94		
Import - 860307			08/01/2019		116367625 -Stevens Creek Blvd Orange S/W Cor, Irrigation Control		\$10.52		
Import - 860308			08/01/2019		116367628 -N/W corner Alpine Dr and Foothill Blvd, Irrigation Co		\$10.52		
Import - 860309			08/01/2019		116367630 -22100 Stevens Creek Blvd, Golf Pro Shop		\$372.43		
Import - 860310			08/01/2019		116367648 -Linda Vista Park/Linda Vista Dr, Irrigation Control		\$121.88		
Import - 860311			08/01/2019		116367656 -Scofield and De Anza, 100HP		\$12.02		
Import - 860312			08/01/2019		116367677 -De Anza and Lazaneo, Sprinkler System		\$10.61		
Import - 860313			08/01/2019		116367685 -Ruppell Pl and Moltzen Dr, Sprinkler Control		\$83.14		
Import - 860314			08/01/2019		116367740 -Carmen Rd and Stevens Creek S/E corner, Irrigation Co		\$10.52		
Import - 860316			08/01/2019		116367763 -10630 S De Anza Blvd, Holiday Lighting		\$43.04		
Import - 860317			08/01/2019		116367782 -N/S Stevens Creek Blvd in front of 20301, Irrigation		\$10.52		
Import - 860318			08/01/2019		116367793 -101 Skyport Dr, DG A, San Jose, PGandE-Owned St/Highw		\$663.31		
Import - 860319			08/01/2019		116367815 -19784 Wintergreen Dr		\$545.60		
Import - 860321			08/01/2019		116367836 -De Anza Blvd E/S S/O Lazaneo, Sprinkler Control		\$10.52		

# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Import - 860322		08/01/2019	116367840	-community ctr -NEW		\$10,019.00		
	Import - 860323		08/01/2019	116367902	-10246 Parkside Ln, Wilson Pk Sprinklers,Snack Shack,I		\$401.97		
	Import - 860324		08/01/2019	116367907	-S/W Corner Stelling and Green leaf, Traffic Signal		\$67.72		
	Import - 860326		08/01/2019	116367925	-22601 Voss Ave, Outdoor Lighting-MV Park		\$24.34		
	Import - 860327		08/01/2019	116367941	-7548 Donegal Dr, Irrigation Control /Hoover Park		\$11.11		
	Import - 860328		08/01/2019	110659172	-N De Anza 455FT S/O Mariani Dr, Irrig Control		\$10.77		
	Import - 860329		08/01/2019	116367988	-21710 McClellan Rd, Playground Reception Area		\$10.54		
722182	08/23/2019	Open			Accounts Payable	PLACEWORKS, INC	\$663.00		
	Invoice		Date	Description		Amount			
	69570		07/31/2019	10655 Mary Ave #1006	Notice of Exemption 2019/07		\$663.00		
722183	08/23/2019	Open			Accounts Payable	ReadyRefresh by Nestle	\$568.47		
	Invoice		Date	Description		Amount			
	19H0027344597		08/08/2019	Service Center	Drinking Water		\$422.70		
	19H0027344639		08/08/2019	City Hall	Drinking Water		\$145.77		
722184	08/23/2019	Open			Accounts Payable	RONALD D OLDS	\$1,831.50		
	Invoice		Date	Description		Amount			
	5267		08/11/2019	General Service and Maintenance	QCC & ComHall		\$906.50		
	5268		08/18/2019	CG wire up; VTR U-Matic	maintenance		\$481.00		
	5266		08/03/2019	QCC Conf. Room & EOC	AV system wiring		\$444.00		
722185	08/23/2019	Open			Accounts Payable	SABRO COMMUNICATIONS, INC.	\$13,470.00		
	Invoice		Date	Description		Amount			
	2315-C		08/14/2019	cabling at Camera	locations		\$13,470.00		
722186	08/23/2019	Open			Accounts Payable	SANTA CLARA VALLEY WATER DISTR.	\$1,632.00		
	Invoice		Date	Description		Amount			
	GN100874		08/12/2019	Landscape Conversion	Rebate Program		\$1,632.00		
722187	08/23/2019	Open			Accounts Payable	Sapudar, Lauren	\$110.00		
	Invoice		Date	Description		Amount			
	LaurenS082119		08/21/2019	Cell Phone Reimbursement	(July/August 2019)		\$110.00		
722188	08/23/2019	Open			Accounts Payable	SCAN NATOA	\$60.00		
	Invoice		Date	Description		Amount			
	01.30.1951		06/30/2019	SCAN NATOA Membership	Yearly Dues		\$60.00		
722189	08/23/2019	Open			Accounts Payable	SERVICE STATION SYSTEMS, INC.	\$1,745.00		
	Invoice		Date	Description		Amount			
	2021134		07/31/2019	Streets: City Hall	Tank Inspection		\$1,745.00		
722190	08/23/2019	Open			Accounts Payable	SKYHAWKS SPORTS ACADEMY	\$11,756.66		
	Invoice		Date	Description		Amount			
	081919		08/19/2019	Summer	Payment		\$11,756.66		

# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722191	08/23/2019	Open			Accounts Payable	SMITH'S FAMILY OF COMPANIES, INC	\$890.00		
	Invoice		Date	Description		Amount			
	38297		08/15/2019	Grounds:Three Oaks Park Trapping		\$185.00			
	38291		08/15/2019	Grounds: Hoover Park Trapping		\$200.00			
	38247		08/15/2019	Grounds:Linda Vista Park Trapping		\$175.00			
	38244		08/15/2019	Grounds:Garden Gate School Trapping		\$150.00			
	38245		08/15/2019	Trees&ROW:Mary Bridge Trapping		\$180.00			
722192	08/23/2019	Open			Accounts Payable	State Disbursement Unit	\$276.92		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	Child Support pp 8/3/19-8/16/19		\$276.92			
722193	08/23/2019	Open			Accounts Payable	Strategic Economics Inc	\$2,216.12		
	Invoice		Date	Description		Amount			
	1816.12		07/31/2019	Economic Feasibility Study 2019/07		\$2,216.12			
722194	08/23/2019	Open			Accounts Payable	SUNNYVALE FORD	\$312.08		
	Invoice		Date	Description		Amount			
	154338		08/16/2019	Fleet: Anti-Fr1		\$78.09			
	154203		08/16/2019	Fleet:Cap, Hose, Tank		\$233.99			
722195	08/23/2019	Open			Accounts Payable	SWANK MOTION PICTURES, INC.	\$1,386.00		
	Invoice		Date	Description		Amount			
	RG 2725192		08/05/2019	Cinema-Swank license-8.16.19		\$693.00			
	RG 2728689		08/12/2019	Cinema-Swank license-8.23.19		\$693.00			
722196	08/23/2019	Open			Accounts Payable	Syrova, Ursula	\$112.25		
	Invoice		Date	Description		Amount			
	UrsulaS082019		08/20/2019	Reimbursement for CRRRA conference expenses 8/12 - 8/14/19		\$112.25			
722197	08/23/2019	Open			Accounts Payable	TERRYBERRY COMPANY LLC	\$2,666.70		
	Invoice		Date	Description		Amount			
	G36731		07/12/2019	TINA MAO		\$318.34			
	G36732		07/12/2019	YULIA RUMALEAN		\$227.87			
	G38405		07/18/2019	SUSAN WINSLOW		\$539.73			
	G40403		07/24/2019	TIMM BORDEN		\$123.98			
	G40404		07/24/2019	ALEXANDRA CORBALIS		\$80.32			
	G40405		07/24/2019	SACKS LAWRENCE		\$135.21			
	G40406		07/24/2019	MARY REDWINE		\$122.32			
	G40407		07/24/2019	TODD HEMBREE		\$314.16			
	G40933		07/25/2019	ALEXANDER WYKOFF		\$396.68			
	G40934		07/25/2019	REBECCA SHAFFER		\$408.09			
722198	08/23/2019	Open			Accounts Payable	THE EXIT LIGHT CO., INC	\$4,806.90		
	Invoice		Date	Description		Amount			
	190806-8		08/06/2019	Facilities: Red Exit Signs		\$4,806.90			
722199	08/23/2019	Open			Accounts Payable	TJKM	\$3,903.00		
	Invoice		Date	Description		Amount			
	0048650		07/31/2019	AC2 TDM Monitoring, July 1-31, 2019		\$3,903.00			

# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722200	08/23/2019	Open			Accounts Payable	TOMOKO TERRY	\$697.40		
	Invoice		Date	Description		Amount			
	082119		08/21/2019	Japanese Beg + Int (6.25-8.20) 8 + 16 Students - \$25 Admin		\$697.40			
722201	08/23/2019	Open			Accounts Payable	TURF & INDUSTRIAL EQUIPMENT CO	\$664.83		
	Invoice		Date	Description		Amount			
	UI18741		08/15/2019	Trees&ROW: Trimmer,etc.		\$664.83			
722202	08/23/2019	Open			Accounts Payable	TURFPRO-CARSON LANDSCAPE	\$10,800.00		
	Invoice		Date	Description		Amount			
	IVC0000000219603		08/05/2019	Trees & ROW: Irrigation Technical Services		\$10,800.00			
722203	08/23/2019	Open			Accounts Payable	UNITED SITE SERVICES INC.	\$196.46		
	Invoice		Date	Description		Amount			
	114-8776527		07/10/2019	portable toilet at compost site		\$196.46			
722204	08/23/2019	Open			Accounts Payable	United Way Silicon Valley	\$5.00		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	United Way pp 8/3/19-8/16/19		\$5.00			
722205	08/23/2019	Open			Accounts Payable	VALLEY OIL COMPANY	\$10,851.94		
	Invoice		Date	Description		Amount			
	987471		08/19/2019	Fuel: Renewable DSL		\$4,513.82			
	987470		08/19/2019	Fuel: Ethanol		\$6,338.12			
722206	08/23/2019	Open			Accounts Payable	VERIZON WIRELESS	\$18.42		
	Invoice		Date	Description		Amount			
	9835444581		08/04/2019	Verizon Phone Service for EOC 7/5 - 8/4		\$18.42			
722207	08/23/2019	Open			Accounts Payable	WESTERN SITE SERVICES LLC.	\$1,264.40		
	Invoice		Date	Description		Amount			
	11409		08/05/2019	SummerEvent-WesternSiteServices.8.5.19		\$397.85			
	11449		08/06/2019	SummerEvent-WesternSiteServices.8.6.19		\$468.70			
	11552		08/12/2019	SummerEvent-WesternSiteServices.8.12.19		\$397.85			
722208	08/23/2019	Open			Accounts Payable	WILEY PRICE & RADULOVICH LLP	\$594.00		
	Invoice		Date	Description		Amount			
	30016		07/31/2019	PROFESSIONAL SERVICES THRU 7/30		\$405.00			
	30017		07/31/2019	PROFESSIONAL SERVICES THRU 7/30- Milkes		\$189.00			
722209	08/23/2019	Open			Accounts Payable	WINGFOOT COMMERCIAL TIRE	\$614.41		
	Invoice		Date	Description		Amount			
	189-1101914		08/13/2019	Fleet:Auto Parts/Supplies		\$614.41			
722210	08/23/2019	Open			Accounts Payable	WOWzy Creation Corp	\$25.20		
	Invoice		Date	Description		Amount			
	93288		08/20/2019	Name Plate - Andre Duurvoort		\$25.20			
722211	08/23/2019	Open			Accounts Payable	Daniel V. Gorden	\$356.00		
	Invoice		Date	Description		Amount			
	REFUNDB2019-0687		08/16/2019	REFUND 20705 VALLEY GREEN DRIVE B-2019-0687 CANCELLED INSPECTION		\$356.00			

# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722212	08/23/2019	Open			Accounts Payable	Hui, Ben	\$299.00		
	Invoice		Date	Description		Amount			
	1563-7359-6285-6		05/27/2019	Reimbursement for Lifeguard Certification for David Yu		\$299.00			
722213	08/23/2019	Open			Accounts Payable	Jeremy W Nichols	\$150.00		
	Invoice		Date	Description		Amount			
	8425		08/22/2019	ARB Inc refund		\$150.00			
722214	08/23/2019	Open			Accounts Payable	Mojgani, Homa	\$1,000.00		
	Invoice		Date	Description		Amount			
	219976		08/20/2019	22717 San Juan Rd, Grading Bond, 219976		\$1,000.00			
722215	08/23/2019	Open			Accounts Payable	NOEL EBERHARDT	\$587.90		
	Invoice		Date	Description		Amount			
	REFUNDB2018-1818		08/16/2019	REFUND 21407 KRZICH PLACE B-2018-1818 PERMIT WITHDRAWN		\$587.90			
722216	08/23/2019	Open			Accounts Payable	Qian, Minfei (Michael)	\$692.79		
	Invoice		Date	Description		Amount			
	BS33871		08/20/2019	10566 Merriman Rd, Development Maintenance, BS33871		\$692.79			
722217	08/23/2019	Open			Accounts Payable	SHIFT KEY SOLUTIONS, INC	\$11,999.99		
	Invoice		Date	Description		Amount			
	073019-04		08/15/2019	O365 Citywide training		\$11,999.99			
722218	08/23/2019	Open			Accounts Payable	Karthik, Janani	\$100.00		
	Invoice		Date	Description		Amount			
	JananiK040919		04/09/2019	Student Essay Contest Award - Janani Karthik		\$100.00			
722219	08/23/2019	Open			Accounts Payable	ROTARY CLUB OF CUPERTINO	\$12,000.00		
	Invoice		Date	Description		Amount			
	CFGP08		07/11/2019	FY 2020 FUNDING		\$12,000.00			
Type Check Totals:							98 Transactions	\$355,908.21	
<u>EFT</u>									
28796	08/23/2019	Open			Accounts Payable	Employment Development	\$3,871.84		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	State Disability Insurance pp 8/3/19-8/16/19		\$3,871.84			
28797	08/23/2019	Open			Accounts Payable	PERS-457K	\$7,035.69		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	PERS Deferred Comp pp 8/3/19-8/16/19		\$7,035.69			
28798	08/23/2019	Open			Accounts Payable	ALEX WYKOFF	\$194.39		
	Invoice		Date	Description		Amount			
	AlexW082019		08/20/2019	Reimbursement for CRRA conference expenses 8/12- 8/14/19		\$194.39			
28799	08/23/2019	Open			Accounts Payable	CP6CPC, LLC	\$6,142.34		
	Invoice		Date	Description		Amount			
	September 2019		09/01/2019	Rent HR Office		\$6,142.34			
28800	08/23/2019	Open			Accounts Payable	Eflex Group, Inc	\$4,459.26		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	FSA Employee Health pp 8/3/19-8/16/19		\$4,459.26			

# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
28801	08/23/2019	Open			Accounts Payable	GULU SAKHRANI	\$55.00		
	Invoice		Date	Description			Amount		
	GuluS081219		08/12/2019	Cell Phone Charge Reimbursement for Gulu - Code Enforcement			\$55.00		
28802	08/23/2019	Open			Accounts Payable	ICMA Retirement Trust-457	\$3,592.02		
	Invoice		Date	Description			Amount		
	08162019		08/16/2019	CMA Deferred Comp pp 8/3/19-8/16/19			\$3,592.02		
28803	08/23/2019	Open			Accounts Payable	JEFF ORDWAY	\$36.00		
	Invoice		Date	Description			Amount		
	081419		08/14/2019	Mobile Phone Reimbursement for Jeff Ordway 7/14/19 -8/13/19			\$36.00		
28804	08/23/2019	Open			Accounts Payable	JUMP FOR FUN, INC.	\$1,574.00		
	Invoice		Date	Description			Amount		
	907379		08/08/2019	SummerEvents-Jump for Fun-8.8.19			\$388.00		
	907381		08/08/2019	SummerEvents-Jump for Fun-8.30.19			\$389.00		
	907384		08/08/2019	SummerEvents-Jump for Fun-8.31.2019			\$399.00		
	907385		08/08/2019	SummerEvents-Jump for Fun-9.7.2019			\$398.00		
28805	08/23/2019	Open			Accounts Payable	National Deferred (ROTH)	\$5,176.54		
	Invoice		Date	Description			Amount		
	08162019		08/16/2019	Nationwide Roth pp 8/3/19-8/16/19			\$5,176.54		
28806	08/23/2019	Open			Accounts Payable	National Deferred Compensatin	\$35,132.14		
	Invoice		Date	Description			Amount		
	08162019		08/16/2019	Nationwide Deferred Comp pp 8/3/19-8/16/19			\$35,132.14		
28807	08/23/2019	Open			Accounts Payable	PARS/City of Cupertino	\$9,079.37		
	Invoice		Date	Description			Amount		
	08162019		08/16/2019	PARS Employee pp 8/3/19-8/16/19			\$9,079.37		



# Payment Register

From Payment Date: 8/17/2019 - To Payment Date: 8/23/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
28808	08/23/2019	Open			Accounts Payable	SMART & FINAL	\$241.63		
	Invoice		Date	Description		Amount			
	47493		07/02/2019	Smart and Final Teen Center Food Run - 7.2.19		\$241.63			
Type EFT Totals:						13 Transactions	\$76,590.22		
Main Account - Main Checking Account Totals									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	98	\$355,908.21	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	98	\$355,908.21	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	13	\$76,590.22	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	13	\$76,590.22	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	111	\$432,498.43	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	111	\$432,498.43	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	98	\$355,908.21	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	98	\$355,908.21	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	13	\$76,590.22	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	13	\$76,590.22	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	111	\$432,498.43	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	111	\$432,498.43	\$0.00

*Approved: Beth G. Viajar*  
*08.26.19*



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CUPERTINO ALLOWING CERTAIN CLAIMS AND DEMANDS PAYABLE IN  
THE AMOUNTS AND FROM THE FUNDS AS HEREINAFTER DESCRIBED  
FOR GENERAL AND MISCELLANEOUS EXPENDITURES FOR THE PERIOD  
ENDING

August 30, 2019

WHEREAS, the Director of Administrative Services or her designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby allows the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

CERTIFIED:   
Zach Korach, Finance Manager

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 15<sup>th</sup> day of October, 2019, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
-------------	------------------------------------

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. \_\_\_\_\_

Page 2

<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Grace Schmidt, City Clerk</p>	<p>_____</p> <p>Date</p>

# Payment Register

From Payment Date: 8/24/2019 - To Payment Date: 8/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
722220	08/30/2019	Open			Accounts Payable	ABAG POWER PURCHASING POOL (GAS)	\$4,370.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	AR020801		08/01/2019	CUPACPC001 8/01/19		\$4,370.00			
722221	08/30/2019	Open			Accounts Payable	ALHAMBRA & SIERRA SPRINGS	\$147.02		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	4984729081019		08/10/2019	QCC- 8.10.19 - Employee Drinking Water		\$147.02			
722222	08/30/2019	Open			Accounts Payable	ARRANGED 4 COMFORT	\$692.24		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	19-6483-SH		08/22/2019	Ergonomic Equipment - Deb Feng (Chair, Footrest)		\$692.24			
722223	08/30/2019	Open			Accounts Payable	Avolve Software	\$28,000.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	5111		08/12/2019	ProjectDox® Maintenance Contract Renewal		\$28,000.00			
722224	08/30/2019	Open			Accounts Payable	BENCH, MICHAEL , L	\$1,350.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	Project 19 061C		08/21/2019	Vallco Town Center SB35 #852 Arborist 2019/07 & 08		\$1,350.00			
722225	08/30/2019	Open			Accounts Payable	CAMPBELL UNION HIGH SCHOOL DISTRICT	\$4,479.85		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	200147		08/12/2019	bus transportation for 8 camp field trips		\$4,479.85			
722226	08/30/2019	Open			Accounts Payable	CHRISTIE DIGITAL SYSTEMS USA, INC.	\$3,121.73		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	2682991R20048859		07/24/2019	Community Hall Christie Projector Repair		\$3,121.73			
722227	08/30/2019	Open			Accounts Payable	CITY OF MONTE SERENO	\$253.29		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	08282019		08/28/2019	Reimbursement - WVMM 8/28		\$253.29			
722228	08/30/2019	Open			Accounts Payable	CITY VIEW PHOTOGRAPHY	\$450.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	12297		08/23/2019	360 Virtual Tour/Still Photos of Teen Center		\$450.00			
722229	08/30/2019	Open			Accounts Payable	CUPERTINO CHAMBER OF COMMERCE	\$500.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	55700		08/15/2019	Bobatino - Food Permit		\$500.00			
722230	08/30/2019	Open			Accounts Payable	CUPERTINO SUPPLY INC	\$172.19		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	208762		08/21/2019	Trees & ROW: PVC, Cop St 90		\$43.81			
	208643		08/20/2019	Trees&ROW:Cop MIP Adapt, PTFE Tape Blue Monster		\$128.38			
722231	08/30/2019	Open			Accounts Payable	DAVID J POWERS & ASSOCIATES	\$13,340.44		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	24162		08/23/2019	Vallco General Plan Amendment 2019/07		\$13,340.44			

# Payment Register

From Payment Date: 8/24/2019 - To Payment Date: 8/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722232	08/30/2019	Open			Accounts Payable	DEEP CLIFF ASSOCIATES L P	\$9,883.38		
	Invoice		Date	Description		Amount			
	082619		08/26/2019	Summer Payment		\$9,883.38			
722233	08/30/2019	Open			Accounts Payable	DEX SYSTEMS ENGINEERING	\$1,890.00		
	Invoice		Date	Description		Amount			
	1336		08/19/2019	Atomos Calibration; EOC upgrade Project; Install Brighteye		\$1,890.00			
722234	08/30/2019	Open			Accounts Payable	DIGITAL PRINT	\$321.74		
	Invoice		Date	Description		Amount			
	19228		08/21/2019	Business Cards for Library/PRC Commissioners 2019		\$321.74			
722235	08/30/2019	Open			Accounts Payable	EWING IRRIGATION	\$9,237.85		
	Invoice		Date	Description		Amount			
	8160664		08/21/2019	Grounds: Best Turf Supreme w Trimec		\$525.34			
	8178872		08/23/2019	Grounds: Custom B/F Grn Bln, Grn Saddle Blanket		\$881.06			
	8178871		08/23/2019	Grounds: Large B/F Blanket		\$1,131.21			
	8119433		08/15/2019	Grounds: White Paint, Blue/Rye Mix		\$6,596.85			
	8087186		08/10/2019	Grounds: Marking Chalk		\$103.39			
722236	08/30/2019	Open			Accounts Payable	HELLO HOUSING	\$6,700.00		
	Invoice		Date	Description		Amount			
	26		07/31/2019	BMR AHF Affordable Placement Program July 2019		\$6,700.00			
722237	08/30/2019	Open			Accounts Payable	HU, POLLY	\$140.00		
	Invoice		Date	Description		Amount			
	PollyHu82119		08/15/2019	Wellnes Week Payment Zumba Instruction - Teen Commission		\$90.00			
	Polly Hu 082619		08/26/2019	yoga class at 2019 Earth Day Arbor Day		\$50.00			
722238	08/30/2019	Open			Accounts Payable	IMPERIAL SPRINKLER SUPPLY	\$42.57		
	Invoice		Date	Description		Amount			
	3864284-00		08/20/2019	Grounds: PVC Cement and Primer		\$42.57			
722239	08/30/2019	Open			Accounts Payable	INSERV COMPANY	\$767.36		
	Invoice		Date	Description		Amount			
	61265		08/01/2019	Facilities: Water Treatment Product Agreement		\$767.36			
722240	08/30/2019	Open			Accounts Payable	INTERSTATE TRAFFIC CONTROL PRODUCTS	\$5,422.08		
	Invoice		Date	Description		Amount			
	233526		08/22/2019	Streets:Impact Recovery W Base, Anchor Kits		\$5,382.75			
	233527		08/22/2019	Streets: Stop Paddles		\$39.33			
722241	08/30/2019	Open			Accounts Payable	KAISER FOUNDATION HEALTH PLAN	\$65.00		
	Invoice		Date	Description		Amount			
	8567-080919		08/09/2019	Occupational Health and Safety Services		\$65.00			
722242	08/30/2019	Open			Accounts Payable	KIMBALL-MIDWEST	\$190.31		
	Invoice		Date	Description		Amount			
	7350753		08/20/2019	Streets: Studs		\$190.31			
722243	08/30/2019	Open			Accounts Payable	KNORR SYSTEMS INC	\$2,079.72		
	Invoice		Date	Description		Amount			
	SI214972		08/20/2019	Facilities: Chemicals		\$1,039.86			

# Payment Register

From Payment Date: 8/24/2019 - To Payment Date: 8/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	SI214975		08/20/2019		Facilities: Chemicals		\$1,039.86		
722244	08/30/2019	Open			Accounts Payable	LORI BAUMGARTNER	\$272.25		
	Invoice		Date	Description		Amount			
	LoriB082219		08/22/2019	Reimbursement for CRRRA conference expenses 8/12 - 8/14/19		\$272.25			
722245	08/30/2019	Open			Accounts Payable	LUIS MACIAS SALAMANCA	\$591.33		
	Invoice		Date	Description		Amount			
	5		08/22/2019	SVAademy Lunch 8/22		\$591.33			
722246	08/30/2019	Open			Accounts Payable	Milkes, Jeff	\$78.00		
	Invoice		Date	Description		Amount			
	JeffM082619		08/26/2019	Reimbursement for MetroPCS Phone Service 06/01-08/30/19		\$78.00			
722247	08/30/2019	Open			Accounts Payable	MOUNTAIN VIEW GARDEN CENTER	\$544.45		
	Invoice		Date	Description		Amount			
	100263		08/20/2019	Grounds:Pro Chip Black		\$435.56			
	100283		08/21/2019	Grounds: Pro Chip Black		\$108.89			
722248	08/30/2019	Open			Accounts Payable	N1 CRITICAL TECHNOLOGIES, INC.	\$9,353.95		
	Invoice		Date	Description		Amount			
	6420-5355		07/19/2019	(4) N1C L-Series 2200VA 120VAC		\$9,353.95			
722249	08/30/2019	Open			Accounts Payable	NOON O KABOB	\$565.00		
	Invoice		Date	Description		Amount			
	0001		08/20/2019	SummerEvents-NoonOKabob-8.1.19		\$565.00			
722250	08/30/2019	Open			Accounts Payable	NORTH AMERICAN YOUTH ACTIVITIES LLC	\$6,893.00		
	Invoice		Date	Description		Amount			
	082619		08/26/2019	Summer Payment		\$6,893.00			
722251	08/30/2019	Open			Accounts Payable	OCCUPATIONAL HEALTH CENTERS OF CALIFORNIA, A MEDIC	\$713.50		
	Invoice		Date	Description		Amount			
	64357943		08/20/2019	Services Performed at CMC- BAY Sunnyvale		\$413.00			
	65176813		08/21/2019	Services Performed at CMC -BAY Sunnyvale		\$135.50			
	65110505		08/14/2019	Services Performed at CMC - BAY Sunnyvale		\$165.00			
722252	08/30/2019	Open			Accounts Payable	OFFICE DEPOT	\$170.30		
	Invoice		Date	Description		Amount			
	362336408001		08/14/2019	QCC - 8.14.19 Office, Tea/Coffee Supplies		\$56.52			
	364737411001		08/19/2019	Kitchen and office supplies		\$104.31			
	364749477001		08/19/2019	Small White Board for PW Admin		\$9.47			
722253	08/30/2019	Open			Accounts Payable	PLACEWORKS, INC	\$5,868.93		
	Invoice		Date	Description		Amount			
	69565		07/31/2019	De Anza Hotel #851 Env Svc 2019/07		\$3,543.33			
	69566		07/31/2019	Westport #864 IS/MND 2019/07		\$2,325.60			

# Payment Register

From Payment Date: 8/24/2019 - To Payment Date: 8/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722254	08/30/2019	Open			Accounts Payable	PLEASANTON TRUCKING, INC.	\$2,514.50		
	Invoice		Date	Description		Amount			
	114815141		08/15/2019	Grounds: Infield Mix * Stabilizer		\$2,514.50			
722255	08/30/2019	Open			Accounts Payable	PURPLE COMMUNICATIONS, INC.	\$63.00		
	Invoice		Date	Description		Amount			
	76853-79618		08/06/2019	VRI Interpreter- Zeng		\$63.00			
722256	08/30/2019	Open			Accounts Payable	REDGWICK CONSTRUCTION CO	\$1,009,925.98		
	Invoice		Date	Description		Amount			
	2-2017-01.06		07/31/2019	McClellan Rd Separated Bikeways-Ph1B thru 7/31/19		\$402,507.26			
	6-2017-01.04		07/31/2019	McClellan Rd Separated Bikeways-Ph1a thru 7/31/19		\$607,418.72			
722257	08/30/2019	Open			Accounts Payable	SAN JOSE MERCURY NEWS	\$222.59		
	Invoice		Date	Description		Amount			
	1435665-08142019		08/14/2019	QCC - 8.14.19 Lobby Newspaper		\$222.59			
722258	08/30/2019	Open			Accounts Payable	SAN JOSE WATER COMPANY	\$9,745.34		
	Invoice		Date	Description		Amount			
	Import - 860449		08/01/2019	0251610000-1 - 19500 Calle De Barcelona		\$93.92			
	Import - 860461		08/01/2019	1649600000-7 - Barrington Bridge Lane		\$269.87			
	Import - 860473		08/01/2019	2628900000-7 - Farallone Dr.LS		\$8,669.71			
	Import - 860537		08/01/2019	8148220000-3 - Sterling BL LS(Sterlinig BarnhartPk)		\$687.14			
	Import - 860555		08/13/2019	9785210000-3 - 8322 Stev.Crk BL median		\$24.70			
722259	08/30/2019	Open			Accounts Payable	SANTA CLARA CTY SHERIFF (FINGERPR.)	\$180.00		
	Invoice		Date	Description		Amount			
	1800069263		08/16/2019	LIVE SCAN SERVICES JULY 2019		\$180.00			
722260	08/30/2019	Open			Accounts Payable	SHARPENING MECHANICS	\$1,660.38		
	Invoice		Date	Description		Amount			
	823		08/23/2019	Grounds: Edgers, etc.		\$1,660.38			
722261	08/30/2019	Open			Accounts Payable	STAPLES BUSINESS ADVANTAGE	\$166.45		
	Invoice		Date	Description		Amount			
	3422098730		08/14/2019	QCC - 8.14.19 Office, Tea/Coffee Supplies		\$166.45			
722262	08/30/2019	Open			Accounts Payable	SYAR INDUSTRIES. INC.	\$1,098.72		
	Invoice		Date	Description		Amount			
	744796		08/21/2019	Streets: EZ Street-Pallet		\$1,098.72			
722263	08/30/2019	Open			Accounts Payable	TURF STAR, INC.	\$4,278.73		
	Invoice		Date	Description		Amount			
	7080788-00		08/19/2019	Fleet: Mower Engine		\$4,278.73			
722264	08/30/2019	Open			Accounts Payable	YAMAGAMI'S NURSERY	\$140.56		
	Invoice		Date	Description		Amount			
	904433		08/05/2019	Grounds: Sod Bolero Dwarf		\$31.06			
	904470		08/20/2019	Grounds: Plants for Sterling Barnhart		\$109.50			
722265	08/30/2019	Open			Accounts Payable	Cupertino Library Foundation	\$500.00		
	Invoice		Date	Description		Amount			
	2001440.030		08/21/2019	QCC- 8.21.19- Community Hall rental 8.18.19		\$500.00			

# Payment Register

From Payment Date: 8/24/2019 - To Payment Date: 8/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
722266	08/30/2019	Open			Accounts Payable	GERHON HAHN	\$3,780.00		
	Invoice		Date	Description		Amount			
	REFUNDB2019-1230		08/28/2019	REFUND 10360 STOKES AVENUE B-2019-1230 OVERCHARGE		\$3,780.00			
722267	08/30/2019	Open			Accounts Payable	Mitchell, Jeraldine	\$50.00		
	Invoice		Date	Description		Amount			
	2020-00000121		08/23/2019	QCC-8.23.19 Garden Plot #65 Deposit Refund		\$50.00			
722268	08/30/2019	Open			Accounts Payable	Sell, Linda	\$500.00		
	Invoice		Date	Description		Amount			
	2001444.030		08/21/2019	QCC-8.21.19- Cupertino Room 8.18.19		\$500.00			
Type Check Totals:							49 Transactions	\$1,153,493.73	
<u>EFT</u>									
28810	08/26/2019	Open			Accounts Payable	EMPLOYMENT DEVEL DEPT	\$40,893.30		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	CA State Tax pp 8/3/19-8/16/19		\$40,893.30			
28811	08/26/2019	Open			Accounts Payable	IRS	\$136,047.48		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	Federal Tax pp 8/3/19-8/16/19		\$136,047.48			
28812	08/27/2019	Open			Accounts Payable	P E R S	\$650.91		
	Invoice		Date	Description		Amount			
	08012019		08/01/2019	CalPERS Council pp 8/1/19-8/31/19		\$650.91			
28813	08/27/2019	Open			Accounts Payable	P E R S	\$136,581.67		
	Invoice		Date	Description		Amount			
	08162019		08/16/2019	CalPERS pp 8/3/19-8/16/19		\$136,581.67			
28814	08/30/2019	Open			Accounts Payable	ACENAS, ALEX	\$110.00		
	Invoice		Date	Description		Amount			
	AlexA071319		07/13/2019	Reimburse Phone 06/14/19 - 07/13/19		\$55.00			
	AlexA081319		08/13/2019	Reimburse Phone - 07/14/19 - 08/13/19		\$55.00			
28815	08/30/2019	Open			Accounts Payable	LAW OFFICES OF BURKE, WILLIAMS & SORENSEN	\$2,622.00		
	Invoice		Date	Description		Amount			
	244424		08/26/2019	Legal Services Marina Plaza #400 2019/07		\$2,208.00			
	244425		08/26/2019	Cupertino Village Hotel #812 Legal Fees 2019/07		\$414.00			
28816	08/30/2019	Open			Accounts Payable	PROFESSIONAL TURF MGMNT INC	\$17,067.50		
	Invoice		Date	Description		Amount			
	950		08/26/2019	Scenic Circle Gate		\$67.50			
	949		08/20/2019	Golf Course Maintenance		\$17,000.00			
28817	08/30/2019	Open			Accounts Payable	SHUTE, MIHALY & WEINBERGER LLP	\$225.00		
	Invoice		Date	Description		Amount			
	260760		08/21/2019	Cupertino Village Hotel #812 Legal Fees 2019/07		\$225.00			
28818	08/30/2019	Open			Accounts Payable	SMART & FINAL	\$237.86		
	Invoice		Date	Description		Amount			
	50966		08/19/2019	Smart and Final Teen Center Food Run - 8.19.19		\$237.86			
Type EFT Totals:							9 Transactions	\$334,435.72	
Main Account - Main Checking Account Totals									

# Payment Register

From Payment Date: 8/24/2019 - To Payment Date: 8/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
<b>Checks</b>									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	49	\$1,153,493.73	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	49	\$1,153,493.73	\$0.00	
<b>EFTs</b>									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	9	\$334,435.72	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Total	9	\$334,435.72	\$0.00	
<b>All</b>									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	58	\$1,487,929.45	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	58	\$1,487,929.45	\$0.00	
<b>Grand Totals:</b>									
<b>Checks</b>									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	49	\$1,153,493.73	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	49	\$1,153,493.73	\$0.00	
<b>EFTs</b>									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	9	\$334,435.72	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Total	9	\$334,435.72	\$0.00	
<b>All</b>									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	58	\$1,487,929.45	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	58	\$1,487,929.45	\$0.00	

Approved: Beth G. Viajar

09.03.19





## OFFICE OF THE CITY CLERK

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

## CITY COUNCIL STAFF REPORT

Meeting: October 15, 2019

### **Subject**

Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.

### **Recommended Action**

Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.

### **Background**

Outreach for the annual recruitment of all commission candidates will begin in late October and City Council will interview applicants in January. Commissions with upcoming vacancies in January 2020 include: Audit Committee (2), Housing Commission (2), Parks and Recreation Commission (2), Public Safety Commission (3), Sustainability Commission (3), and Technology, Information, and Communications Commission (2). During the interviews, Council will also have the option to designate alternates at the time of the appointment of regular members.

### **Discussion**

The City Council appoints members to 11 advisory commissions. Members serve staggered, four-year terms with a two-term limit and must wait two years before they can reapply for the same commission. The Cupertino Municipal Code specifies that the term of office for the members of each commission shall end on January 30 of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except if they have been appointed to fill an unscheduled vacancy for a (partial) term that is less than two years.

Recruitment, appointment, and reappointment are governed by City Council Resolution No. 16-137, and Government Code sections 54970-54974. The Teen Commission is governed by Resolution No. 18-019 and follows a different appointment schedule and structure.

Vacancy notices are advertised through the local media, Cupertino Scene, the City website, as well as at City Hall, Quinlan Community Center, the Senior Center, and the Library. Notices are mailed to CERT graduates, Neighborhood Block Leaders, Leadership 95014 graduates, the

Chamber of Commerce, service organizations, commissioners who have expired terms and are eligible for reappointment, and previous candidates (whose applications are retained for one year).

The attached list describes all of the commissions and lists the names of incumbents whose terms are ending in January 2020. Applicants may apply for up to two commissions and each applicant is interviewed for their preferred commission(s).

**Sustainability Impact**

No sustainability impact.

**Fiscal Impact**

No fiscal impact.

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**Prepared by:** Kirsten Squarcia, Deputy City Clerk

**Reviewed by:** Grace Schmidt, City Clerk

**Approved for Submission by:** Deborah L. Feng, City Manager

**Attachments:**

A – Local Appointments List and Notice of Vacancies

B – Resolution Governing Recruitment



## OFFICE OF THE CITY CLERK

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### LOCAL APPOINTMENTS LIST AND NOTICE OF COMMISSION AND COMMITTEE TERMS EXPIRING IN 2020

NOTICE IS HEREBY GIVEN that residents are encouraged to apply for positions on City commissions that will have vacancies in January of 2020. The application deadline is 4:30 p.m. on Friday, January 10, 2020. Council will conduct interviews beginning at 5:30 p.m. on Monday, January 27, 2020 and Tuesday, January 28, 2020. Commissioners are appointed by the City Council and may serve a total of two consecutive 4-year terms (the Teen Commission has a different term structure). Council may also appoint alternates to serve on commissions and committees in the event of a vacancy. A commissioner may serve more than two consecutive terms if he or she has been appointed to fill an unexpired (partial) term of less than two years. All meetings are open to the public. For more information or to apply for a commission, please contact the City Clerk's Office, 777-3223 or [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org); or visit the City website at [www.cupertino.org/vacancies](http://www.cupertino.org/vacancies).

AUDIT COMMITTEE			
2 available seats (no residency requirement for at large members)			
Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Ming Ming "Daisy" Liang	5/1/2018 (partial)	Partial term expires 1/30/20	Yes
Vacant		Full term expires 1/30/20	
<p><u>Qualifications:</u> The Committee consists of four or five members serving four-year terms. Two individuals are members of City Council, and a minimum of two and a maximum of three are at large members. The at large members shall not be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Committee, the City Manager or staff person assigned to the Committee. An Audit Committee at large member is not required to be a Cupertino resident, but the City Council will give priority to individuals who have substantial accounting, audit, or investment experience, preferably in connection with a governmental agency. The powers and functions of the Audit Committee shall be as follows: A. Review the annual audit report and management letter; B. Recommend appointment of auditors; C. Review the monthly Treasurer's report, D. Review City investment policies and internal controls of such policies. The Audit Committee falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held quarterly on the 3rd Tuesday of the selected month at 4:00 p.m. at City Hall in Conference Room A. For more information, contact staff liaison Zach Korach at 408-777-3280 or <a href="mailto:zachk@cupertino.org">zachk@cupertino.org</a></p>			

HOUSING COMMISSION
2 available seats (residency requirement for three out of five members; Business representative must be from a Cupertino-based business)

Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Nina Daruwalla	1/26/16	First term expires 1/30/20	Yes
Sue Bose (Business Representative)	3/15/19	First term expires 1/30/20	Yes
<p><u>Qualifications:</u> The Commission consists of five members appointed by the council to four-year terms. One must be a representative from a Cupertino business. Housing Commission members who are representatives of a business are not required to be Cupertino residents, but the business represented must be located in Cupertino. The four remaining community members must be residents of Cupertino. The commission assists in developing housing policies and strategies, recommends policies for implementation and monitoring of affordable housing projects, helps identify sources of funding for affordable housing and performs other advisory functions authorized by the City Council. The Cupertino Housing Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at 9:00 a.m., the second Thursday of the month at City Hall, Conference Room C. For more information, contact staff liaison Kerri Heusler at 408-777-3251 or <a href="mailto:kerrih@cupertino.org">kerrih@cupertino.org</a>.</p>			

PARKS AND RECREATION COMMISSION			
2 available seats (residency requirement for all five members)			
Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Carol Stanek	1/26/15; 4/22/19 (partial)	Partial term expires 1/30/20	Yes
Helene Davis	1/26/15 (partial); 1/25/16	First term expires 1/30/20	Yes
<p><u>Qualifications:</u> The Commission consists of five members who are residents of the City and shall be appointed by the Council to four-year, overlapping terms. None of the members shall be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The commission advises the City Council on municipal activities in relation to parks and recreation, including park site acquisition and development, recreation program policy, and expansion of the park program as development occurs. The Parks and Recreation Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at 7:00 p.m. on the first Thursday of each month in the Community Hall. For more information, contact staff liaison Jeff Milkes at 408-777-3120 or <a href="mailto:parks@cupertino.org">parks@cupertino.org</a>.</p>			

PUBLIC SAFETY COMMISSION			
3 available seats (residency requirement for all five members)			
Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Andy Huang	9/21/10 (partial); 1/23/12; 1/25/16	Second term expires 1/30/20	No
Neha Sahai	1/26/16	First term expires 1/30/20	Yes
Robert McCoy	1/23/12; 1/25/16	Second term expires 1/30/20	No

The Commission consists of five members, all of whom shall reside within the City and shall be appointed by the council to four-year, overlapping terms. None shall be officials or employees of the City, members of the Sheriff's Department of the County, either regular or reserve, nor shall they be members of the Central Fire Protection District. No members of the Public Safety Commission shall cohabit with, as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The primary functions are to advise the city council on all areas relating to public safety, traffic, and police, fire and other matters relating to the foregoing. The Public Safety Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held monthly on the second Thursday of each month at 6 p.m. in City Hall, Conference Room A. For more information, contact staff liaison Captain Rich Urena at 408-868-6610 or [ricardo.urena@sheriff.sccgov.org](mailto:ricardo.urena@sheriff.sccgov.org)

#### SUSTAINABILITY COMMISSION

3 available seats (residency requirement for three out of five members; Education and Business representative must be from a Cupertino-based institution and business)

Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Anna Weber (Educational Representative)	1/26/16	First term expires 1/30/20	Yes
Meera Ramanathan	1/26/16	First term expires 1/30/20	Yes
Vignesh Swaminathan (Business Representative)	1/26/16	First term expires 1/30/20	Yes

The Commission consists of five members appointed by the City Council to serve four-year overlapping terms. One member must be a representative from a Cupertino-based educational institution and another from a Cupertino-based business. Sustainability Commission members who are representatives of an educational institution or a business are not required to be Cupertino residents. The three remaining community members must be residents of Cupertino. The commission serves in an advisory capacity to the City Council and provides expertise and guidance on major policy and programmatic areas related to the environmental, economic and societal goals noted within Cupertino's Climate Action Plan (CAP) and General Plan (GP) Environmental Resources/Sustainability Element. The Sustainability Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at least once every three months at 4 p.m. on the third Thursday of the month, every 3rd month at the Environmental Education Center, 22221 McClellan Road, McClellan Ranch Preserve, and other meetings may be held as necessary. For more information, contact staff liaison Gilee Corral at 408-777-1364 or [gileec@cupertino.org](mailto:gileec@cupertino.org)

#### TECHNOLOGY, INFORMATION, AND COMMUNICATIONS COMMISSION

2 available seats (residency requirement for all five members)

Incumbent	Date Appointed	Term Expires	Eligible to Reapply?
Rajaram Soundararajam	1/31/17	First term expires 1/30/20	Yes
Arnold de Leon	1/26/16	First term expires 1/30/20	Yes

Qualifications: The Commission consists of five members, from among the qualified electors of the City, appointed by the council to four-year, overlapping terms. None of the members shall be officials or employees of the City, nor cohabit with, as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. They advise the city council on all matters relating to telecommunications within the city of Cupertino, including evaluating compliance with any franchise or other agreement between the city and a telecommunications provider and conducting periodic reviews of providers, facilities, and products. In addition, members serve as liaisons between the city, the public, and telecommunications providers in enhancing education and information. The commission also provides support for community access television, especially public and educational access, and gives guidance when needed for development and implementation of access channels and programming. The Technology, Information, and Communications Commission falls under the Political Reform Act of 1974 and financial disclosure is required. Regular meetings are held at least once every three months and, at the discretion of the Commission, other meetings may be held as necessary or expedient. Meetings usually fall on the first Wednesday of the month at 7:00 p.m. in City Hall Conference Room A. For more information, contact staff liaison Bill Mitchell at 408-777-1333 or [billm@cupertino.org](mailto:billm@cupertino.org).

#### **BICYCLE PEDESTRIAN COMMISSION**

No vacancies

There are no terms expiring in January 2020

#### **FINE ARTS COMMISSION**

No vacancies

There are no terms expiring in January 2020

#### **LIBRARY COMMISSION**

No vacancies

There are no terms expiring in January 2020

#### **PLANNING COMMISSION**

No vacancies

There are no terms expiring in January 2020

#### **TEEN COMMISSION**

No vacancies

There are no terms expiring in January 2020

## **RESOLUTION NO. 16-137**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO RESCINDING RESOLUTION NO. 10-048 AND AMENDING THE RESOLUTION ESTABLISHING RULES GOVERNING RECRUITMENT, ATTENDANCE, APPOINTMENTS, AND VACANCIES ON CITY ADVISORY BODIES TO ADD DESIGNATED ALTERNATES TO THE INTERVIEWS AND APPOINTMENTS PROCESS**

WHEREAS, the City of Cupertino wishes to establish uniform terms and conditions of office for advisory commissions; and

WHEREAS, there are within the City of Cupertino many citizens with talent, expertise and experience who wish to serve the community; and

WHEREAS, the City Council believes it is important to provide these citizens the opportunity to contribute to their community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino rescinds Resolution No. 10-048 and establishes the following rules governing recruitment, appointment and reappointment to City of Cupertino Advisory bodies.

#### **A. RECRUITMENT**

1. Two months before regular terms expire, or immediately following receipt of a resignation, the City Clerk distributes the vacancy notice as follows:
  - The Cupertino Scene
  - The Cupertino Courier
  - The World Journal
  - The Cupertino City Channel
  - City Hall bulletin board
  - The City Clerk's Office
  - The Cupertino Library
  - The Cupertino Chamber of Commerce
  - Cupertino City Web site
  - Other organizations as appropriate with respect to the openings
  - All persons with applications on file for that particular commission

2. Two months before regular terms expire, the City Clerk's Office also mails the vacancy notice to the following individuals:
  - Students and graduates of Cupertino Emergency Response Training
  - Students or graduates of Leadership Cupertino
  - Neighborhood Block Leaders
  - Individuals who have signed up for notification at the Cupertino Town Hall meetings.
3. All vacancy notices and posting shall be done in accordance with the provisions of the Maddy Act, California Government Code 54970. Specifically, vacancy notices shall be posted for a minimum of 10 days.
4. Applications will be retained for a maximum of one year after Council review. After that time, applicants shall submit a new application if they wish to remain on the list for consideration.
5. Those persons with applications on file within one year of Council review are advised of the vacancy by the City Clerk and may activate that application. –Upon receipt of the vacancy notice, the applicant must contact the City Clerk's Office and ask that the application be reactivated.
6. An applicant may file for a maximum of two commissions at any one application period.
7. A member of an advisory body, having completed two consecutive terms, must wait two years after the term would have normally ended before being eligible to apply for the same commission or committee.
8. Application forms will be available in the City Clerk's Office and will be mailed upon request with information about the opening(s). Application forms will also be available on the City's Web site.
9. No application shall be accepted after the deadline.
10. When the final deadline has passed, the City Clerk's Office will mail applicants the date, time and location of the interviews along with sample questions to consider.



11. The City Clerk's Office will copy the applicants' written material for Council members. The written material will also be available for public review in the City Clerk's Office.
12. An applicant who is unable to attend the interview may submit a 5-minute video presentation in advance of the interview meeting. The tape will be reviewed at the meeting. The video will be made by City staff at the applicant's request upon the approval of the City Clerk. The City will fund these costs.

## **B. INTERVIEWS AND APPOINTMENTS**

1. When Council meets to conduct interviews, it is a public meeting subject to the Brown Act and therefore open to the public. The candidates will be asked by the City Clerk (either in person or by written instructions left in the waiting area) to remain seated in the waiting area until they are called in for the interview. Candidates will also be asked to return to the waiting area until the announcement of the vote, or to go home and contact the City Clerk's Office the next day regarding the results. However, all applicants and members of the public have the option of remaining in the room for any or all of the meeting.
2. The order in which interviews are scheduled to take place will be determined by a drawing of names. The City Clerk will do this in advance.
3. Interviews are informal and usually last 5-8 minutes. Council members are looking for:
  - Familiarity with the subject
  - Decision-making ability
  - Commitment to the position for which they have applied
4. Appointments will be made following a vote in public. Ballots will be distributed, and Council members will vote and sign the ballots. The City Clerk will announce the votes.

5. The City Council may appoint alternates to serve on boards, commissions and committees in the event of a vacancy. Such alternates may attend and participate in meetings of the board, commission, or committee but shall not vote in such meetings until such time as a vacancy has occurred and the alternate has filled such vacancy. If the City Council appoints more than one alternate for a particular board, commission or committee, the City Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first alternate shall fill such vacancy without the need for further City Council action.

#### **C. UNSCHEDULED VACANCIES AND ATTENDANCE**

1. If a vacancy occurs for an unexpired term and interviews for appointment to that advisory body have been conducted within the previous ninety days, the unexpired term may be filled from those applications following the required posting of the vacancy.
2. The notice of unscheduled vacancy shall be posted no earlier than 20 days before nor later than 20 days after the vacancy occurs, and at least 10 working days before appointment. The notice of unscheduled vacancy must be posted in the Office of the City Clerk, at the City Hall bulletin board, at the Cupertino Library, and in other places designated by the City Clerk.
3. A member shall be considered removed from an advisory body under the following conditions.
  - A member misses more than three consecutive meetings
  - A member misses more than 25% of the advisory body's meetings in a calendar year
4. It is the responsibility of the advisory body's staff liaison to notify the City Clerk of a member's attendance record to allow sufficient time to send a warning notice if the member has missed three consecutive meetings or 25% of the meetings, and to send a termination notice if the member has missed more three consecutive meetings or more than 25% of the meetings in a calendar year.

5. A member who has been removed from an advisory body for inadequate attendance may request a waiver of this provision by submitting a letter to the City Council setting forth the reason for the absences and confirming future availability.

#### **D. GENERAL PROVISIONS**

1. Term limit restrictions listed in this resolution do not apply to temporary appointments for unexpired terms.
2. All provisions of this resolution shall apply unless otherwise decided by the City Council on a case-by-case basis.
3. In the event that any provision of this resolution conflicts with the provisions of any other ordinance or resolution governing a particular advisory body, the provisions governing that advisory body shall prevail.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 20th day of December, 2016, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:	Vaidhyanathan, Chang, Scharf, Sinks
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NOES:	None
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ABSENT:	Paul
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ABSTAIN:	None
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ATTEST:

APPROVED:

/s/ Grace Schmidt

/s/ Savita Vaidhyanathan

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Grace Schmidt, City Clerk

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Savita Vaidhyanathan, Mayor,  
City of Cupertino



## PUBLIC WORKS DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: October 15, 2019

#### Subject

Authorize City Manager to award contract for Street Sweeping Services, Project No. 2019-101, to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years. No additional budget appropriations are needed at this time.

#### Recommended Action

Authorize City Manager to award a contract for Street Sweeping Services, Project No. 2019-101 to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years.

#### Discussion

The contract covers the City's street sweeping services and is funded in the Resource Recovery and the Non-Point Source budgets. The work consists of the Contractor providing street sweeping services on designated City commercial and residential streets, consistent with the City's schedule and frequency. Residential streets are typically swept two times per month, while commercial streets are typically swept four times per month. Foothill Boulevard, north of Stevens Creek Blvd, is currently swept three times a week. The term of this street sweeping agreement is five years with satisfactory performance, starting November 1, 2019. The contract can be extended for an additional one to five years, for a possible total term of ten years. Upon one year of satisfactory performance, and upon the anniversary of the contract initiation, the contract price will be increased or decreased based on the Consumer Price Index (CPI) adjustments for all urban wage earners in the Santa Clara County area.

Despite significant outreach, only one bid was received. The authorized budget for street sweeping services and a summary of the bid received for this project have been provided here.

BIDDER	BASE BID
Authorized Expenditure	\$270,000
CleanStreet, Inc.	\$268,350

The low bidder is CleanStreet, Inc. for the annual amount of \$268,350. Based on a review of what other agencies are paying for contracted street sweeping services, staff feels the bid amount is reasonable.

The last street sweeping services contract was competitively bid and executed in 2011 between the City and Contract Sweeping Services. This contract was extended for five years beginning in 2016. In May 2018, Contract Sweeping Services requested to cancel the contract extension with the City. Contract Sweeping Services cited increased costs and the project losing money as the reason for the request to terminate. City staff evaluated the request and ultimately agreed to the termination provided that Contract Sweeping Services continued services through June 30, 2019. The most recent annual compensation for Contract Sweeping Services was \$193,974.84.

Since July 1, 2019, CleanStreet, Inc. has been the City's interim street sweeping contractor. CleanStreet, Inc. has been responsive and diligent in providing these services and staff is confident that CleanStreet, Inc. will perform the needed work to the prescribed specifications.

Since the last contract agreement in 2011 enhancements were made to the sweeping contract, including more frequent sweeping on commercial streets. The new contract continues to provide this more frequent sweeping, and also includes services for additional sweeping in heavy leaf fall neighborhoods and sweeping of protected bike lanes. Additionally, the contract includes contingencies for emergency work and scheduled extra work on an as-needed basis. The rates can be billed hourly or by curb mile, as appropriate.

#### Sustainability Impact

Sweeping of certain City streets is a requirement to ensure compliance with the Municipal Regional Stormwater NPDES Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board.

#### Fiscal Impact

No fiscal impact for FY19/20, as these funds were approved with the FY19/20 operating budget. A cost of \$178,900 would be expended for services provided November 1, 2019 through June 30, 2020. The total impact over the five-year term will be approximately \$1,321,750, adjusted for CPI annually.

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Prepared by: Chad Mosley, Assistant Director of Public Works

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Deborah Feng, City Manager

Attachments: Draft Street Sweeping Agreement



## Contract

This public works contract ("Contract") is entered into by and between the City of Cupertino ("City"), a municipal corporation, and CleanStreet, Inc. ("Contractor"), for work on the **CONTRACTUAL STREET SWEEPING SERVICES** ("Project"), Project No. 2019-101.

The parties agree as follows:

1. **Award of Contract.** In response to the Notice Inviting Bids, Contractor has submitted a Bid Proposal and accompanying Bid Schedule, a copy of which is attached for convenience as Exhibit A, to perform the Work to construct the Project. On \_\_\_\_\_, 20\_\_\_\_, City authorized award of this Contract to Contractor for the amount set forth in Section 4 below.
2. **Contract Documents.** The Contract Documents incorporated into this Contract include and are comprised of all of the documents listed below. The definitions provided in Article 1 of the General Conditions apply to all of the Contract Documents, including this Contract:
  - 2.1 Notice Inviting Bids;
  - 2.2 Instructions to Bidders;
  - 2.3 Addenda, if any;
  - 2.4 Bid Proposal and attachments thereto;
  - 2.5 Contract;
  - 2.6 Performance Bond;
  - 2.7 General Conditions;
  - 2.8 Special Conditions;
  - 2.9 Project Maps and Specifications;
  - 2.10 Change Orders, if any;
  - 2.11 Notice of Award;
  - 2.12 Notice to Proceed;
3. **Contractor's Obligations.** Contractor will perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, supplies, tools, equipment, transportation, onsite facilities and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to diligently prosecute and complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents.
4. **Payment.** For the performance of the services described in the Contract Documents the City shall pay Contractor the sum of \$22,362.50 per month, less any deductions for work not performed and or liquidated damages payable upon submission by Contractor of an itemized billing; provided, however, that the total sum payable to Contractor shall not exceed \$ 268,350 per year.
5. **Term.** The term of this contract shall be five (5) years from the start date of the contract. The City shall retain the option to extend the term of the contract for an additional one (1) to five (5) years, for a possible total of ten years.

The start date of this Contract shall be November 1, 2019.

Any such renewal after the first five (5) years shall be accomplished by the City providing a written notice of renewal to the Contractor at least 180 days prior to expiration of the term. Any such renewal shall contain the same provisions as the original contract, including an increase or decrease in compensation paid to the Contractor. Any increase or decrease in

the previous contract price shall be based on the annual percentage change in the Consumer Price Index (CPI) as of June of the year the adjustment is being made. The CPI shall be the San Francisco/Oakland/San Jose Consumer Price Index for all urban wage earners. There will be no CPI adjustment during the first one-year term of the agreement.

At the end of the initial twelve months of the contract period, and each anniversary thereafter for the duration of the contract, the unit prices on the Schedule of Bid Prices will be increased or decreased in direct proportion to the increase or decrease in the Consumer Price Index (CPI). The most recent CPI for June San Francisco/Oakland/San Jose area for all urban wage earners shall be used.

6. **Liquidated Damages.** The Contractor shall pay liquidated damages to the City in the sum of One Thousand Dollars (\$1,000.00) for each and every day that street sweeping services are not completed on time and/or streets are omitted. Omitted streets must be swept by the following working day.

In case of breakdown by main sweeper, immediate service within one hour by a second sweeper is required to complete daily schedule. If down for more than one hour, liquidated damages will be assessed at the rate of One Hundred Dollars (\$100.00) per hour for each hour above and beyond one hour and streets must be completed that day.

7. **Labor Code Compliance.** This section is not applicable due to the Contractor not being required to pay prevailing wages, therefore no DIR registration is required for this project

- 7.1 **General.** This Contract is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance, as further specified in Article 9 of the General Conditions.

- 7.2 **Prevailing Wages.** This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.

- 7.3 **DIR Registration.** City may not enter into the Contract with a bidder without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations to perform public work pursuant to Labor Code section 1725.5, subject to limited legal exceptions.

8. **Workers' Compensation Certification.** Pursuant to Labor Code section 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."

9. **Conflicts of Interest.** Contractor, its employees, Subcontractors and agents, may not have, maintain or acquire a conflict of interest in relation to this Contract in violation of any City ordinance or requirement or in violation of any California law, including Government Code section 1090 et seq., or the Political Reform Act, as set forth in Government Code section 81000 et seq. and its accompanying regulations. No officer, official, employee, consultant, or other agent of the City ("City Representative") may have, maintain, or acquire



a "financial interest" in the Contract, as that term is defined under the Political Reform Act (Government Code section 81000, et seq., and regulations promulgated thereunder); or under Government Code section 1090, et seq.; or in violation of any City ordinance or requirement while serving as a City Representative or for one year thereafter. Any violation of this Section constitutes a material breach of the Contract.

- 10. Independent Contractor.** Contractor is an independent contractor under this Contract and will have control of the Work and the means and methods by which it is performed. Contractor and its Subcontractors are not employees of City and are not entitled to participate in any health, retirement, or any other employee benefits from City.
- 11. Notice.** Any notice, billing, or payment required by or pursuant to the Contract Documents must be made in writing, signed, dated and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, or by email as a PDF file. Notice is deemed effective upon delivery, except that service by U.S. Mail is deemed effective on the second working day after deposit for delivery. Notice for each party must be given as follows:

**City:**

Name: City of Cupertino  
Address: 10300 Torre Avenue  
City/State/Zip: Cupertino, CA 95014  
Phone: (408) 777-7603  
Attn: Environmental Programs  
Email: EnvProgInvoices@cupertino.org  
Copy to: environmental@cupertino.org

**Contractor:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Attn: \_\_\_\_\_  
Email: \_\_\_\_\_  
Copy to: \_\_\_\_\_

**12. General Provisions.**

- 12.1 Assignment and Successors.** Contractor may not assign its rights or obligations under this Contract, in part or in whole, without City's written consent. This Contract is binding on Contractor's and City's lawful heirs, successors and permitted assigns.
- 12.2 Third Party Beneficiaries.** There are no intended third party beneficiaries to this Contract.
- 12.3 Governing Law and Venue.** This Contract will be governed by California law and venue will be in the Santa Clara County Superior Court, and no other place. Contractor waives any right it may have pursuant to Code of Civil Procedures Section 394, to file a motion to transfer any action arising from or relating to this Contract to a venue outside Santa Clara County, California.
- 12.4 Amendment.** No amendment or modification of this Contract will be binding unless it is in a writing duly authorized and signed by the parties to this Contract.

- 12.5 Integration.** This Contract and the Contract Documents incorporated herein, including authorized amendments or Change Orders thereto, constitute the final, complete, and exclusive terms of the agreement between City and Contractor.
- 12.6 Severability.** If any provision of the Contract Documents, or portion of a provision, is determined to be illegal, invalid, or unenforceable, the remaining provisions of the Contract Documents will remain in full force and effect.
- 12.7 Iran Contracting Act.** If the Contract Price exceeds \$1,000,000, Contractor certifies, by signing below, that it is not identified on a list created under the Iran Contracting Act, Public Contract Code § 2200 et seq. (the "Act"), as a person engaging in investment activities in Iran, as defined in the Act, or is otherwise expressly exempt under the Act.
- 12.8 Authorization.** Each individual signing below warrants that he or she is authorized to do so by the party that he or she represents, and that this Contract is legally binding on that party. If Contractor is a corporation, signatures from two officers of the corporation are required pursuant to California Corporation Code section 313.

*[Signatures are on the following page.]*

The parties agree to this Contract as witnessed by the signatures below:

**CONTRACTOR**

\_\_\_\_\_  
<insert full name of Contractor above> **CITY OF CUPERTINO**  
A Municipal Corporation

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

By \_\_\_\_\_  
Roger Lee  
Director of Public Works  
Date \_\_\_\_\_

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**APPROVED AS TO FORM:**

By \_\_\_\_\_  
Name \_\_\_\_\_  
City Attorney  
Date \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Grace Schmidt  
City Clerk  
Date \_\_\_\_\_

Contract Amount: \_\_\_\_\_  
P.O. No. \_\_\_\_\_  
Account No. \_\_\_\_\_

**END OF CONTRACT**



## **PUBLIC WORKS DEPARTMENT**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.ORG

### **CITY COUNCIL STAFF REPORT**

Meeting: 10/15/2019

#### **Subject**

Consider a Linda Vista Trail Donation Agreement for donation of property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course. No additional budget allocation needed.

#### **Recommended Action**

Authorize the City Manager to execute an Agreement for Donation of Real Estate with Richard Lowenthal and Ellen Lowenthal for the Linda Vista Trail property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, and any subsequent documents necessary to acquire the property, consistent with the Agreement.

#### **Discussion**

The old haul road parcel that is situated between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, was recently acquired by a Cupertino resident who is willing to dedicate the property to the City for trail purposes. In order to receive the dedication, the City must agree to design, fund and approve construction of a trail project. The City Council approved funding for design and construction of a Linda Vista trail project on June 18, 2019 with the Capital Improvement Budget, and staff has initiated contracts for design of the trail. Simultaneously, staff has been working with the property owner to establish terms, covenants and conditions for the donation of the property.

The agreement establishes certain rules and expectations regarding the dedication, including the property owners' willingness to dedicate the property in fee to the City upon the City's commitment to improve and maintain the property exclusively for public use for recreation, walking and cycling in perpetuity.

The trail property has been assessed by the Santa Clara County Assessor's Office with a land value of \$76,500. The property is approximately 1,750 L.F. and 40 feet wide, with a total area of approximately 1.56 Acres. The project design is anticipated to be complete in February, 2020, with construction completion estimated for October, 2020.

### **Sustainability Impact**

The trail is consistent with *General Plan: Community Vision 2015-2040* Policy M-1.3: Regional Trail Development, Policy M-2.3: Connectivity, and Policy M-5.3: Connections to Trails.

The property transfer is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 15325(f) (acquisition to preserve open space or lands for park purposes). The trail project is categorically exempt from CEQA (Public Resources Code Section 15301(c) (Class 1, minor alteration of existing facilities or topographical features)).

### **Fiscal Impact**

No fiscal impact for accepting the donation as a budget of \$595,500 to design and construct the project was approved with the FY19/20 Capital Improvement budget. No additional budget allocation is needed.

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**Prepared by:** Chad Mosley, Assistant Director of Public Works

**Reviewed by:** Roger Lee, Director of Public Works

**Approved for Submission by:** Deborah Feng, City Manager

### **Attachments:**

A – Draft Agreement for Donation of Real Estate

AGREEMENT FOR DONATION OF REAL ESTATE

by and between

RICHARD LOWENTHAL AND ELLEN LOWENTHAL,  
as Donors

and

CITY OF CUPERTINO,  
as Recipient

For the donation of

APN 356-05-005  
Cupertino, California

## AGREEMENT FOR DONATION OF REAL ESTATE

(APN 356-05-005, Cupertino, California)

THIS AGREEMENT FOR DONATION OF REAL ESTATE (this “**Agreement**”), dated for reference purposes only as \_\_\_\_\_, 2019, is by and between RICHARD LOWENTHAL AND ELLEN LOWENTHAL, husband and wife (“**Lowenthal**”), and the CITY OF CUPERTINO, a California municipal corporation (“**City**”). Lowenthal and the City shall each be a “**Party**” and collectively “**Parties**.” Lowenthal and City agree as follows:

### 1. DONATION OF PROPERTY

Lowenthal agrees to donate certain real property owned by Lowenthal to the City, and the City agrees to receive the property from Lowenthal, subject to the following terms, covenants and conditions:

#### 1.1 The Property

Lowenthal donates the real property to the City identified in Subsections [a], [b], and [c] below, collectively referred to as the “**Property**”:

[a] the strip of real property located east of 10700 Club House Lane (Deep Cliff Golf Course – APN 356-05-003), Cupertino, California, between McClellan Road and Linda Vista Park, and more particularly described in the attached Exhibit A and shown as “Property” on the plat map attached as Exhibit B and the aerial photograph attached as Exhibit C (the “**Land**”);

[b] all improvements and fixtures located on the Land (the “**Improvements**”);  
and

[c] any and all rights, privileges, and easements incidental or appurtenant to the Land or Improvements, including, without limitation, any and all minerals, oil, gas and other hydrocarbon substances (but with no surface extraction rights for oil, gas and hydrocarbons), on and under the Land under ownership and control of Lowenthal as of the Effective Date of this Agreement, as well as any and all water rights and development rights, air rights relating to the Land, and, any and all easements, rights-of-way or other appurtenances used in connection with the beneficial use and enjoyment of the Land or Improvements, and any and all of Lowenthal’s right, title, and interest in and to all roads and alleys adjoining or servicing the Land or Improvements (collectively, the “**Appurtenances**”);

#### 1.2 City’s Covenant to Maintain and Use the Property for a Public Trail

By this Agreement, Lowenthal donates the Property to the City on the condition that the City and its successors and assigns covenant to improve and maintain the Property exclusively for public use for recreation, walking, and cycling in perpetuity. The City accepts the donation of the Property on the condition that the City shall have sole discretion to (a) adopt and enforce rules and regulations regarding public access to and use of the Property; (b) adopt and enforce

rules and regulations to protect the public health, safety, and enjoyment of the Property; (c) design, fund, construct, and install improvements and fixtures on the Property consistent with a public trail (“**Trail Improvements**”); (d) maintain, repair, and demolish improvements and fixtures on the Property; and (e) use motorized vehicles and other construction equipment for construction, maintenance, repair, security, or demolition of improvements and fixtures on the Property.

### **1.3 Successor to City**

If the City is dissolved or its respective designation changed by or under law, such agency’s powers, duties, rights, and functions under this Agreement shall be transferred under any applicable provisions of such laws.

## **2. ACQUISITION OF THE PROPERTY “AS-IS, WHERE-IS” CONDITION**

Except as set forth in paragraphs 3 and 9 herein, City agrees that City shall receive the Property in an “as-is, where-is” condition, with all faults, without any express or implied representations, covenants, or warranties relating to merchantability, marketability, profitability, or fitness of the Property for any purpose whatsoever or compliance with any laws, rules, ordinances, or regulations of any applicable governmental authority or body. City fully and irrevocably releases Lowenthal from any and all claims that it may have or hereafter acquire against Lowenthal arising from or related to any construction defects, errors, omissions, or other conditions, latent or otherwise, including environmental, geotechnical, and seismic matters, affecting the Property from and after the transfer of ownership of the Property to City.

## **3. LOWENTHAL DONATION OF THE PROPERTY**

### **3.1 Conveyance of Title to the Property**

At the Property Closing (as defined in Section 7.2), Lowenthal shall convey fee simple title to the Property to the City by duly executed and acknowledged Grant Deed in the form attached as Exhibit D (“**Deed**”) without consideration of any nature, type, or kind from the City.

### **3.2 No Representation Regarding Tax Treatment**

Lowenthal and the City agree that the City has not and will not provide any advice or make any representation to Lowenthal with respect to the tax impacts on Lowenthal resulting from their donation of the Property to the City. In addition, Lowenthal releases and waives all claims against the City for any losses, costs, damages, or expenses that may arise directly or indirectly from any tax impacts on Lowenthal as a result of the donation. This release shall survive the Property Closing.

### **3.3 Title Insurance**

Delivery of title in accordance with Section 3.1 shall be accompanied by the commitment of Chicago Title Insurance Company (the “**Title Company**”) to issue to City a CLTA owner’s policy of title insurance or an ALTA extended coverage policy if the City obtains a survey of the Property (“**Survey**”) in the amount of Seventy Five Thousand Dollars (\$75,000) (the “**Title**



**Policy**”), insuring fee simple title to the Land, the Appurtenances, and the Improvements in the City, free of the liens of any and all deeds of trust, mortgages, assignments of rents, financing statements, creditors’ claims, rights of tenants, or other occupants, and all other exceptions, liens, and encumbrances except solely for the following exceptions, which include, but are not limited to, certain title exceptions listed as Exceptions Nos. 1 – 17 and 19 in the preliminary title report from the Title Company dated August 1, 2019, for Title No. 15606696-156-TJK-MC1 attached as Exhibit E (such exceptions approved by City are collectively referred to herein as the **“Accepted Conditions of Title”**):

#### **4. CITY’S DUE DILIGENCE INVESTIGATIONS AND TIME FOR SATISFACTION OF CONDITIONS**

City has been given or will be given before the end of the Due Diligence Period (as defined below), a full opportunity to investigate the Property, either independently or through its contractors and agents of City’s own choosing (collectively, **“Agents”**), including, without limitation, the opportunity to conduct such inspections, non-invasive tests, audits, verifications, inventories, investigations, and other due diligence regarding the economic, physical, environmental, title, and legal conditions of the Property as City deems fit, as well as the suitability of the Property for City’s intended uses. City and its Agents may commence due diligence investigations on the Property on or after the Effective Date (as defined in Section 11.11). The period for completion of all such investigations shall expire forty-five (45) calendar days following the Effective Date (the **“Due Diligence Period”**), subject to the terms and conditions provided hereinbelow. Lowenthal agrees to deliver to City all of the Documents (as defined in Section 6.1[d]) and other items to be delivered by Lowenthal under Section 6.1 upon the Effective Date, provided that if Lowenthal fails to do so, then the expiration of the Due Diligence Period shall be extended by the number of days Lowenthal fails to deliver all such items to City.

#### **5. ENTRY**

During the Due Diligence Period and at all times prior to the Property Closing Date, City and its Agents may have reasonable access to the Property for the purposes of satisfying CITY with respect to the physical and environmental condition of the Property and the satisfaction of City’s Conditions Precedent (as defined in Section 6.1). City shall take all reasonable precautions to ensure that its activities undertaken pursuant to this Section 5 shall not disturb or damage any irrigation or other water conveyance facilities or waste water septic lines or other utilities located on the Property, and City shall be solely responsible, at its cost, to repair any damage to the Property or any of such facilities or water lines caused by City or its Agents as a result of its activities under this Section 5. City will indemnify, defend with counsel reasonably acceptable to Lowenthal, and hold Lowenthal harmless from all claims (including claims of lien for work or labor performed or materials or supplies furnished), demands, liabilities, losses, damages, costs, fees, and expenses, including Lowenthal’s reasonable attorney fees, costs, and expenses, arising from the acts or activities of City or City’s Agents or representatives in, on, or about the Property during or arising in connection with City’s inspections of the Property. In the event this Agreement is terminated for any reason, City shall restore the Property to substantially the condition it was found. This indemnity shall survive the termination of this Agreement or the Property Closing, as applicable, provided that Lowenthal must give City notice of any claim it

may have against City under such indemnity within eighteen (18) months after such termination or the Property Closing Date, as applicable.

## 6. CONDITIONS TO CLOSING

### 6.1 CITY's Conditions to Closing

The following are conditions precedent to City's obligation to purchase the Property (collectively, "**City's Conditions Precedent**"):

[a] City's review and approval, within the Due Diligence Period, of the condition of title to the Property.

[b] City's review and approval, within the Due Diligence Period, of the physical and environmental conditions of the Property.

[c] City's review and approval, within the Due Diligence Period, of the compliance of the Property with all applicable laws, regulations, permits and approvals.

[d] City's review and approval, within the Due Diligence Period, of (i) the following documents, to the extent such documents exist and are in the possession or control of Lowenthal (collectively, the "**Documents**") 1) Phase I Environmental Site Assessment reports, 2) City of Cupertino, California building permits; and (ii) such other information relating to the Property that is specifically requested by City of Lowenthal in writing during the Due Diligence Period (collectively, the "**Other Information**"). City acknowledges that all Documents and Other Information are being provided to City solely as an accommodation and Lowenthal makes no guarantee or warranty as to the adequacy or completeness of the Documents or Other Information for City's intended use of the Property.

[e] Title Company shall be committed at the Property Closing to issue to City the Title Policy (or Title Policies) subject to only the Accepted Conditions of Title as provided in Section 3.4 [Title Insurance].

[f] Lowenthal shall have delivered the items described in Section 7.3 below [Lowenthal's Delivery of Documents] on or before the Property Closing.

[g] Approval of this Agreement and the purchase of the Property by City's City Council.

[h] City has inspected the Property and determined that the Property is vacant and unoccupied.

If any of City's Conditions Precedent are not satisfied within the time periods set forth above, then City shall have the right in its sole discretion either to waive in writing the City's Condition Precedent in question and proceed with the purchase or, in the alternative, terminate this Agreement.

## **6.2 Lowenthal's Conditions to Closing**

The following are conditions precedent to Lowenthal's obligation to convey title to the Property (collectively, "**Lowenthal's Conditions Precedent**"):

[a] City shall have delivered the items described in Section 7.4 below [City's Delivery of Documents and Funds] on or before the Property Closing.

[b] City shall have authorized the award of a contract to a general contractor to construct the Trail Improvements.

If any of Lowenthal's Conditions Precedent are not satisfied, Lowenthal shall have the right in its sole discretion either to waive in writing the Lowenthal's Condition Precedent in question and proceed with the sale or, in the alternative, terminate this Agreement.

## **6.3 Cooperation with City**

Lowenthal shall cooperate with City and do all commercially reasonable acts as may be reasonably requested by City regarding the fulfillment of any City's Conditions Precedent, at no cost to Lowenthal. Lowenthal hereby irrevocably authorizes City and its Agents to make all inquiries with or to any person or entity, including, without limitation, any regulatory authority with jurisdiction as City may reasonably require to complete its due diligence investigations. City may make application to any regulatory authority with Lowenthal's prior written approval.

## **6.4 Waiver**

No waiver by either party at any time of any breach of any provision of this Agreement shall be deemed a waiver or a breach of any other provision herein or a consent to any subsequent breach of the same or another provision. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any one occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action.

## **7. ESCROW AND CLOSING**

### **7.1 Opening of Escrow**

On or before the Effective Date (as defined in Section 11.11), the parties shall open escrow by depositing an executed counterpart of this Agreement with Title Company, and this Agreement shall serve as instructions to Title Company as the escrow holder for consummation of the purchase and sale contemplated hereby. Lowenthal and City agree to execute such additional or supplementary instructions as may be appropriate to enable the escrow holder to comply with the terms of this Agreement and close the transaction; provided, however, that in the event of any conflict between the provisions of this Agreement and any additional supplementary instructions not executed by both parties, the terms of this Agreement shall control.

## **7.2 Closing Dates**

The consummation of the purchase and sale of the Property contemplated hereby (the “**Property Closing**”) shall be held and delivery of all items to be made at the Property Closing under the terms of this Agreement shall be made at the offices of Title Company located at 20100 Stevens Creek Blvd, Suite 100, Cupertino, California 95014, on or before the fifteenth (15th) calendar day following the City’s authorization to award a contract to a general contractor for construction of the Trail Improvements on the Property, or on such earlier date as City and Lowenthal may mutually agree (the “**Property Closing Date**”), subject to the provisions of Section 6.1 [City’s Conditions to Closing] and Section 6.2 [Lowenthal’s Conditions to Closing]. The Property Closing Date may not be extended without the prior written approval of both Lowenthal and City, except as otherwise expressly provided in this Agreement.

## **7.3 Lowenthal’s Delivery of Documents**

At or before the Property Closing, Lowenthal shall deliver into escrow, the following:

- [a] duly executed and acknowledged Deed;
- [b] properly executed affidavit pursuant to section 1445(b)(2) of the Federal Tax Code in the form attached hereto as Exhibit F, and on which City is entitled to rely, that Lowenthal is not a “foreign person” within the meaning of section 1445(f)(3) of the Federal Tax Code;
- [c] properly executed California Franchise Tax Board Form 590 certifying that Lowenthal is a California resident if Lowenthal is an individual, or Lowenthal has a permanent place of business in California or is qualified to do business in California if Lowenthal is a corporation, or other evidence satisfactory to City that Lowenthal is exempt from the withholding requirements of sections 18662 and 26131 of the State Tax Code;
- [d] assignments, deeds, grants, resolutions, authorizations, or other documents or agreements relating to Lowenthal as the Title Company may reasonably require to demonstrate the authority of Lowenthal to enter into this Agreement and consummate the transactions contemplated hereby, and such proof of the power and authority of the individuals executing any documents or other instruments on behalf of Lowenthal to act for and bind Lowenthal; and
- [e] closing statement in form and content satisfactory to City and Lowenthal.

## **7.4 City’s Delivery of Documents and Funds**

At or before the Property Closing, City shall deliver into escrow the following:

- [a] acceptance of the Deed executed by the City Manager, or her designee; and
- [b] closing statement in form and content satisfactory to City and Lowenthal.

## **8. EXPENSES AND TAXES**

### **8.1 Apportionments**

Amounts payable under any contracts assumed pursuant hereto, annual or periodic permit or inspection fees (calculated based on the period covered), and liability for other normal property operation and maintenance expenses and other recurring costs shall be apportioned as of the Property Closing Date. All utilities shall be prorated as of the Closing Date.

### **8.2 Closing Costs**

City shall pay the cost of the Survey, if any, the premium for the Title Policy and the cost of the endorsements thereto, any escrow and recording fees, and any transfer taxes. Lowenthal shall be responsible for all costs incurred in connection with the prepayment or satisfaction of any loan, bond, or other indebtedness secured by the Property. Any other costs and charges of the escrow for the sale not otherwise provided for in this Section or elsewhere in this Agreement shall be paid by City.

### **8.3 Real Estate Taxes and Special Assessments**

General real estate taxes payable for the tax year prior to the year of the Property Closing and all prior years shall be paid by Lowenthal at or before the Property Closing. General real estate taxes payable for the tax year of the Property Closing shall be prorated through escrow between Lowenthal and City as of the Property Closing Date. At or before the Property Closing, any special assessments against the Property shall be prorated through escrow.

### **8.4 Preliminary Closing Adjustment**

The Title Company shall prepare a preliminary Property Closing adjustment based on any apportionments or adjustments to be made based on payments or expenses and shall deliver such computation to Lowenthal and City prior to the Property Closing.

### **8.5 Post-Closing Reconciliation**

If any of the foregoing prorations cannot be calculated accurately on the Property Closing Date, then they shall be calculated as soon after the Property Closing Date as feasible. Either party owing the other party a sum of money based on such subsequent prorations shall promptly pay such sum to the other party within 10 days of receipt of invoice and proper documentation for such proration.

### **8.6 Survival**

The provisions of this Section shall survive the Property Closing.

## **9. REPRESENTATIONS AND WARRANTIES**

Lowenthal represents and warrants to and covenants with City as follows:

[a] To Lowenthal's Knowledge, as of the Effective Date, and as of the Property Closing Date, Lowenthal has received no formal written notice of any currently outstanding violations of any federal, state, county, or municipal law, ordinance, order, regulation, or requirement affecting the Property.

[b] To Lowenthal's Knowledge, Lowenthal has received no formal written notice of any condemnation, either instituted or planned to be instituted by any governmental or quasi-governmental agency other than City.

[c] To Lowenthal's Knowledge, Lowenthal has received no formal written notice of any litigation pending against Lowenthal or that affect the use or operation of the Property.

[d] Lowenthal has not granted any option or right of first refusal or first opportunity to any third party to acquire any interest in any of the Property.

[e] This Agreement and all documents executed by Lowenthal which are to be delivered to City at the Property Closing are, or at the Property Closing will be, duly authorized, executed and delivered by Lowenthal, are, or at the Property Closing will be, legal, valid and binding obligations of Lowenthal, enforceable against Lowenthal in accordance with their respective terms, and to Lowenthal's Knowledge, do not, and at the Property Closing will not, violate any provision of any agreement or judicial order to which Lowenthal is a party or to which Lowenthal or the Property is subject.

[f] Except as otherwise disclosed in writing by Lowenthal to City prior to the end of the Due Diligence Period, and except as expressly set forth in any Documents or Other Information delivered to City under Section 6.1[d], Lowenthal has received no written notice, and to Lowenthal Knowledge, that the Property is in violation of any federal, state and local laws, ordinances, and regulations applicable to the Property with respect to hazardous or toxic substances or industrial hygiene (collectively, "**Environmental Laws**").

[g] At the time of Property Closing, to the best of Lowenthal's Knowledge, there will be no leases or other occupancy agreements affecting any of the Property that survive the Property Closing. At the time of Property Closing, to Lowenthal's Knowledge, there will be no outstanding written or oral contracts made by Lowenthal for any of the Improvements that have not been fully paid for and Lowenthal shall cause to be discharged all mechanics' or materialmen's liens arising from any labor or materials furnished to the Property prior to the time of Property Closing.

[h] Lowenthal is not a "foreign person" within the meaning of section 1445(f)(3) of the Federal Tax Code.

As used in this Section 9, the term "to Lowenthal's Knowledge" means the actual present knowledge of Richard Lowenthal and Ellen Lowenthal, without any duty of inquiry or investigation either express or implied. As stated in paragraph 1.1 above, except for the representations and warranties provided herein, the Property shall be sold "as is" with all faults, whether known or unknown.

## 10. POSSESSION

Possession of the Property shall be delivered to City at the Closing.

## **11. GENERAL PROVISIONS**

### **11.1 Notices**

Any notice, consent or approval required or permitted to be given under this Agreement shall be in writing and shall be addressed as follows:

City:

City Manager  
City of Cupertino  
Cupertino City Hall  
10300 Torre Avenue  
Cupertino, CA 95014

Lowenthal:

Richard Lowenthal and Ellen Lowenthal  
21602 Villa Maria Ct  
Cupertino, CA 95014

or to such other address as either party may from time to time specify in writing to the other upon five (5) days' prior written notice in the manner provided above. Any notice given by personal delivery or delivery service will be deemed effective on the date of receipted delivery, upon refusal to accept delivery or when delivery is first attempted but cannot be made due to a change of address for which no notice was given. Any notice sent by facsimile shall be deemed given by the date reflected by the facsimile confirmation receipt. Any notice that may be given by any party in connection with this Agreement may be given by such party's attorney.

### **11.2 Brokers and Finders**

Neither party has had any contact or dealings regarding the Property, or any communication in connection with the subject matter of this transaction, through any licensed real estate broker or other person who could claim a right to a commission or finder's fee in connection with the purchase and sale contemplated herein.

### **11.3 Successors and Assigns**

This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, administrators, and assigns.

### **11.4 Amendments**

Except as otherwise provided herein, this Agreement may be amended or modified only by a written instrument executed by City and Lowenthal.

### **11.5 Continuation and Survival of Representations and Warranties**

All representations and warranties by the respective parties contained herein or made in writing pursuant to this Agreement are intended to be, and shall remain, true and correct as of the

Property Closing, shall be deemed to be material, and, together with all conditions, covenants and indemnities made by the respective parties contained herein or made in writing pursuant to this Agreement (except as otherwise expressly limited or expanded by the terms of this Agreement), shall survive the execution and delivery of this Agreement and the Property Closing, or, to the extent the context requires, beyond any termination of this Agreement, provided all representations and warranties set forth in Section 9.1 shall survive for a period of eighteen (18) months following the Property Closing Date. All statements contained in any certificate or other instrument delivered at any time by or on behalf of Lowenthal in conjunction with the transaction contemplated hereby shall constitute representations and warranties hereunder.

#### **11.6 Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action to enforce the terms of this Agreement shall be filed in a court of competent jurisdiction in Santa Clara County, California.

#### **11.7 Merger of Prior Agreements**

The parties intend that this Agreement (including all of the attached exhibits and schedules, which are incorporated into this Agreement by reference) shall be the final expression of their agreement with respect to the subject matter hereof and may not be contradicted by evidence of any prior or contemporaneous oral or written agreements or understandings. The parties further intend that this Agreement shall constitute the complete and exclusive statement of its terms and that no extrinsic evidence whatsoever (including, without limitation, prior drafts or changes therefrom) may be introduced in any judicial, administrative or other legal proceeding involving this Agreement.

#### **11.8 Non-Liability of City Officials, Employees and Agents**

Notwithstanding anything to the contrary in this Agreement, no Board member, officer, employee or agent of City shall be personally liable to Lowenthal, its successors and assigns, in the event of any default or breach by City or for any amount which may become due to Lowenthal, its successors and assigns, or for any obligation of City under this Agreement.

#### **11.9 Counterparts**

This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

#### **11.11 Effective Date**

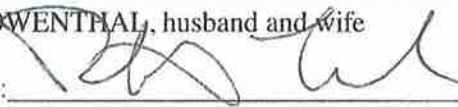
As used herein, the term “**Effective Date**” shall mean the date this Agreement is executed by both parties hereto.

**[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]**




The parties have duly executed this Agreement as of the respective dates written below.

RICHARD LOWENTHAL AND ELLEN  
LOWENTHAL, husband and wife

By: 

Richard Lowenthal

Date: 10/11/2019

By: 

Ellen Lowenthal


Date: 10/11/2019

CITY OF CUPERTINO, a California  
municipal corporation

By: \_\_\_\_\_  
Deborah Feng, City Manager

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By:   
Andrew Schwartz, City's Counsel

Title Company agrees to act as escrow holder in accordance with the terms of this Agreement and act as the Reporting Person under section 6045(e) of the United States Internal Revenue Code of 1986 and the regulations promulgated thereunder, which require an information return to be made to the United States Internal Revenue Service, and a statement to be furnished to Lowenthal, in connection with this transaction. Title Company's failure to execute below shall not invalidate this Agreement between the City and Lowenthal.

CHICAGO TITLE INSURANCE COMPANY

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF THE PROPERTY**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CUPERTINO, IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

A PORTION OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 2 WEST, MOUNT DIABLO MERIDIAN.

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF MCCLELLAN ROAD AT THE APPROXIMATE CENTER OF STEVENS CREEK, SAID POINT OF BEGINNING BEING DISTANT NORTH 47° 35' WEST 131.34 FEET FROM A STAKE MARKED M-6, SAID STAKE BEING MENTIONED IN THAT CERTAIN DECREE OF DISTRIBUTION ENTERED IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA, ON APRIL 19, 1938 IN THE MATTER OF THE ESTATE OF KAY SPENCE, DECEASED, CASE NO. 21640, A CERTIFIED COPY OF WHICH DECREE WAS RECORDED NOVEMBER 29, 1939 IN BOOK 956 OF OFFICIAL RECORDS, PAGE 379, SANTA CLARA COUNTY RECORDS, SAID STAKE M-6 BEING ALSO SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF 53 ACRE PARCEL PROPERTY OF KAY SPENCE," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 18, 1945 IN BOOK 9 OF MAPS, AT PAGE 6; THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTHEASTERLY LINE OF THE 53 ACRE PARCEL SHOWN UPON SAID RECORD OF SURVEY THE FOLLOWING COURSES AND DISTANCES: SOUTH 30° 06' 20" EAST 131.94 FEET, SOUTH 39° 41' 30" EAST 73.56 FEET, SOUTH 32° 05' 40" EAST 220.36 FEET, SOUTH 43° 15' 40" EAST 110.33 FEET, SOUTH 52° 55' EAST 72.32 FEET, SOUTH 61° 20' EAST 100.34 FEET, SOUTH 56° 45' EAST 255.29 FEET, SOUTH 44° 00' EAST 62.69 FEET, SOUTH 28° 29' 50" EAST 81.35 FEET, SOUTH 25° 30' EAST 86.94 FEET, SOUTH 5° 30' EAST 90.69 FEET, SOUTH 3° 45' WEST 359.62 FEET AND SOUTH 32° 24' EAST 174.98 FEET TO THE MOST EASTERLY CORNER OF SAID 53 ACRE PARCEL; THENCE NORTH 80° 42' 50" EAST ALONG THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID 53 ACRE PARCEL FOR A DISTANCE OF 43.49 FEET TO A POINT IN THE EASTERLY LINE OF LAND SO DESCRIBED IN SAID DECREE OF DISTRIBUTION ABOVE REFERRED TO; THENCE ALONG THE EASTERLY LINE OF LAND SO DESCRIBED IN THE DECREE OF DISTRIBUTION FOR THE FOLLOWING COURSES AND DISTANCES: NORTH 33° 00' WEST 179.00 FEET TO A STAKE MARKED MB-8; THENCE NORTH 3° 45' EAST 349.80 FEET TO A STAKE MARKED MB-9; THENCE NORTH 5° 30' WEST 100.98 FEET TO A STAKE MARKED MB-10; THENCE NORTH 25° 30' WEST 95.04 FEET TO A STAKE MARKED MB-11; THENCE NORTH 33° 30' WEST 83.82 FEET TO A STAKE MARKED MB-12; THENCE NORTH 44° WEST 72.60 FEET TO A STAKE MARKED MB-1 AT THE WESTERNMOST CORNER OF THAT CERTAIN 14.40 ACRE PARCEL OF LAND DESCRIBED IN BOOK 105 OF DEEDS, PAGE 23, SANTA CLARA COUNTY RECORDS;

THENCE NORTH 56° 45' WEST 261.36 FEET; THENCE NORTH 61° 45' WEST 99.00 FEET; THENCE NORTH 52° 55' WEST 66.00 FEET; THENCE NORTH 43° 40' WEST 104.28 FEET; THENCE NORTH 32° 05' WEST 219.12 FEET; THENCE NORTH 39° 45' WEST 75.90 FEET TO A STAKE MARKED M-6 AT AN ANGLE CORNER IN THE SOUTHERLY LINE OF MCCLELLAN ROAD; THENCE ALONG SAID SOUTHERLY LINE OF MCCLELLAN ROAD NORTH 47° 35' WEST 131.34 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, OVER THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED FROM VALLEY TITLE COMPANY OF SANTA CLARA COUNTY, A CORPORATION, TO ESTEN H. BAKER, ET UX, DATED NOVEMBER 15, 1963, RECORDED NOVEMBER 18, 1963 IN BOOK 6275 OFFICIAL RECORDS, PAGE 520, SANTA CLARA COUNTY RECORDS, WITH THE CURVED WESTERLY LINE OF LINDA VISTA DRIVE (60.00 FEET IN WIDTH); THENCE FROM SAID POINT OF BEGINNING NORTH 80° 26' 07" WEST ALONG THE SOUTHERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID BAKER AND ITS WESTERLY PROLONGATION FOR A DISTANCE OF 373.97 FEET TO A 3/4 INCH IRON PIPE; THENCE SOUTH 9° 33' 53" WEST 60.00 FEET; THENCE SOUTH 80° 26' 07" EAST 393.38 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE WESTERLY LINE OF TRACT NO. 3492 BAYWOOD TERRACE UNIT NO. 3, A MAP OF WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON AUGUST 27, 1963 IN BOOK 165 OF MAPS, AT PAGES 44 AND 45; THENCE NORTH 0° 14' 21" EAST ALONG THE SAID WESTERLY LINE OF TRACT NO. 3492 FOR A DISTANCE OF 41.38 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE SAID CURVED WESTERLY LINE OF LINDA VISTA DRIVE; THENCE NORTHWESTERLY ALONG SAID CURVED WESTERLY LINE OF LINDA VISTA DRIVE, ALONG AN ARC OF A CURVE TO THE RIGHT, FROM A TANGENT BEARING NORTH 27° 50' 01" WEST, WITH A RADIUS OF 170.00 FEET THROUGH A CENTRAL ANGLE OF 7° 45' 19" FOR AN ARC DISTANCE OF 23.01 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT TO BE RELINQUISHED AT SUCH TIME SAID EASEMENT IS DEDICATED FOR PUBLIC ROADWAY.

PARCEL THREE:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, APPURTENANT TO THE ABOVE DESCRIBED PARCELS, OVER A STRIP OF LAND 40.00 FEET IN WIDTH WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED FROM VALLEY TITLE

COMPANY OF SANTA CLARA COUNTY, A CORPORATION, TO ESTEN H. BAKER, ET UX, DATED NOVEMBER 15, 1963, RECORDED NOVEMBER 18, 1963 IN BOOK 6275 OFFICIAL RECORDS, PAGE 520, SANTA CLARA COUNTY RECORDS, WITH THE CURVED WESTERLY LINE OF LINDA VISTA (60.00 FEET IN WIDTH); THENCE FROM SAID POINT OF BEGINNING NORTH 30° 26' 07" WEST ALONG SAID SOUTHERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID BAKER FOR A DISTANCE OF 203.97 FEET TO A 3/4 INCH IRON PIPE SET AT THE SOUTHWESTERLY CORNER THEREOF, SAID POINT ALSO BEING AN ANGLE CORNER IN THE EASTERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THAT CERTAIN DECREE OF DISTRIBUTION ENTERED IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA, ON APRIL 19, 1938 IN THE MATTER OF THE ESTATE OF KAY SPENCE, DECEASED, CASE NO. 21640, A CERTIFIED COPY OF WHICH DECREE WAS RECORDED NOVEMBER 29, 1939 IN BOOK 956 OF OFFICIAL RECORDS, PAGE 379, SANTA CLARA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING ALONG SAID EASTERLY LINE OF LAND SO DESCRIBED IN SAID DECREE OF DISTRIBUTION FOR THE FOLLOWING COURSES AND DISTANCES; NORTH 7° 51' 17" EAST 151.75 FEET TO A 3/4 INCH IRON PIPE; THENCE NORTH 12° 36' 27" EAST 125.37 FEET TO A 3/4 INCH IRON PIPE; THENCE NORTH 1° 23' 53" WEST 163.62 FEET TO A 3/4 INCH IRON PIPE AND NORTH 32° 23' 23" WEST 364.25 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF THAT CERTAIN 53 ACRE TRACT OF LAND AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF 53 ACRE PARCEL PROPERTY OF KAY SPENCE" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 18, 1945 IN BOOK 9 OF MAPS, AT PAGE 6 AND THE TERMINUS OF SAID EASEMENT.

THE NORTHERLY TERMINUS OF SAID EASEMENT HAVING A BEARING OF SOUTH 80° 42' 50" WEST AND THE SOUTHERLY TERMINUS OF SAID EASEMENT HAVING A BEARING OF NORTH 80° 26' 07" WEST.

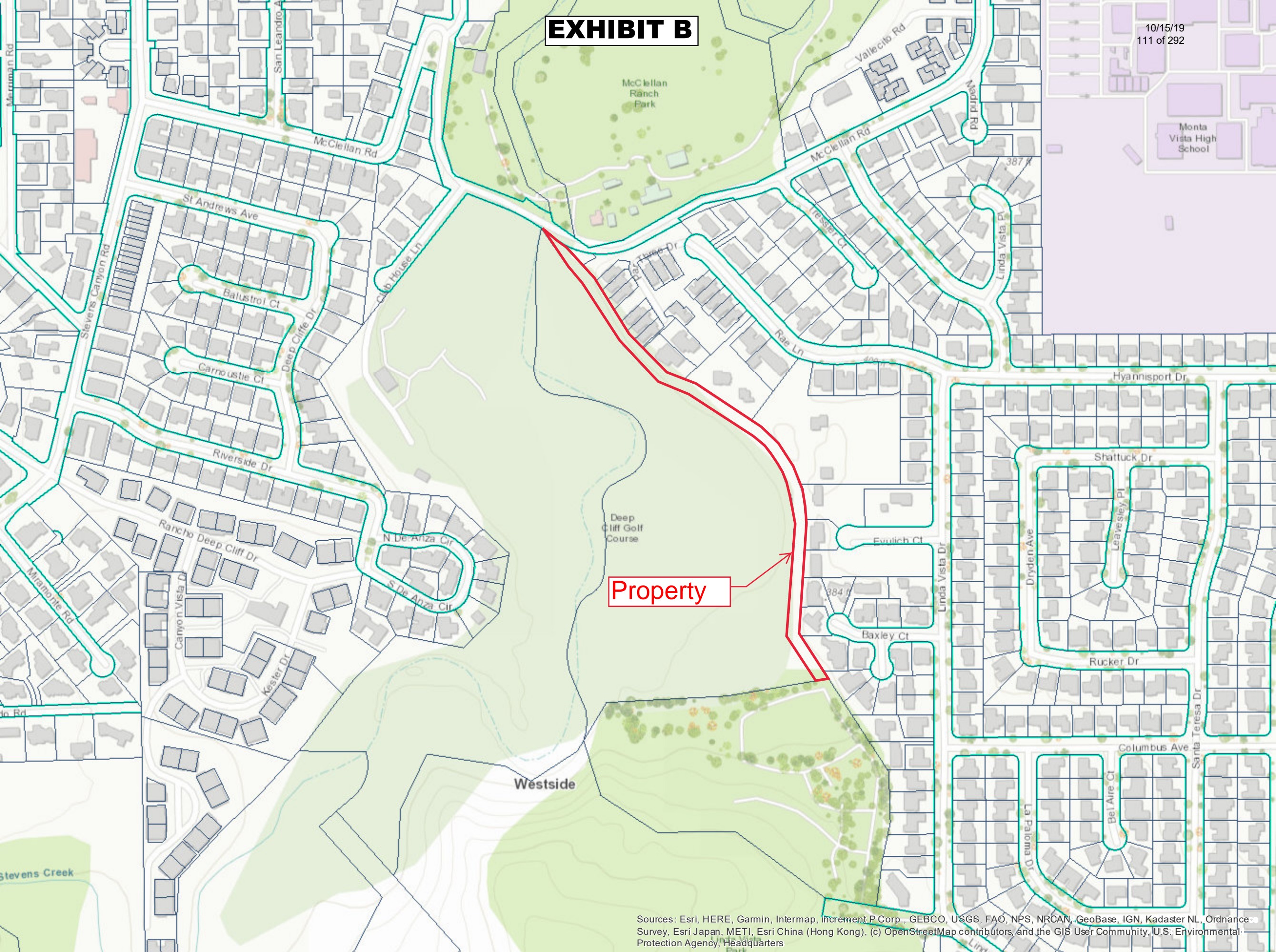
APN: 356-05-005

**EXHIBIT B**  
**PLAT OF THE PROPERTY**



# EXHIBIT B

10/15/19  
111 of 292



Property



**EXHIBIT C**  
**AERIAL PHOTO OF THE PROPERTY**



# EXHIBIT C

10/15/19  
113 of 292

Property



**EXHIBIT D**  
**GRANT DEED**

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Deborah Feng, City Manager  
City of Cupertino  
City Hall  
10300 Torre Avenue  
Cupertino, CA 95014

**No Recording Fee Per  
Government Code 6103**

**No Document Transfer Tax  
Per R & T Code 11922**

Santa Clara County, California  
APN 356-05-005

(Space above this line reserved for Recorder's use only)

**GRANT DEED**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, RICHARD LOWENTHAL AND ELLEN LOWENTHAL, husband and wife ("Grantors"), hereby grants to the CITY OF CUPERTINO, a California municipal corporation ("Grantee"), the real property located in the City of Cupertino, County of Santa Clara, State of California, described on Exhibit A and shown as "Property" on Exhibit B, both attached hereto and made a part hereof (the "Property").

TOGETHER WITH any and all rights, privileges, and easements incidental or appurtenant to the Property, including, without limitation, any and all minerals, oil, gas and other hydrocarbon substances on and under the Property, but with no right of surface extraction of oil, gas and other hydrocarbon substances on the Property, as well as any and all development rights, air rights relating to the Property, any water, water rights, riparian rights and water stock relating to the Property and any and all easements, rights-of-way or other appurtenances used in connection with the beneficial use and enjoyment of the Property and all of Grantor's right, title, and interest in and to any and all roads and alleys adjoining or servicing the Property.

SUBJECT TO GRANTEE'S COVENANT that Grantee and its successors and assigns shall maintain the Property exclusively for public use for recreation and non-motorized transportation in perpetuity. Grantee shall have sole discretion to (a) adopt and enforce rules and regulations regarding public access to and use of the Property; (b) adopt and enforce rules and regulations to protect the public health, safety, and enjoyment of the Property; and (c) design, fund, construct, install, maintain, repair, and demolish improvements and fixtures on the Property.

If Grantee is dissolved or its respective designation changed by or under law, such agency's powers, duties, rights, and functions under this Deed shall be transferred under any applicable provisions of such laws.

Executed as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Richard Lowenthal and Ellen Lowenthal,  
husband and wife

By: \_\_\_\_\_  
Richard Lowenthal

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Ellen Lowenthal

Date: \_\_\_\_\_

Exhibit A

LEGAL DESCRIPTION OF THE PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CUPERTINO, IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

A PORTION OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 2 WEST, MOUNT DIABLO MERIDIAN.

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF MCCLELLAN ROAD AT THE APPROXIMATE CENTER OF STEVENS CREEK, SAID POINT OF BEGINNING BEING DISTANT NORTH 47° 35' WEST 131.34 FEET FROM A STAKE MARKED M-6, SAID STAKE BEING MENTIONED IN THAT CERTAIN DECREE OF DISTRIBUTION ENTERED IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA, ON APRIL 19, 1938 IN THE MATTER OF THE ESTATE OF KAY SPENCE, DECEASED, CASE NO. 21640, A CERTIFIED COPY OF WHICH DECREE WAS RECORDED NOVEMBER 29, 1939 IN BOOK 956 OF OFFICIAL RECORDS, PAGE 379, SANTA CLARA COUNTY RECORDS, SAID STAKE M-6 BEING ALSO SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF 53 ACRE PARCEL PROPERTY OF KAY SPENCE," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 18, 1945 IN BOOK 9 OF MAPS, AT PAGE 6; THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTHEASTERLY LINE OF THE 53 ACRE PARCEL SHOWN UPON SAID RECORD OF SURVEY THE FOLLOWING COURSES AND DISTANCES: SOUTH 30° 06' 20" EAST 131.94 FEET, SOUTH 39° 41' 30" EAST 73.56 FEET, SOUTH 32° 05' 40" EAST 220.36 FEET, SOUTH 43° 15' 40" EAST 110.33 FEET, SOUTH 52° 55' EAST 72.32 FEET, SOUTH 61° 20' EAST 100.34 FEET, SOUTH 56° 45' EAST 255.29 FEET, SOUTH 44° 00' EAST 62.69 FEET, SOUTH 28° 29' 50" EAST 81.35 FEET, SOUTH 25° 30' EAST 86.94 FEET, SOUTH 5° 30' EAST 90.69 FEET, SOUTH 3° 45' WEST 359.62 FEET AND SOUTH 32° 24' EAST 174.98 FEET TO THE MOST EASTERLY CORNER OF SAID 53 ACRE PARCEL; THENCE NORTH 80° 42' 50" EAST ALONG THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID 53 ACRE PARCEL FOR A DISTANCE OF 43.49 FEET TO A POINT IN THE EASTERLY LINE OF LAND SO DESCRIBED IN SAID DECREE OF DISTRIBUTION ABOVE REFERRED TO; THENCE ALONG THE EASTERLY LINE OF LAND SO DESCRIBED IN THE DECREE OF DISTRIBUTION FOR THE FOLLOWING COURSES AND DISTANCES: NORTH 33° 00' WEST 179.00 FEET TO A STAKE MARKED MB-8; THENCE NORTH 3° 45' EAST 349.80 FEET TO A STAKE MARKED MB-9; THENCE NORTH 5° 30' WEST 100.98 FEET TO A STAKE MARKED MB-10; THENCE NORTH 25° 30' WEST 95.04 FEET TO A STAKE MARKED MB-11; THENCE NORTH 33° 30' WEST 83.82 FEET TO A STAKE MARKED

MB-12; THENCE NORTH 44° WEST 72.60 FEET TO A STAKE MARKED MB-1 AT THE WESTERNMOST CORNER OF THAT CERTAIN 14.40 ACRE PARCEL OF LAND DESCRIBED IN BOOK 105 OF DEEDS, PAGE 23, SANTA CLARA COUNTY RECORDS; THENCE NORTH 56° 45' WEST 261.36 FEET; THENCE NORTH 61° 45' WEST 99.00 FEET; THENCE NORTH 52° 55' WEST 66.00 FEET; THENCE NORTH 43° 40' WEST 104.28 FEET; THENCE NORTH 32° 05' WEST 219.12 FEET; THENCE NORTH 39° 45' WEST 75.90 FEET TO A STAKE MARKED M-6 AT AN ANGLE CORNER IN THE SOUTHERLY LINE OF MCCLELLAN ROAD; THENCE ALONG SAID SOUTHERLY LINE OF MCCLELLAN ROAD NORTH 47° 35' WEST 131.34 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, OVER THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED FROM VALLEY TITLE COMPANY OF SANTA CLARA COUNTY, A CORPORATION, TO ESTEN H. BAKER, ET UX, DATED NOVEMBER 15, 1963, RECORDED NOVEMBER 18, 1963 IN BOOK 6275 OFFICIAL RECORDS, PAGE 520, SANTA CLARA COUNTY RECORDS, WITH THE CURVED WESTERLY LINE OF LINDA VISTA DRIVE (60.00 FEET IN WIDTH); THENCE FROM SAID POINT OF BEGINNING NORTH 80° 26' 07" WEST ALONG THE SOUTHERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID BAKER AND ITS WESTERLY PROLONGATION FOR A DISTANCE OF 373.97 FEET TO A 3/4 INCH IRON PIPE; THENCE SOUTH 9° 33' 53" WEST 60.00 FEET; THENCE SOUTH 80° 26' 07" EAST 393.38 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE WESTERLY LINE OF TRACT NO. 3492 BAYWOOD TERRACE UNIT NO. 3, A MAP OF WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON AUGUST 27, 1963 IN BOOK 165 OF MAPS, AT PAGES 44 AND 45; THENCE NORTH 0° 14' 21" EAST ALONG THE SAID WESTERLY LINE OF TRACT NO. 3492 FOR A DISTANCE OF 41.38 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE SAID CURVED WESTERLY LINE OF LINDA VISTA DRIVE; THENCE NORTHWESTERLY ALONG SAID CURVED WESTERLY LINE OF LINDA VISTA DRIVE, ALONG AN ARC OF A CURVE TO THE RIGHT, FROM A TANGENT BEARING NORTH 27° 50' 01" WEST, WITH A RADIUS OF 170.00 FEET THROUGH A CENTRAL ANGLE OF 7° 45' 19" FOR AN ARC DISTANCE OF 23.01 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT TO BE RELINQUISHED AT SUCH TIME SAID EASEMENT IS DEDICATED FOR PUBLIC ROADWAY.

PARCEL THREE:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, APPURTENANT TO THE ABOVE DESCRIBED PARCELS, OVER A STRIP OF LAND 40.00 FEET IN WIDTH WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED FROM VALLEY TITLE COMPANY OF SANTA CLARA COUNTY, A CORPORATION, TO ESTEN H. BAKER, ET UX, DATED NOVEMBER 15, 1963, RECORDED NOVEMBER 18, 1963 IN BOOK 6275 OFFICIAL RECORDS, PAGE 520, SANTA CLARA COUNTY RECORDS, WITH THE CURVED WESTERLY LINE OF LINDA VISTA (60.00 FEET IN WIDTH); THENCE FROM SAID POINT OF BEGINNING NORTH 30° 26' 07" WEST ALONG SAID SOUTHERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID BAKER FOR A DISTANCE OF 203.97 FEET TO A 3/4 INCH IRON PIPE SET AT THE SOUTHWESTERLY CORNER THEREOF, SAID POINT ALSO BEING AN ANGLE CORNER IN THE EASTERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THAT CERTAIN DECREE OF DISTRIBUTION ENTERED IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA, ON APRIL 19, 1938 IN THE MATTER OF THE ESTATE OF KAY SPENCE, DECEASED, CASE NO. 21640, A CERTIFIED COPY OF WHICH DECREE WAS RECORDED NOVEMBER 29, 1939 IN BOOK 956 OF OFFICIAL RECORDS, PAGE 379, SANTA CLARA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING ALONG SAID EASTERLY LINE OF LAND SO DESCRIBED IN SAID DECREE OF DISTRIBUTION FOR THE FOLLOWING COURSES AND DISTANCES; NORTH 7° 51' 17" EAST 151.75 FEET TO A 3/4 INCH IRON PIPE; THENCE NORTH 12° 36' 27" EAST 125.37 FEET TO A 3/4 INCH IRON PIPE; THENCE NORTH 1° 23' 53" WEST 163.62 FEET TO A 3/4 INCH IRON PIPE AND NORTH 32° 23' 23" WEST 364.25 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF THAT CERTAIN 53 ACRE TRACT OF LAND AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF 53 ACRE PARCEL PROPERTY OF KAY SPENCE" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 18, 1945 IN BOOK 9 OF MAPS, AT PAGE 6 AND THE TERMINUS OF SAID EASEMENT.

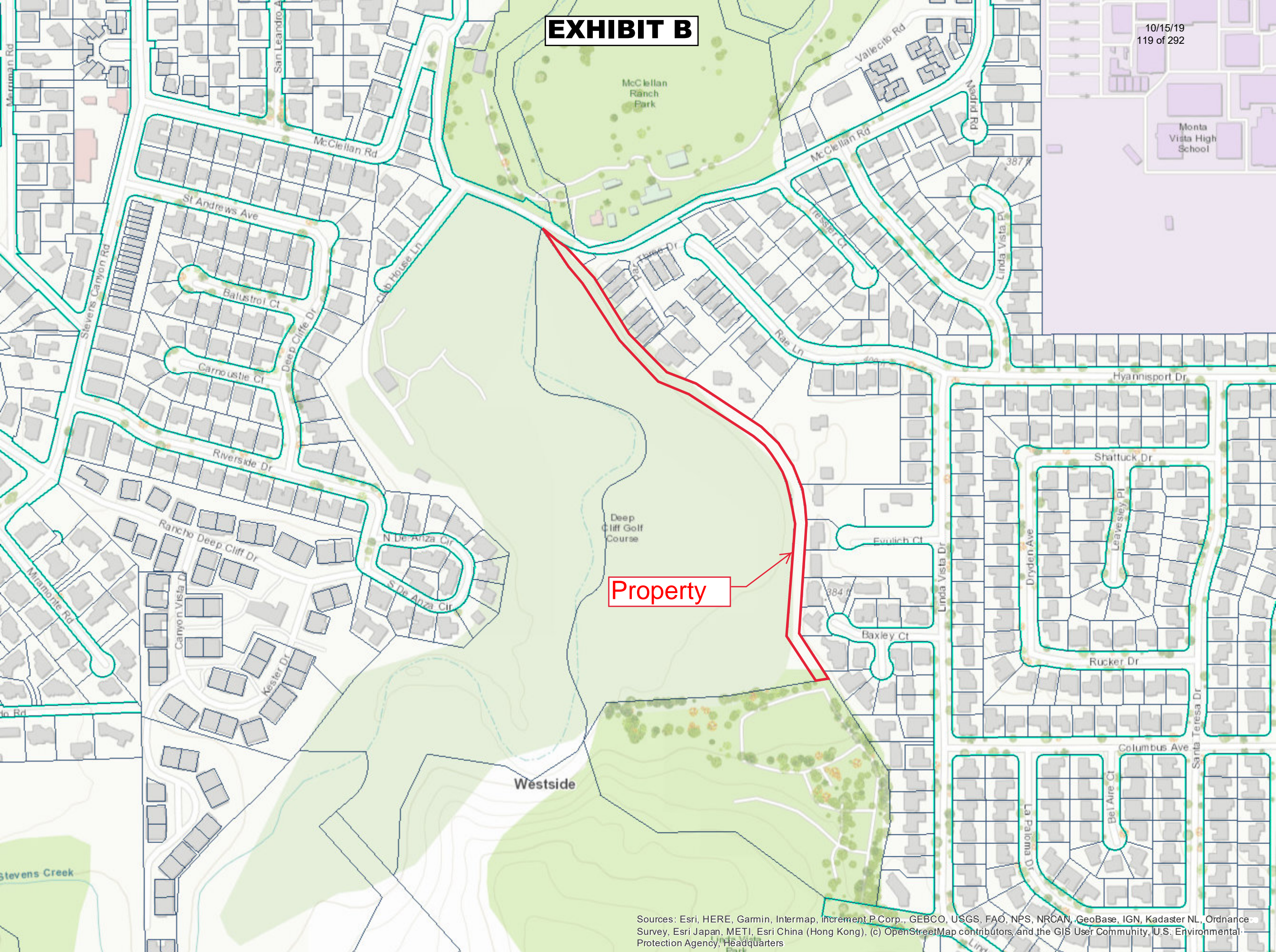
THE NORTHERLY TERMINUS OF SAID EASEMENT HAVING A BEARING OF SOUTH 80° 42' 50" WEST AND THE SOUTHERLY TERMINUS OF SAID EASEMENT HAVING A BEARING OF NORTH 80° 26' 07" WEST.

APN: 356-05-005



# EXHIBIT B

10/15/19  
119 of 292



Property



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_,

Notary Public, personally appeared (insert name and title of the officer) \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.**

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_,  
Notary Public, personally appeared (insert name and title of the officer) \_\_\_\_\_, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument, and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.**

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(seal)

CERTIFICATE OF ACCEPTANCE

Sacramento County, California  
APN 356-05-005

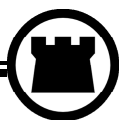
This is to certify that the interest in real property conveyed by this deed dated \_\_\_\_\_  
from Richard Lowenthal and Ellen Lowenthal to the City of Cupertino ("City"), is hereby  
accepted pursuant to City Council Resolution No. \_\_\_\_\_ adopted on  
\_\_\_\_\_, 2019, and the City consents to recordation thereof by its duly authorized  
officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Deborah Feng  
City Manager

**EXHIBIT E**  
**PRELIMINARY TITLE REPORT**



Issuing Policies of **Chicago Title Insurance Company**

Order No.: 15606696-156-TJK-MC1

Title Officer: Mark Clayton

TO:

Escrow Officer: Terina J. Kung  
455 Market Street, Suite 2100  
San Francisco, CA 94105  
(415) 788-0871

**Chicago Title Company**  
**455 Market Street, Suite 2100**  
**San Francisco, CA 94105**  
Phone: (415) 788-0871  
ATTN: Terina J. Kung

**PROPERTY ADDRESS: Linda Vista Trail, Cupertino, CA**

**PRELIMINARY REPORT**

*In response to the application for a policy of title insurance referenced herein, **Chicago Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.*

*The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.*

*This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.*

*The policy(s) of title insurance to be issued hereunder will be policy(s) of **Chicago Title Insurance Company**, a **Florida** corporation.*

***Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.***

***It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.***

**Chicago Title Company**

By:   
Authorized Signature



By:

ATTEST



President



Secretary



## PRELIMINARY REPORT

**EFFECTIVE DATE:** **August 1, 2019** at 7:30 a.m.

**ORDER NO.:** **15606696-156-TJK-MC1**

The form of policy or policies of title insurance contemplated by this report is:

**ALTA Extended Owners Policy (6-17-06)**

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

**A Fee as to Parcel One and Easement as to Parcels Two and Three**

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS [VESTED IN:](#)

**Richard Lowenthal and Ellen Lowenthal, husband and wife as community property**

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

**See Exhibit A attached hereto and made a part hereof.**

## EXHIBIT A

### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED **IN THE CITY OF CUPERTINO**, IN THE COUNTY OF **SANTA CLARA**, STATE OF **CALIFORNIA**, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

A PORTION OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 2 WEST, MOUNT DIABLO MERIDIAN.

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF MCCLELLAN ROAD AT THE APPROXIMATE CENTER OF STEVENS CREEK, SAID POINT OF BEGINNING BEING DISTANT NORTH 47° 35' WEST 131.34 FEET FROM A STAKE MARKED M-6, SAID STAKE BEING MENTIONED IN THAT CERTAIN DECREE OF DISTRIBUTION ENTERED IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA, ON APRIL 19, 1938 IN THE MATTER OF THE ESTATE OF KAY SPENCE, DECEASED, CASE NO. 21640, A CERTIFIED COPY OF WHICH DECREE WAS RECORDED NOVEMBER 29, 1939 IN [BOOK 956 OF OFFICIAL RECORDS, PAGE 379](#), SANTA CLARA COUNTY RECORDS, SAID STAKE M-6 BEING ALSO SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF 53 ACRE PARCEL PROPERTY OF KAY SPENCE," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 18, 1945 IN [BOOK 9 OF MAPS, AT PAGE 6](#); THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTHEASTERLY LINE OF THE 53 ACRE PARCEL SHOWN UPON SAID RECORD OF SURVEY THE FOLLOWING COURSES AND DISTANCES: SOUTH 30° 06' 20" EAST 131.94 FEET, SOUTH 39° 41' 30" EAST 73.56 FEET, SOUTH 32° 05' 40" EAST 220.36 FEET, SOUTH 43° 15' 40" EAST 110.33 FEET, SOUTH 52° 55' EAST 72.32 FEET, SOUTH 61° 20' EAST 100.34 FEET, SOUTH 56° 45' EAST 255.29 FEET, SOUTH 44° 00' EAST 62.69 FEET, SOUTH 28° 29' 50" EAST 81.35 FEET, SOUTH 25° 30' EAST 86.94 FEET, SOUTH 5° 30' EAST 90.69 FEET, SOUTH 3° 45' WEST 359.62 FEET AND SOUTH 32° 24' EAST 174.98 FEET TO THE MOST EASTERLY CORNER OF SAID 53 ACRE PARCEL; THENCE NORTH 80° 42' 50" EAST ALONG THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID 53 ACRE PARCEL FOR A DISTANCE OF 43.49 FEET TO A POINT IN THE EASTERLY LINE OF LAND SO DESCRIBED IN SAID DECREE OF DISTRIBUTION ABOVE REFERRED TO; THENCE ALONG THE EASTERLY LINE OF LAND SO DESCRIBED IN THE DECREE OF DISTRIBUTION FOR THE FOLLOWING COURSES AND DISTANCES: NORTH 33° 00' WEST 179.00 FEET TO A STAKE MARKED MB-8; THENCE NORTH 3° 45' EAST 349.80 FEET TO A STAKE MARKED MB-9; THENCE NORTH 5° 30' WEST 100.98 FEET TO A STAKE MARKED MB-10; THENCE NORTH 25° 30' WEST 95.04 FEET TO A STAKE MARKED MB-11; THENCE NORTH 33° 30' WEST 83.82 FEET TO A STAKE MARKED MB-12; THENCE NORTH 44° WEST 72.60 FEET TO A STAKE MARKED MB-1 AT THE WESTERNMOST CORNER OF THAT CERTAIN 14.40 ACRE PARCEL OF LAND DESCRIBED IN [BOOK 105 OF DEEDS, PAGE 23](#), SANTA CLARA COUNTY RECORDS; THENCE NORTH 56° 45' WEST 261.36 FEET; THENCE NORTH 61° 45' WEST 99.00 FEET; THENCE NORTH 52° 55' WEST 66.00 FEET; THENCE NORTH 43° 40' WEST 104.28 FEET; THENCE NORTH 32° 05' WEST 219.12 FEET; THENCE NORTH 39° 45' WEST 75.90 FEET TO A STAKE MARKED M-6 AT AN ANGLE CORNER IN THE SOUTHERLY LINE OF MCCLELLAN ROAD; THENCE ALONG SAID SOUTHERLY LINE OF MCCLELLAN ROAD NORTH 47° 35' WEST 131.34 FEET TO THE POINT OF BEGINNING.

## EXHIBIT A (Continued)

### PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, OVER THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF OF LAND DESCRIBED IN THE DEED FROM VALLEY TITLE COMPANY OF SANTA CLARA COUNTY, A CORPORATION, TO ESTEN H. BAKER, ET UX, DATED NOVEMBER 15, 1963, RECORDED NOVEMBER 18, 1963 IN [BOOK 6275 OFFICIAL RECORDS, PAGE 520](#), SANTA CLARA COUNTY RECORDS, WITH THE CURVED WESTERLY LINE OF LINDA VISTA DRIVE (60.00 FEET IN WIDTH); THENCE FROM SAID POINT OF BEGINNING NORTH 80° 26' 07" WEST ALONG THE SOUTHERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID BAKER AND ITS WESTERLY PROLONGATION FOR A DISTANCE OF 373.97 FEET TO A 3/4 INCH IRON PIPE; THENCE SOUTH 9° 33' 53" WEST 60.00 FEET; THENCE SOUTH 80° 26' 07" EAST 393.38 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE WESTERLY LINE OF TRACT NO. 3492 BAYWOOD TERRACE UNIT NO. 3, A MAP OF WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON AUGUST 27, 1963 IN [BOOK 165 OF MAPS, AT PAGES 44](#) AND 45; THENCE NORTH 0° 14' 21" EAST ALONG THE SAID WESTERLY LINE OF TRACT NO. 3492 FOR A DISTANCE OF 41.38 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE SAID CURVED WESTERLY LINE OF LINDA VISTA DRIVE; THENCE NORTHWESTERLY ALONG SAID CURVED WESTERLY LINE OF LINDA VISTA DRIVE, ALONG AN ARC OF A CURVE TO THE RIGHT, FROM A TANGENT BEARING NORTH 27° 50' 01" WEST, WITH A RADIUS OF 170.00 FEET THROUGH A CENTRAL ANGLE OF 7° 45' 19" FOR AN ARC DISTANCE OF 23.01 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT TO BE RELINQUISHED AT SUCH TIME SAID EASEMENT IS DEDICATED FOR PUBLIC ROADWAY.

### PARCEL THREE:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, APPURTENANT TO THE ABOVE DESCRIBED PARCELS, OVER A STRIP OF LAND 40.00 FEET IN WIDTH WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED FROM VALLEY TITLE COMPANY OF SANTA CLARA COUNTY, A CORPORATION, TO ESTEN H. BAKER, ET UX, DATED NOVEMBER 15, 1963, RECORDED NOVEMBER 18, 1963 IN [BOOK 6275 OFFICIAL RECORDS, PAGE 520](#), SANTA CLARA COUNTY RECORDS, WITH THE CURVED WESTERLY LINE OF LINDA VISTA (60.00 FEET IN WIDTH); THENCE FROM SAID POINT OF BEGINNING NORTH 30° 26' 07" WEST ALONG SAID SOUTHERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID BAKER FOR A DISTANCE OF 203.97 FEET TO A 3/4 INCH IRON PIPE SET AT THE SOUTHWESTERLY CORNER THEREOF, SAID POINT ALSO BEING AN ANGLE CORNER IN THE EASTERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THAT CERTAIN DECREE OF DISTRIBUTION ENTERED IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA, ON APRIL 19, 1938 IN THE MATTER OF THE ESTATE OF KAY SPENCE, DECEASED, CASE NO. 21640, A CERTIFIED COPY OF WHICH DECREE WAS RECORDED NOVEMBER 29, 1939 IN [BOOK 956 OF OFFICIAL RECORDS, PAGE 379](#), SANTA CLARA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING ALONG SAID EASTERLY LINE OF LAND SO DESCRIBED IN SAID DECREE OF DISTRIBUTION FOR THE FOLLOWING COURSES AND DISTANCES; NORTH 7° 51' 17" EAST 151.75 FEET TO A 3/4 INCH IRON PIPE; THENCE NORTH 12° 36' 27" EAST 125.37 FEET TO A 3/4 INCH IRON PIPE; THENCE NORTH 1° 23' 53" WEST 163.62 FEET TO A 3/4 INCH IRON PIPE AND

**EXHIBIT A  
(Continued)**

NORTH 32° 23' 23" WEST 364.25 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF THAT CERTAIN 53 ACRE TRACT OF LAND AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF 53 ACRE PARCEL PROPERTY OF KAY SPENCE" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 18, 1945 IN [BOOK 9 OF MAPS, AT PAGE 6](#) AND THE TERMINUS OF SAID EASEMENT.

THE NORTHERLY TERMINUS OF SAID EASEMENT HAVING A BEARING OF SOUTH 80° 42' 50" WEST AND THE SOUTHERLY TERMINUS OF SAID EASEMENT HAVING A BEARING OF NORTH 80° 26' 07" WEST.  
CHICAGO

[APN: 356-05-005](#)



## EXCEPTIONS

**AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
2. Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.
3. The herein described property lies within the boundaries of a Mello-Roos Community Facilities District (CFD) as follows:

CFD No: 2013-1  
For: Library Services  
Disclosed by: Notice of Special Tax Lien  
Recording Date: January 22, 2014  
Recording No.: 22502535, of Official Records

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the City of City of Cupertino, County of Santa Clara. The tax may not be prepaid.

4. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.
5. Water rights, claims or title to water, whether or not disclosed by the public records.
6. Any adverse claim based upon the assertion that:
  - a) Some portion of said Land has been created by artificial means, or has accreted to such portion so created.
  - b) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Stevens Creek or has been formed by accretion to any such portion.

## EXCEPTIONS (Continued)

7. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Stevens Creek.
8. Any rights in favor of the public which may exist on said Land if said Land or portions thereof are or were at any time used by the public.
9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Pacific Gas and Electric Company  
Purpose: Electrical facilities  
Recording Date: October 28, 1933  
Recording No.: [Book 664, Page 268, of Official Records](#)  
Affects: As described in said document herein referred to
- Affects: Parcel Three of legal herein
10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Tarrant Putnam  
Purpose: Tunnels and pipe lines  
Recording Date: December 18, 1935  
Recording No.: 64671, [Book 749, Page 500, of Official Records](#)
- Affects: As described in said document herein referred to
11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: G.A. Bracher, et al  
Purpose: Ingress and egress  
Recording Date: February 25, 1945  
Recording No.: 361048, [Book 1299, Page 141, of Official Records](#)
- Affects: as described in said document herein referred to
12. The effect of and matters disclosed by Record of Survey, filed October 18, 1945, [Book 9, Page 6](#), of Maps.
13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Pacific Gas and Electric Company  
Purpose: Electrical facilities  
Recording Date: January 26, 1955  
Recording No.: 1047822, [Book 3068, Page 250, of Official Records](#)
- Affects: As described in said document herein referred to

## EXCEPTIONS (Continued)

14. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: Mcdonald & Dorsa, a partnership  
Purpose: Ingress and egress and public utilities  
Recording Date: May 7, 1968  
Recording No.: 3411652, [Book 8113, Page 546, of Official Records](#)  
Affects: As described in said document herein referred to

15. Matters contained in that certain document

Entitled: Grant Deed  
Executed by: PH Property Development Company  
Recording Date: December 29, 1999  
[Recording No.: 15105125, of Official Records](#)

Reference is hereby made to said document for full particulars.

16. Matters contained in that certain document

Entitled: Notice of Consent to Use Land  
Dated: October 19, 2011  
Executed by: Pool Frog Investments, LLC  
Recording Date: October 28, 2011  
[Recording No.: 21387863, of Official Records](#)

Reference is hereby made to said document for full particulars.

17. Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the public records.

The Company will require, for review, a full and complete copy of any unrecorded agreement, contract, license and/or lease, together with all supplements, assignments and amendments thereto, before issuing any policy of title insurance without excepting this item from coverage.

The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

18. The Company will require an ALTA/ACSM LAND TITLE SURVEY. If the owner of the Land the subject of this transaction is in possession of a current ALTA/ACSM LAND TITLE SURVEY, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be prepared by a licensed land surveyor and supplied to the Company prior to the close of escrow.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

19. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

## EXCEPTIONS (Continued)

20. The Company will require that an Owner's Affidavit be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(s): Richard Lowenthal and Ellen Lowenthal, husband and wife as community property

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

21. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.
22. The requirement that the complete and correct name(s) of the buyer(s) in this transaction be submitted to the Title Department at least 5 days prior to the close of Escrow.
23. The transaction contemplated in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.

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END OF EXCEPTIONS

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## NOTES

1. None of the items shown in this report will cause the Company to decline to attach CLTA Endorsement Form 100 to an Extended Coverage Loan Policy, when issued.
2. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:  
  
No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.
3. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:  
  
Grantor: Pool Frog Investments LLC, a California limited liability company  
Grantee: Richard Lowenthal and Ellen Lowenthal, husband and wife as community property  
Recording Date: May 25, 2018  
Recording No.: 23941410, of Official Records
4. Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:  
  
Tax Identification No.: 356-05-005  
Fiscal Year: 2018-2019  
1st Installment: \$555.70  
2nd Installment: \$555.70  
Land: \$56,297.00  
Code Area: 013-010  
Bill No.: 356-05-005-00
5. Note: The charge for a policy of title insurance, when issued through this application for title insurance, will be based on the Short Term Rate.
6. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
7. Note: If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.
8. Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of a Company agent, an authorized employee of the insured lender, or by using Bancserv or other Company-approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

## NOTES (Continued)

9. Note: The policy of title insurance will include an arbitration provision. The Company or the insured may demand arbitration. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Please ask your escrow or title officer for a sample copy of the policy to be issued if you wish to review the arbitration provisions and any other provisions pertaining to your Title Insurance coverage.
10. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
11. Pursuant to Government Code Section 27388.1, as amended and effective as of 1-1-2018, a Documentary Transfer Tax (DTT) Affidavit may be required to be completed and submitted with each document when DTT is being paid or when an exemption is being claimed from paying the tax. If a governmental agency is a party to the document, the form will not be required. DTT Affidavits may be available at a Tax Assessor-County Clerk-Recorder.
12. Due to the special requirements of SB 50 (California Public Resources Code Section 8560 et seq.), any transaction that includes the conveyance of title by an agency of the United States must be approved in advance by the Company's State Counsel, Regional Counsel, or one of their designees.

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**END OF NOTES**

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Mark Clayton/cl

## Wire Fraud Alert

This Notice is not intended to provide legal or professional advice. If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the phone number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**  
<http://www.fbi.gov>

**Internet Crime Complaint Center:**  
<http://www.ic3.gov>

## FIDELITY NATIONAL FINANCIAL, INC. PRIVACY NOTICE

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

### Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g., Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g., loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website

### How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

### Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

### When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;



- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see **"Choices With Your Information"** to learn the disclosures you can restrict.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

### **Choices With Your Information**

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information and Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information and Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not share information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or

(2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

#### **Your Consent To This Privacy Notice; Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

#### **Accessing and Correcting Information; Contact Us**

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to [privacy@fnf.com](mailto:privacy@fnf.com), by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

## Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the field rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for each discount. These discounts only apply to transaction involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

### **FNF Underwritten Title Company**

FNTC - **Chicago Title Company**

FNTCCA –Fidelity National Title Company of California

### **FNF Underwriter**

CTIC - **Chicago Title Insurance Company**

### **Available Discounts**

#### **CREDIT FOR PRELIMINARY REPORTS AND/OR COMMITMENTS ON SUBSEQUENT POLICIES (CTIC)**

Where no major change in the title has occurred since the issuance of the original report or commitment, the order may be reopened within 12 or 36 months and all or a portion of the charge previously paid for the report or commitment may be credited on a subsequent policy charge.

#### **DISASTER LOANS (CTIC)**

The charge for a lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within 24 months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be 50% of the appropriate title insurance rate.

#### **CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC)**

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be 50% to 70% of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be 40% to 50% of the appropriate title insurance rate, depending on the type of coverage selected.

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## ATTACHMENT ONE

### CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY – 1990

#### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

#### EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

### CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

#### EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
  - a. building;
  - b. zoning;
  - c. land use;
  - d. improvements on the Land;
  - e. land division; and

f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
  - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
  - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

#### **LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1.00% % of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% % of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

#### **2006 ALTA LOAN POLICY (06-17-06)**

#### **EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
  - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.

6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

#### **EXCEPTIONS FROM COVERAGE**

(Except as provided in Schedule B - Part II, (t or T)his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

#### **(PART I**

(The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

#### **PART II**

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:)

### **2006 ALTA OWNER'S POLICY (06-17-06)**

#### **EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

#### **EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

(The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.
7. (Variable exceptions such as taxes, easements, CC&R's, etc. shown here.)

### **ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (12-02-13)**

#### **EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.



**EXHIBIT F**

**CERTIFICATE OF TRANSFEROR  
OTHER THAN AN INDIVIDUAL  
(FIRPTA Affidavit)**

Section 1445 of the Internal Revenue Code provides that a transferee of a United States real property interest must withhold tax if the transferor is a foreign person. To inform the CITY OF CUPERTINO, a California municipal corporation, the transferee of certain real property located in the County of Santa Clara, California, that withholding of tax is not required upon the disposition of such U.S. real property interest by Richard Lowenthal and Ellen Lowenthal, husband and wife ("Transferor"), the undersigned hereby certifies that Transferor is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations).

Transferor understands that this certification may be disclosed to the Internal Revenue Service by the City and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalty of perjury, I declare that I have examined this certificate and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have authority to sign this document on behalf of Transferor.

Richard Lowenthal and Ellen Lowenthal,  
husband and wife

By: \_\_\_\_\_  
Richard Lowenthal

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Ellen Lowenthal

Date: \_\_\_\_\_



## PUBLIC WORKS DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: October 15, 2019

#### Subject

Master Agreement between the City of Cupertino and HF&H Consultants, LLC, to conduct a rate study of the current franchise agreement and to provide assistance for implementation of a new solid waste, recycling, and compostables/organics franchise agreement. No additional budget appropriations are needed.

#### Recommended Action

Authorize the City Manager to approve a Master Agreement between the City of Cupertino and HF&H Consultants, LLC, in an amount not-to-exceed \$250,000, for the term ending January 31, 2022.

#### Discussion

The City entered into the current franchise agreement with Recology Cupertino (Recology) on May 18, 2010 to provide services for collection and processing of recyclable and compostable materials, and collection and disposal of garbage. The agreement established Recology as the exclusive hauler of solid waste and recyclable materials in Cupertino. This agreement was subsequently amended on September 2, 2014 and again on December 19, 2017 to address changes in organic waste collection and diversion goals, establishment of targeted outreach for organics, and cost increases for organics processing. The second amendment established an expiration of the franchise agreement on January 31, 2021.

As the City approaches the need for a new long-term franchise agreement, there are several areas where the City could benefit from expert assistance, which may include: 1) analysis of existing and future service needs; 2) analysis of commodity markets and their effects on recyclable and organics material processing, revenue potential, and costs; 3) analysis of legislative changes and their effects on a franchise, including diversion goals, reporting obligations, processing, and costs; 4) preparation of a maximum rate study; and 5) preparation of a request for proposal (RFP). If authorized by City Council, this recommended Master Agreement (Attachment A) will allow the City to utilize experienced solid waste, recycling, and organics consulting services on an as-needed basis to provide data-driven guidance in crafting and negotiating a new cost-efficient and legally compliant solid waste franchise agreement.

The consultant services will also include analysis of existing franchise agreement maximum rates to assess whether recent requests for special adjustment in the rates have merit and the appropriate amount, if any, of recommended adjustments. Additionally, the consultant will be asked to review other current contractual obligations requiring in-depth audits of material tonnage.

Anticipating the need for these consulting services, staff completed a request for qualifications (RFQ) process on June 20, 2019 in accordance with State and City codes. In response to the RFQ issued by the City, two Statements of Qualifications were received from firms within the Bay Area. These were evaluated for relevant skills and experience, resulting in a list of two qualified consultants.

Selection of HF&H is recommended due to their specific experience with solid waste, recycling, and organics planning, rate study analysis, and waste material tonnage audits; the accessibility of the firm; and their knowledge of legislative requirements and industry practices.

The Master Agreement defines a maximum compensation to be authorized under the agreement and no funds are encumbered by the Master Agreement. Project specific services are authorized on a project-by-project basis by the issuance of a Service Order.

Through the proposed Master Agreement, the Environmental Programs Manager can quickly bring the consultant onto a project team as needed, further enabling staff to effectively negotiate and develop a cost-efficient solid franchise agreement, and to evaluate current agreement needs.

### **Sustainability Impact**

CalRecycle reports that of the nearly 35 million tons of waste that reaches California's landfills each year, approximately 80% could be recoverable. Though Cupertino is exceeding state mandates for waste diversion, the City's continued efforts to accelerate zero waste targets recommended in the City's Climate Action Plan align with AB32 goals and reflect those adopted by adjacent jurisdictions. Developing and administering a forward-thinking and robust solid waste, recycling, and organics franchise agreement will effectively provide solid waste diversion that meets or exceeds State and City goals and requirements, provide enhanced recycling, organics, and waste reduction services to rate payers, and maintain a regionally competitive maximum rate structure for services provided by the franchisee.

### **Fiscal Impact**

No fiscal impact, as these funds were approved with the FY19-20 budget. No additional budget appropriations are needed.

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**Prepared by:** Alex Wykoff, Acting Environmental Programs Manager

**Reviewed by:** Roger Lee, Director of Public Works

**Approved for Submission by:** Deborah Feng, City Manager

**Attachments:**

A – Draft Master Agreement



## MASTER PROFESSIONAL/SPECIALIZED SERVICES AGREEMENT WITH

### 1. PARTIES

This Master Agreement is made and entered into as of \_\_\_\_\_ (“Effective Date”), by and between the City of Cupertino, a municipal corporation (“City”), and \_\_\_\_\_ (“Contractor”), a \_\_\_\_\_ for \_\_\_\_\_.

### 2. SERVICES

**2.1 Scope of Services.** Contractor agrees to provide the Services set forth in the Scope of Services, attached and incorporated here as **Exhibit A**, on an as-needed basis. The Services must comply with this Agreement and with each Service Order issued by the City’s Project Manager or his/her designee, in accordance with the following procedures, unless otherwise specified in **Exhibit A**.

**2.2 Service Orders.** Before issuing a Service Order, the City Project Manager will request Services in writing and hold a meeting with Contractor to discuss the Service Order. Contractor will submit a written proposal that includes a specific Scope of Services, Schedule of Performance and Compensation, which the Parties will discuss. Thereafter, City will execute a Service Order Form for the Services, attached and incorporated here as **Exhibit B**. The Service Order will specify the Scope of Services, Schedule of Performance, Compensation and any other conditions applicable to the Service Order. Issuance of a Purchase Order is discretionary. The City Project Manager is authorized to streamline these procedures based on the City’s best interests. Contractor will not be compensated for Services performed without a duly authorized and executed Service Order.

### 3. TIME OF PERFORMANCE

**3.1 Term.** This Agreement begins on the Effective Date and ends on \_\_\_\_\_ (“Contract Time”), unless terminated earlier as provided herein.

**3.2 Schedule of Performance.** Contractor must deliver the Services within the time specified in each Service Order, and under no circumstances should the Services go beyond the Contract Time.

**3.3 Time is of the essence** for the performance of all the Services required in this Agreement and in each Service Order. Contractor must have sufficient time, resources and qualified staff to deliver the Services on time. Contractor must respond promptly to each Service Order request.

### 4. COMPENSATION

**4.1 Maximum Compensation.** City will pay Contractor for satisfactory performance of the Services a total amount that will be based upon actual costs but that will be capped so as not to exceed \$\_\_\_\_\_ (“Contract Price”), based upon the Scope of Services in **Exhibit A** and the budget and rates included. The maximum compensation includes all expenses and reimbursements and will remain in place even if Contractor’s actual costs exceed the capped amount.

**4.2 Per Service Order.** Compensation for Services provided under a Service Order will be based on the rates set forth in the Service Order, which shall not exceed the capped amount specified in the Service Order.

**4.2 Invoices and Payments.** Except as otherwise provided in a Purchase Order, monthly invoices must state a description of the deliverables completed and the amount due for the preceding month. Thirty days prior to expiration of the Agreement, Contractor must submit a requisition for final and complete payment of costs and pending claims for City approval. Noncompliance with this requirement relieves City of any further payment or other obligations under the Agreement.

## **5. INDEPENDENT CONTRACTOR**

**5.1 Status.** Contractor is an independent contractor and not an employee, partner, or joint venture of City. Contractor is solely responsible for the means and methods of performing the Services and for the persons hired to work under this Agreement. Contractor is not entitled to health benefits, worker's compensation or other benefits from the City.

**5.2 Contractor's Qualifications.** Contractor warrants on behalf of itself and its subcontractors that they have the qualifications and skills to perform the Services in a competent and professional manner and according to the highest standards and best practices in the industry.

**5.3 Permits and Licenses.** Contractor warrants on behalf of itself and its subcontractors that they are properly licensed, registered, and/or certified to perform the Services as required by law and have procured a City Business License.

**5.4 Subcontractors.** Only Contractor's employees are authorized to work under this Agreement. Prior written approval from City is required for any subcontractor, and the terms and conditions of this Agreement will apply to any approved subcontractor.

**5.5 Tools, Materials and Equipment.** Contractor will supply all tools, materials and equipment required to perform the Services under this Agreement.

**5.6 Payment of Taxes.** Contractor must pay income taxes on the money earned under this Agreement. Upon City's request, Contractor will provide proof of payment and will indemnify City for violations pursuant to the indemnification provision of this Agreement.

## **6. PROPRIETARY/CONFIDENTIAL INFORMATION**

In performing this Agreement, Contractor may have access to private or confidential information owned or controlled by the City, which may contain proprietary or confidential details the disclosure of which to third parties may be damaging to City. Contractor shall hold in confidence all City information and use it only to perform this Agreement. Contractor shall exercise the same standard of care to protect City information as a reasonably prudent contractor would use to protect its own proprietary data.

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## **7. OWNERSHIP OF MATERIALS**

**7.1 Property Rights.** Any interest (including copyright interests) of Contractor in any product, memoranda, study, report, map, plan, drawing, specification, data, record, document or other information or work, in any medium (collectively, “Work Product”), prepared by Contractor in connection with this Agreement will be the exclusive property of the City and shall not be shown to any third-party without prior written approval of City.

**7.2 Copyright.** To the extent permitted by Title 17 of U.S. Code, all Work Product arising out of this Agreement is considered “works for hire” and all copyrights to the Work Product will be the property of City. Alternatively, Contractor assigns to City all Work Product copyrights. Contractor may use copies of the Work Product for promotion only with City’s written approval.

**7.3 Patents and Licenses.** Contractor must pay royalties or license fees required for authorized use of any third party intellectual property, including but not limited to patented, trademarked, or copyrighted intellectual property if incorporated into the Services or Work Product of this Agreement.

**7.4 Re-Use of Work Product.** Unless prohibited by law and without waiving any rights, City may use or modify the Work Product of Contractor or its sub-Contractors, prepared or created under this Agreement, to execute or implement any of the following:

- (a) The original Services for which Contractor was hired;
- (b) Completion of the original Services by others;
- (c) Subsequent additions to the original Services; and/or
- (d) Other City projects.

**7.5 Deliverables and Format.** Contractor must provide electronic and hard copies of the Work Product, on recycled paper and copied on both sides, except for one single-sided original.

## **8. RECORDS**

Contractor must maintain complete and accurate accounting records relating to its performance in accordance with generally accepted accounting principles. The records must include detailed information of Contractor’s performance, benchmarks and deliverables, which must be available to City for review and audit. The records and supporting documents must be kept separate from other records and must be maintained for four years from the date of City’s final payment.

## **9. ASSIGNMENT**

Contractor shall not assign, sublease, hypothecate, or transfer this Agreement, or any interest therein, directly or indirectly, by operation of law or otherwise, without prior written consent of City. Any attempt to do so will be null and void. Any changes related to the financial control or business nature of Contractor as a legal entity will be considered an assignment of the Agreement and subject to City approval. Control means fifty percent (50%) or more of the voting power of the business entity.

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## **10. PUBLICITY / SIGNS**

Any publicity generated by Contractor for the project under this Agreement, during the term of this Agreement and for one year thereafter, will reference the City's contributions in making the project possible. The words "City of Cupertino" will be displayed in all pieces of publicity, including flyers, press releases, posters, brochures, public service announcements, interviews and newspaper articles. No signs may be posted, exhibited or displayed on or about City property, except signage required by law or this Contract, without prior written approval from the City.

## **11. INDEMNIFICATION**

**11.1** To the fullest extent allowed by law, and except for losses caused by the sole and active negligence or willful misconduct of City personnel, Contractor shall indemnify, defend, and hold harmless City, its City Council, boards and commissions, officers, officials, employees, agents, servants, volunteers and Contractors ("Indemnitees"), through legal counsel acceptable to City, from and against any and all liability, damages, claims, actions, causes of action, demands, charges, losses, costs and expenses (including attorney fees, legal costs and expenses related to litigation and dispute resolution proceedings), of every nature, arising directly or indirectly from this Agreement or in any manner relating to any of the following:

- (a) Breach of contract, obligations, representations or warranties;
- (b) Negligent or willful acts or omissions committed during performance of the Services;
- (c) Personal injury, property damage, or economic loss resulting from the work or performance of Contractor or its subcontractors or sub-subcontractors;
- (d) Unauthorized use or disclosure of City's confidential and proprietary information;
- (e) Claim of infringement or violation of a U.S patent or copyright, trade secret, trademark, or service mark or other proprietary or intellectual property rights of any third party.

**11.2** Contractor must pay the costs City incurs in enforcing this provision. Contractor must accept a tender of defense upon receiving notice from City of a third-party claim, in accordance with California Public Contract Code Section 9201. At City's request, Contractor will assist City in the defense of a claim, dispute or lawsuit arising out of this Agreement.

**11.3** Contractor's duties under this section are not limited to the Contract Price, workers' compensation payments, or the insurance or bond amounts required in the Agreement. Nothing in the Agreement shall be construed to give rise to an implied right of indemnity in favor of Contractor against City or any Indemnatee.

**11.4.** Contractor's payments may be deducted or offset to cover any money the City lost due to a claim or counterclaim arising out of this Agreement, a purchase order or other transaction.

## **12. INSURANCE**

Contractor shall comply with the Insurance Requirements, attached and incorporated here as **Exhibit C**, and must maintain the insurance for the duration of the Agreement, or longer as required by City. City will not execute the Agreement until City approves receipt of satisfactory certificates of insurance and endorsements evidencing the type, amount, class of operations covered, and the effective and

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expiration dates of coverage. Failure to comply with this provision may result in City, at its sole discretion and without notice, purchasing insurance for Contractor and deducting the costs from Contractor's compensation or terminating the Agreement.

### **13. COMPLIANCE WITH LAWS**

**13.1 General Laws.** Contractor shall comply with all local, state and federal laws and regulations applicable to this Agreement. Contractor will promptly notify City of changes in the law or other conditions that may affect the Project or Contractor's ability to perform. Contractor is responsible for verifying the employment authorization of employees performing the Services, as required by the Immigration Reform and Control Act.

**13.2 Labor Laws.** Contractor shall comply with all labor laws applicable to this Agreement. If the Scope of Services includes a "public works" component, Contractor is required to comply with prevailing wage laws under Labor Code Section 1720 and other labor laws.

**13.3 Discrimination Laws.** Contractor shall not discriminate on the basis of race, religious creed, color, ancestry, national origin, ethnicity, handicap, disability, marital status, pregnancy, age, sex, gender, sexual orientation, gender identity, Acquired-Immune Deficiency Syndrome (AIDS) or any other protected classification. Contractor shall comply with all anti-discrimination laws, including Government Code Sections 12900 and 11135, and Labor Code Sections 1735, 1777 and 3077.5. Consistent with City policy prohibiting harassment and discrimination, Contractor understands that harassment and discrimination directed toward a job applicant, an employee, a City employee, or any other person, by Contractor or Contractor's employees or sub-contractors will not be tolerated.

**13.4 Conflicts of Interest.** Contractor shall comply with all conflict of interest laws applicable to this Agreement and must avoid any conflict of interest. Contractor warrants that no public official, employee, or member of a City board or commission who might have been involved in the making of this Agreement, has or will receive a direct or indirect financial interest in this Agreement, in violation of California Government Code Section 1090 et seq. Contractor may be required to file a conflict of interest form if Contractor makes certain governmental decisions or serves in a staff capacity, as defined in Section 18700 of the California Code of Regulations. Contractor agrees to abide by the City's rules governing gifts to public officials and employees.

**13.5 Remedies.** Any violation of Section 13 constitutes a material breach and may result in City suspending payments, requiring reimbursements or terminating this Agreement. City reserves all other rights and remedies available under the law and this Agreement, including the right to seek indemnification under Section 11 of this Agreement.

### **14. PROJECT COORDINATION**

**City Project Manager.** The City assigns \_\_\_\_\_ as the City's representative for all purposes under this Agreement, with authority to oversee the progress and performance of the Scope of Services. City reserves the right to substitute another Project manager at any time, and without prior notice to Contractor.

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**Contractor Project Manager.** Subject to City approval, Contractor assigns \_\_\_\_\_ as its single Representative for all purposes under this Agreement, with authority to oversee the progress and performance of the Services. Contractor's Project manager is responsible for coordinating and scheduling the Services in accordance with City instructions, service orders and the Schedule of Performance. Contractor must regularly update the City's project manager about the status, progress and any delays with the work. City's written approval is required prior to Contractor substituting a new Representative which shall result in no additional costs to City.

**15. ABANDONMENT OF PROJECT**

City may abandon or postpone the Project or parts thereof at any time. Contractor will be compensated for satisfactory Services performed through the date of abandonment, and will be given reasonable time to assemble the work and close out the Services. With City's pre-approval in writing, the time spent in closing out the Services will be compensated up to a maximum of ten percent (10%) of the total time expended to date in the performance of the Services.

**16. TERMINATION**

City may terminate this Agreement for cause or without cause at any time. Contractor will be paid for satisfactory Services rendered through the date of termination, but final payment will not be made until Contractor closes out the Services and delivers the Work Product.

**17. GOVERNING LAW, VENUE AND DISPUTE RESOLUTION**

This Agreement is governed by the laws of the State of California. Any lawsuits filed related to this Agreement must be filed with the Superior Court for the County of Santa Clara, State of California. Contractor must comply with the claims filing requirements under the Government Code prior to filing a civil action in court. If a dispute arises, Contractor must continue to provide the Services pending resolution of the dispute. If the Parties elect arbitration, the arbitrator's award must be supported by law and substantial evidence and include detailed written findings of law and fact.

**18. ATTORNEY FEES**

If City initiates legal action, files a complaint or cross-complaint, or pursues arbitration, appeal, or other proceedings to enforce its rights or a judgment in connection with this Agreement, the prevailing party will be entitled to reasonable attorney fees and costs.

**19. THIRD PARTY BENEFICIARIES**

There are no intended third party beneficiaries of this Agreement.

**20. WAIVER**

Neither acceptance of the Services nor payment thereof shall constitute a waiver of any contract provision. City's waiver of a breach shall not constitute waiver of another provision or breach.

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## **21. ENTIRE AGREEMENT**

This Agreement represents the full and complete understanding of every kind or nature between the Parties, and supersedes any other agreement(s) and understanding(s), either oral or written, between the Parties. Any modification of this Agreement will be effective only if in writing and signed by each Party's authorized representative. No verbal agreement or implied covenant will be valid to amend or abridge this Agreement. If there is any inconsistency between the main Agreement and the attachments or exhibits thereto, the text of the main Agreement shall prevail.

## **22. INSERTED PROVISIONS**

Each provision and clause required by law for this Agreement is deemed to be included and will be inferred herein. Either party may request an amendment to cure mistaken insertions or omissions of required provisions. The Parties will collaborate to implement this Section, as appropriate.

## **23. HEADINGS**

The headings in this Agreement are for convenience only, are not a part of the Agreement and in no way affect, limit or amplify the terms or provisions of this Agreement.

## **24. SEVERABILITY/PARTIAL INVALIDITY**

If any term or provision of this Agreement, or their application to a particular situation, is found by the court to be void, invalid, illegal or unenforceable, such term or provision shall remain in force and effect to the extent allowed by such ruling. All other terms and provisions of this Agreement or their application to specific situations shall remain in full force and effect. The Parties agree to work in good faith to amend this Agreement to carry out its intent.

## **25. SURVIVAL**

All provisions which by their nature must continue after the Agreement expires or is terminated, including the Indemnification, Ownership of Materials/Work Product, Records, Governing Law and Attorney Fees, shall survive the Agreement and remain in full force and effect.

## **26. NOTICES**

All notices, requests and approvals must be sent in writing to the persons below, which will be considered effective on the date of personal delivery or the date confirmed by a reputable overnight delivery service, on the fifth calendar day after deposit in the United States Mail, postage prepaid, registered or certified, or the next business day following electronic submission:

<p>To City of Cupertino</p>   <p>Attention: _____</p> <p>Email: _____</p>	<p>To Contractor: _____</p> <p>_____</p> <p>_____</p> <p>Attention: _____</p> <p>Email: _____</p>
--	---

## **27. VALIDITY OF CONTRACT**

This Agreement is valid and enforceable only if (a) it complies with the purchasing and contract provisions of Cupertino Municipal Code Chapters 3.22 and 3.23, as amended from time to time, (b) is signed by the City Manager or an authorized designee, and (c) is approved for form by the City Attorney's Office.

## **28. EXECUTION**

The person executing this Agreement on behalf of Contractor represents and warrants that Contractor has full right, power, and authority to enter into and carry out all actions contemplated by this Agreement and that he or she is authorized to execute this Agreement, which constitutes a legally binding obligation of Contractor. This Agreement may be executed in counterparts, each one of which is deemed an original and all of which, taken together, constitute a single binding instrument.

**IN WITNESS WHEREOF**, the parties have caused the Agreement to be executed.

### **CONTRACTOR**

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
*Tax I.D. No.:* \_\_\_\_\_

### **CITY OF CUPERTINO** A Municipal Corporation

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

### **APPROVED AS TO FORM:**

\_\_\_\_\_  
HEATHER M. MINNER  
Cupertino City Attorney

### **ATTEST:**

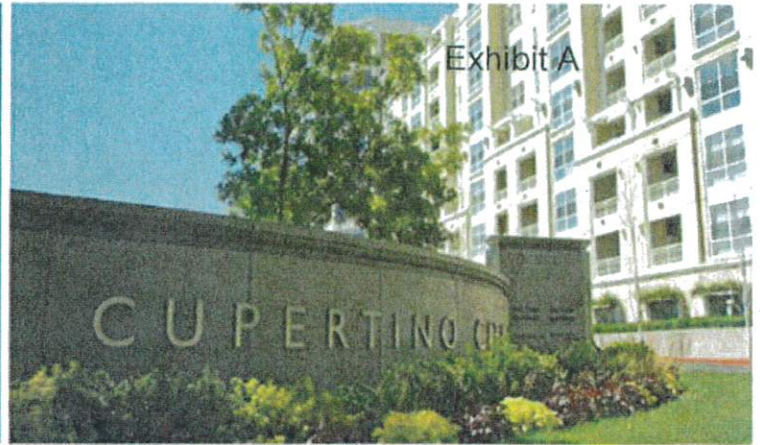
\_\_\_\_\_  
GRACE SCHMIDT  
City Clerk

## EXHIBIT A – Scope of Work

Contractor shall perform the following in the performance of this agreement:

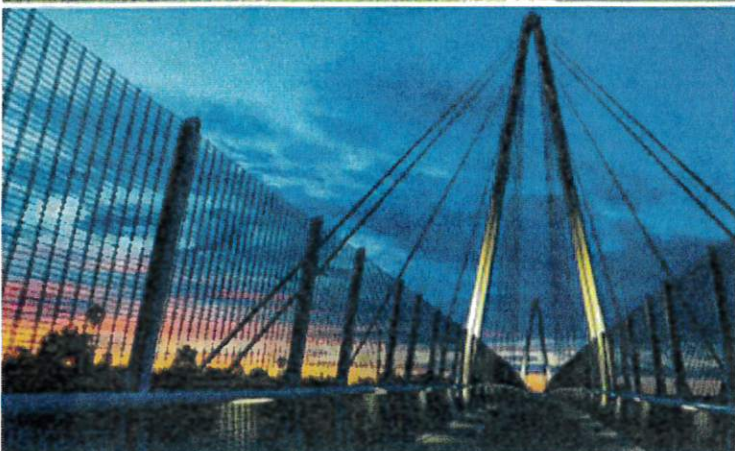
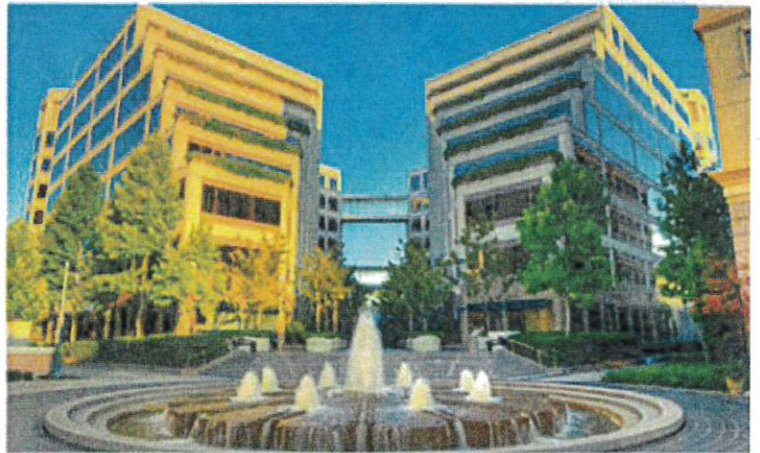
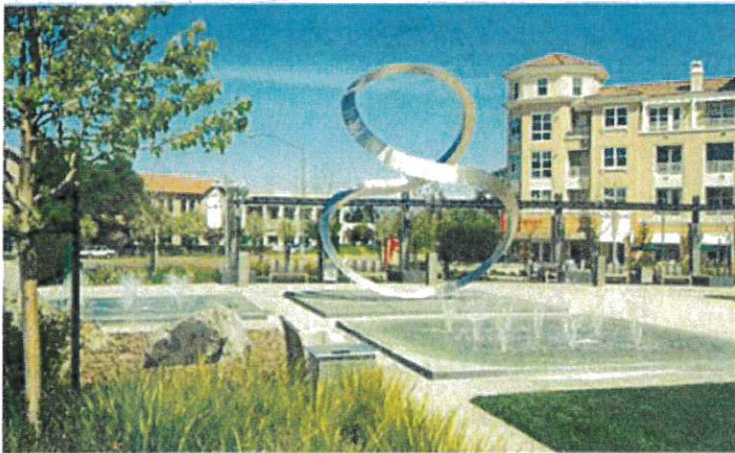
1. Analysis of existing and future solid waste, recycling, and organics hauling, processing, and disposal service needs;
2. Analysis of commodity and their effects on recyclable and organics material processing, revenue potential, and costs;
3. Analysis of legislative changes and their effects on franchise, including diversion goals, reporting obligations, processing, and costs;
4. Analysis and audits of material disposal and recycling tonnage reports;
5. Preparation of a maximum rate study;
6. Preparation of a request for proposal (RFP) for solid waste, recycling, and organics hauling, processing, and disposal services;
7. Analysis of the existing franchise agreement maximum rates concerning special rate adjustments.





# City of Cupertino

## Statement of Qualifications for Stormwater Permit Compliance and Zero Waste Consulting Services





## Exhibit A

## Exhibit A



Managing Tomorrow's Resources Today

201 N. Civic Drive, Suite 230  
Walnut Creek, California 94596  
Telephone: 925/977-6950  
[www.hfh-consultants.com](http://www.hfh-consultants.com)

Robert D. Hilton, Emeritus  
John W. Farnkopf, PE  
Laith B. Ezzet, CMC  
Richard J. Simonson, CMC  
Marva M. Sheehan, CPA  
Robert C. Hilton, CMC

July 10, 2019

Ms. Cheri Donnelly  
Environmental Programs Manager  
City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

Sent via email: [cherid@cupertino.org](mailto:cherid@cupertino.org)  
Email cc to: [environmental@cupertino.org](mailto:environmental@cupertino.org)

**Re: Statement of Qualifications for City of Cupertino Stormwater Permit Compliance and Zero Waste Consulting Services**

Dear Ms. Donnelly:

HF&H Consultants, LLC (HF&H) is pleased to submit this Statement of Qualifications (SOQ) to the City of Cupertino to perform consulting services related to the City's Stormwater Permit Compliance and Zero Waste Consulting. We have prepared and organized our SOQ based on the instructions contained in your request for qualifications and trust we are fully responsive to your direction.

### **Compliance!**

The State has set forth various stormwater and waste reduction and diversion laws. The City needs assurance that its programs will satisfy the legal requirements. HF&H has incomparable experience in developing solid waste policies and procedures to assist the City in meeting its diversion and other state requirements. Additionally our waste/wastewater/stormwater experts will provide the City with assurance the Stormwater Parcel Fee will be presented in a manner that is easily explained to the public and meet the legal requirements of Propositions 218 and SB 231.

### **Diversion!**

Beyond complying with Proposition 218, the passage of AB 341, SB 1826, and now AB 1383, the State has placed strict mandates on not only generators, but also collectors and the agencies themselves. The City currently contracts for the collection of solid waste, recyclables and organics for its residents and businesses. The collection contractor and the City will each have significant roles to play over the next few years in becoming compliant with the regulations. In short, the City will need to select new programs to develop, and such selection will require close coordination with its contractor. Besides the development of programs and implementation plans, a detailed cost/benefit analysis will need to be evaluated to determine the best options for the City. HF&H has developed SB1383 plans for several bay area agencies. We will work with the City developing its diversion plans, timing and anticipated costs of new program implementation. .



## Exhibit A



HF&H CONSULTANTS, LLC

Managing Tomorrow's Resources Today

Ms. Cheri Donnelly  
July 10, 2019  
Page 2 of 3

### **Fiduciary Responsibility!**

The City is responsible for providing excellent refuse and recycling collections to its residents and businesses at reasonable rates. The City has separate contracts for collection and disposal. The City pays the disposal costs based on tons reported by its collection contractor. Besides the direct cost aspect, accurate reporting of disposal tons is important for CalRecycle reporting and the evaluation of diversion programs. Inaccurate information could cause the City to incorrectly focus its diversion efforts and related funding.

As each of the contracts near their expiration dates, the City will need a proven procurement process to be able to enter into new contracts that are in the best interest of its ratepayers. Whether through a competitive bidding process or sole source negotiations, the City needs contracts that provide quality services to its residents and businesses, provide assistance to the City in meeting its diversion goals at a cost that is reasonable. HF&H has developed state of the art contract templates that will provide the City with a framework to then customize for its unique needs. We understand every agency, its elected officials and its ratepayers have different needs. We provide the technical assistance from our depth of experience to meet each need.

### **The Experience You Need**

HF&H has collectively hundreds of years of experience in providing zero waste and stormwater fee consulting services. Your zero waste project director, Marva Sheehan, CPA, has over 25 years of solid waste experience. Rick Simonson, your stormwater parcel fee management project director, has assisted 20 other agencies in evaluating their stormwater funding strategies and/or calculating stormwater fees for placement on the tax rolls. We have extensive experience in the following areas of your RFQ and will provide our relevant experience in the body of our SOQ:

1. Stormwater Parcel Fee Management
2. Waste Tonnage, Rates and Process Audits
3. Policy Guidance; and,
4. RFP for Haulers and Landfills

HF&H has a very collaborative approach to its engagements. We have a "bench" that includes diversion planning, procurement of services, rate setting, extraordinary rate adjustment requests, policy and procedure development, including drafting of model ordinances. We are currently assisting CalRecycle in the development of the SB1383 toolkit. The City will benefit from this experience as we provide assistance with the City's SB1383 plan.

Exhibit A



Managing Tomorrow's Resources Today

Ms. Cheri Donnelly  
July 10, 2019  
Page 3 of 3

\* \* \* \*

Thank you for the opportunity to provide you with our statement of qualifications. I will be the point of contact and I can be reached at (925) 977-6961 or [marva@hfh-consultants.com](mailto:marva@hfh-consultants.com). I'm available to discuss any questions or concerns you may have. Should we be selected, HF&H will perform this work from our Walnut Creek, California office. HF&H accepts the City's standard consultant contract, including indemnification and insurance requirements, without modification.

Sincerely,

HF&H CONSULTANTS, LLC

A handwritten signature in blue ink that reads 'Marva M. Sheehan'.

Marva M. Sheehan, CPA  
Vice President

## Exhibit A

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Exhibit A



## City of Cupertino Mission Statement

The Mission of the City of Cupertino is to provide exceptional service, encourage all members of the community to take responsibility for one another, and support the values of education, innovation and collaboration.

## CONTENTS

<b>STATEMENT OF QUALIFICATIONS</b>	<b>1</b>
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## PROPOSAL ATTACHMENTS

### A. HF&H Staff Resumes



## Exhibit A



Exhibit A

# Statement of Qualifications



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Exhibit A





Exhibit A

## Statement of Qualifications



### Special Firm Knowledge, Experience, and Capabilities

In 1989, HF&H was established by three partners with the desire to provide specialized consulting solutions to local governments in two practice areas: recycling and solid waste services; and, water, wastewater, and stormwater services. As consultants, we provide environmentally-responsible economic, financial, strategic planning, and management consulting services. For three decades, HF&H has remained committed to its core value to serve clients exceptionally and with integrity. Through these on-going commitments, HF&H has become California's first choice and recognized leader among municipal agencies for high-quality consulting services.

Our focus has primarily been on serving municipal agencies in California, although we have provided consulting services in other states. Firm leadership is provided by five partners – Rob Hilton, John Farnkopf, Laith Ezzet, Rick Simonson, and Marva Sheehan.

HF&H is a bit of a niche firm in that we provide expert consulting services in the areas of recycling, solid waste, organics, water, stormwater, and wastewater services. Below we provide our qualifications relative to each of the City's areas of expertise that we believe HF&H can provide the best consulting services to the City.

Resumes for each staff member proposed in our Statement of Qualifications are included in Attachment A.

### Stormwater Parcel Fee Management

#### Introduction

HF&H is uniquely qualified to assist the City with the calculation and administration of their annual parcel-based stormwater fees. Our understanding the City's needs is informed by our experience in developing stormwater funding strategies and financial impact analyses for jurisdictions in California and our review of the City's recent Clean Water and Storm Protection Fee study conducted by SCI Consulting Group, in February 2019. This experience gives us a solid foundation for preparing a stormwater funding approach specific to the City's needs. We are currently assisting the Town of Hillsborough and the City of Daly City with an increase to their decades old stormwater fees.

We understand the City, in accordance with Proposition 218, recently mailed ballots to each parcel proposing an increase in the current stormwater fee, with ballots due this past Friday, July 5. Should the proposed increase pass, the City will be in a great position to fund their stormwater capital projects for the near future. In that case, HF&H can help the





Exhibit A

City monitor the stormwater fee revenue sources and uses over the next couple of years to ensure the planned annual increases, tied to the change in the consumer price index, will continue to provide adequate funding. If shortfalls are project, we will help the City with funding strategies to bridge the gap. Such strategies may include re-evaluating the fee, or may include identifying other funding sources, such as, solid waste rates to cover expenses related to trash capture devices and/or street sweeping. Another funding source may be from sewer rates for expenses related to reducing Inflow and Infiltration (I&I).

It is our experience that communities are willing to pay for needed improvements to reduce flooding and sanitary sewer system overflows, in general, minimize the impact of urbanization on the environment, and specifically improve bay area water quality. However, getting to "yes" from property owners to increase the City's existing stormwater fee is more than just about explaining the need for the stormwater improvements, in a clear and concise manner, but more importantly, that the costs for the needed improvements have been properly vetted and allocated in direct proportion to the benefits received by each property owner.

In view of the fact that evaluating the existing stormwater fee will be pivotal in the stormwater funding approach, we expect that a high standard of technical analysis will be needed. In addition to a technically sound analysis, an appropriate level of public outreach will be required. We are experienced working with the public outreach consultants in setting stormwater, water, and sewer rates and developing the content for public outreach notices and meetings.

## Qualifications

### City of Daly City Stormwater Cost Allocation and Fee Study (2018-Present)

HF&H completed a water rate study in 2018. In the fall of 2018, we began a cost allocation study of the \$100 million Vista Grande project to apportion the cost of this storm drainage project among the agencies that benefit from storm drainage, groundwater recharge, wastewater disposal, and solid waste removal. The portion of the project costs that is allocated to Daly City will be included in a new stormwater fee that we will be assisting the City to determine and implement.

#### Client Contact

Tom Piccolotti  
Director of Water/  
Wastewater Resources  
(650) 991-8200 ext. 8201

## Budget and Cost

HF&H budgeted \$40,000 for the Stormwater Cost Allocation and \$99,000 for the Fee Study. These projects are still in progress, so final costs cannot be reported.

### Town of Hillsborough Stormwater Financing (2015) and Stormwater Fee (2019)

In 2015, as a subcontractor to Brian Kangas Falk, HF&H developed a stormwater financing study in conjunction with BKF's update to the Town's stormwater facilities master plan. Our assistance included developing a portfolio of funding options, which included categorizing projects as either structural or capacity deficiencies. The deficiencies were then prioritized as high, medium or low priority. A funding strategy, and customer impacts, were derived for meeting each of the priority levels. The average customer impact ranged from \$133 per year to cover just the low priority to \$466 per year to cover all low, medium, and high stormwater-related projects.

#### Client Contact

Jan Cooke  
Finance Director  
(650)-375-7408



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## Exhibit A

As a result of the recent drought and increases in sewer treatment expenses, which was projected to require substantial increases to water and sewer charges in 2016 and 2017, the Town chose not to increase the stormwater fee at the conclusion of the project.

HF&H assisted the City in 2016 and 2017 to evaluate their water and sewer charges. Those projects concluded with updated water and sewer rates for a five-year period. Now that the water and sewer rates have been successfully approved and adopted, HF&H has begun updating the stormwater funding strategies, and subsequent stormwater fees.

Our analysis includes a cost-of-service analysis to determine how much revenue will be generated by fixed and variable rate components. The fixed component would reflect costs that are common to all parcels regardless of size or surface area characteristics that vary by parcel. The derivation of the variable component will depend on each parcels specific proportions of pervious versus impervious surface. We are also exploring a simpler structure which would create lot size categories into which parcels would be classified and charged the same variable component as all parcels in the class.

### Budget and Cost

Stormwater Financing Strategy: Budgeted \$4,000. The scope and budget were modified by the client to a final total of \$5,000.

Stormwater Fee: Budgeted \$59,000. Project is still in progress so final billing cannot be reported.

### City of Roseville

### Stormwater and Public Safety Funding Study (2016)

HF&H developed a strategy for the city to fund its stormwater program from reimbursements from its water, wastewater, and solid waste enterprises for public safety services. The amount of the reimbursements was more than adequate to fund the City's current stormwater program, which required minimal funding at the time but was expected to grow substantially with the growth in funding. A copy of the report is provided to demonstrate our approach to deriving enterprise reimbursements for public safety. (The City already received reimbursements from its enterprises for right-of-way maintenance and governmental facilities.)

#### Client Contact

Ms. Terri Shirhall  
Business Services Analyst  
(916) 774-5536

### Budget and Cost

This project was budgeted at \$20,000 and was completed within budget.

### Staffing

HF&H proposes that Rick Simonson, CMC and Gabe Sasser, P.E. lead up the Stormwater Parcel Fee Management. In addition to their expertise, they can call upon the resources of John Farnkopf, P.E. and Geoffrey Michalczyk.





## Waste Tonnage, Rates, and Process Audits

### Introduction

The City will be implemented new programs with the express desire to continue to meet and exceed the State's diversion goals and compliance with SB1383. The information provided to the State is based on data reported by its Contractors. If the data is incorrect, there could be serious ramifications to the City. Besides possible penalties imposed by the State, the City could implement programs, at a cost to the ratepayers, targeting the incorrect material type and/or customer base.

We emphasize the word "reported". The City needs verification that the "reported" data is correct! We are currently performing an in-depth review of the disposal reporting systems used by the City's current contractors. Our results and suggestions for process improvement will provide assurances to the City the "reported" data is correct.

HF&H has assisted the City in special rate adjustment requests submitted by its collection contractor. The current contract is fairly vague about the process; however, we have developed a procedure for the organics component of the rate that the City and the Contractor recently completed without any outside assistance.

HF&H will provide you a team comprised of three former waste industry controllers Our engagement director is a CPA. Additionally, the team has performed many audits and rate reviews of most of the solid waste/diversion companies in the Bay Area. This experience will allow us to challenge in the appropriate areas, as we understand the Contractors' side of the business, not just from a consulting perspective but from having worked it for a cumulative total of over 60 years!

There is not another consulting firm with the same qualifications. We will be able to provide the City either with the assurance that the "reported" numbers are correct and explanations for the apparent inconsistencies, or corrections to the "reported" numbers and recommendations on how the Contractors can improve their respective systems for more accurate reporting. This is true for tonnage audits, fee audits or process audits.

### Qualifications

#### City of Cupertino

#### Organics Processing Cost Review (2017, 2018)

The City of Cupertino and Recology South Bay initiated a commercial organics collection program in 2010. The Agreement allows Recology South Bay to annually request additional reimbursement from the City or a rate adjustment to the customer to compensate for increased processing costs and annual growth in participation.

#### Client Contact

Cheri Donnelly  
Environmental Programs  
Manager  
(408) 777-3242

The City retained HF&H to perform a review of the organics processing cost adjustments requested by Recology South Bay.

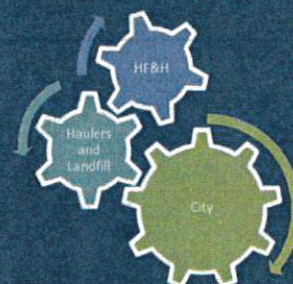
### Results

Each review resulted in substantial savings to the City from that which was originally requested.

For 2017, Recology South Bay requested \$91,087 in additional compensation that was adjusted to \$5,365 after the HF&H review.

For 2018, Recology South Bay requested \$31,457 in additional compensation that was adjusted to \$8,023 after the HF&H review.

Exhibit A



We believe a collaborative approach with the Contractors is the most successful!





## Exhibit A

### Budget and Cost

For the 2018 project, HF&H budgeted \$10,000 for this work and the total project cost was \$11,000.

#### City of Cupertino

#### Tonnage Audit (2019-Present)

The City of Cupertino has a collection Agreement with Recology South Bay and a disposal Agreement with Newby Island Landfill. The City receives a monthly invoice from Newby Island Landfill for disposal services that itemizes disposal tonnages and rates for the City. However, the City was concerned that disposal volumes attributable to the City, were not accurately reflected on the monthly invoice. Furthermore, reports provided by Recology South Bay did not match the reports provided by Newby Island Landfill.

#### Client Contact

Cheri Donnelly  
Environmental Programs  
Manager  
(408) 777-3242

The City retained HF&H to conduct a tonnage audit that included a reconciliation between Recology South Bay and Newby Island Landfill to ensure the City was being correctly invoiced and that tonnages were being reported correctly.

### Results

Results are currently pending completion of the audit.

### Budget and Cost

HF&H budgeted \$32,000 for this work and the project is still in progress.

#### City of Sacramento

#### Waste Characterization Study (2019)

The City of Sacramento has an Agreement with Waste Management, Northern California to process its single stream curbside recyclable material. The Agreement requires payments to the City based on material delivered less residual waste. The Agreement also requires annual waste characterization studies with City oversight.

#### Client Contact

Jerome Council  
Integrated Waste General  
Manager  
(916) 808-4949

The 2018 waste characterization results showed a higher level of contamination than historical characterizations. The City's recyclables are collected every other week (Week A and Week B). The waste characterization study is conducted over a two week period with requirements that the recyclables are processed separately from other jurisdictions material and processed under normal operating conditions.

For the 2019 waste characterization study, the City retained HF&H Consultants to monitor the process in compliance with protocols outlined in the Agreement.

### Results

During the initial sort, HF&H identified inconsistencies in Waste Management's current process vs. that of previous year studies, which resulted in changes prior to the second week. Final results are pending.

### Budget and Cost

HF&H budgeted \$65,000 for this work and the project is still in progress.





## City of Beverly Hills

## Solid Waste Contract Compliance Audit (2016)

The City of Beverly Hills entered into an exclusive franchise agreement, beginning April 1, 2012, for commercial solid waste collection services and residential solid waste processing. The franchise agreement was acquired by another company in February 2015. The City retained HF&H Consultants to perform the triennial compliance audits for selected provisions of the Agreement.

### Client Contact

James Burnley  
Solid Waste Manager  
(310) 285-2475

### **Results**

HF&H found inconsistencies between the processing requirements specified in the agreement and the services provided by the hauler. These inconsistencies resulted in fewer tons being processed than required and the City not being credited with the minimum diversion percentage specified in the agreement.

### **Budget and Cost**

HF&H budgeted \$302,000 for this work and the project was completed under budget (\$278,000).

### **Staffing**

HF&H proposes that Marva Sheehan, CPA and Scott Holt lead up the Waste Tonnage, Rates and Process Audits. In addition to their expertise, they can call upon the resources of Colleen Costine, Dave Hilton, Danielle Derby, CPA and Hailey Gordon.

## **Policy Guidance**

### **Introduction**

HF&H has long been a leader in helping local governments navigate compliance with state statutory and regulatory requirements. From AB 939 in 1989, through SB 1066, AB 341, and AB 1826, HF&H regularly assists our public sector clients in understanding pending requirements, identifying staffing needs, identifying and evaluating program options, planning programs, and monitoring public and private sector compliance efforts.

In recent years we have assisted clients with understanding and incorporating the Cal-Green requirements into their C&D programs, including work with San Jose and San Diego County.

For over two years, since the first draft SB 1383 regulations were released to the public during the in-formal rule-making process, HF&H has been actively engaged in monitoring the process, understanding the whys and nuances of the program requirements, providing comments, and keeping our clients (jurisdictions) informed. HF&H:

- Attended all of CalRecycle's Sacramento SB 1383 rule-making meetings.
- Provided comments and testimony during the SB 1383 rule-making meetings.
- Submitted written comments to CalRecycle.
- Planned and held two client workshops in 2018, disseminating information on SB 1383 to jurisdictions in Northern and Southern California, preparing our own presentation materials and a compliance checklist tool. Approximately 155 representatives from over 100 jurisdictions attended the workshops and spoke very highly of the information provided. Hank Brady, CalRecycle's SB 1383 Manager, provided the highest compliment in a recent email to us stating, "You and your team have this down solid, it is very impressive."

Exhibit A





## Exhibit A

- Was invited to meet with the CalRecycle SB 1383 leadership team because they valued HF&H's understanding of the draft SB 1383 regulations and insight we have through engagement with clients around the State.
- Staff have made 23 presentations on SB 1383 and edible food recovery to 13 different organizations and agencies including SWANA, CRRA, NCRA, and BioCycle.

## Qualifications

HF&H is assisting a number of clients with SB 1383-related planning, such as:

- The City of Anaheim is amending their environmental programs to comply with SB 1383. HF&H has identified program gaps to be addressed and will be amending the franchise agreement and municipal code, negotiating hauler compensation, and developing measurable compliance reporting methods.
- The City of Bell Gardens is planning for SB 1383 implementation with HF&H's support. HF&H has identified SB 1383 program deficiencies and presented them to the City Council along with recommended action items.
- The Central Contra Costa Solid Waste Authority (five municipalities and the County, also known as RecycleSmart) has been very proactive in addressing SB 1383. They engaged HF&H to prepare a cost-benefit analysis of organics program options, conduct research on food recovery program options, develop action plans to guide implementation of seven SB 1383-related programs, and develop ordinances to support SB 1383 compliance.
- The City of Elk Grove initiated a long-range strategic planning process when the first draft SB 1383 regulations were available. HF&H prepared the long-range strategic plan and included a robust diversion analysis for recommended SB 1383 organics programs.
- Kern County is factoring SB 1383 into a new long-term planning process that will address the roles of County staff and facilities in meeting the needs for processing. HF&H is assisting the County with these efforts.
- The County of San Bernardino is evaluating their current solid waste programs for residents, businesses, and internal County operations for compliance with SB 1383. Upon identifying compliance gaps, HF&H will evaluate the costs and benefits of multiple compliance pathways, and provide an implementation master plan to guide the County's implementation.
- The City of Santa Maria engaged HF&H to develop an SB 1383 action plan.
- The City of Vacaville is planning for SB 1383 implementation with HF&H's assistance, including a compliance assessment and action plan, review of the franchise agreement, and a financial analysis identifying anticipated costs and rate impacts.
- The City of Watsonville is determining how the City's owned and operated collection operations will need to be modified and expanded in order to achieve SB 1383 compliance.





## San Diego County Non-Exclusive Franchise & Ordinance (2017-Present)

The County of San Diego set a goal of 75% diversion by 2025. In April 2017, the Board of Supervisors received the "Final Strategic Plan to Reduce Waste", prepared by HF&H, which provided an action plan to move the County from a diversion level of 62% to 75%. A key

### Client Contact

Michael Wonsidler  
Program Manager  
(858) 694-2465

recommendation in the plan is implementation of significant programmatic and performance standard changes to the County's non-exclusive franchise system for residential and commercial customers. In addition, regulation of C&D haulers, which are currently operating in an open market, through the non-exclusive franchise system, is also recommended to increase C&D diversion. In 2018, the County retained HF&H to lead the development of the redesign of non-exclusive franchise system, updates to the solid waste ordinance, preparation of a new C&D recycling ordinance, and the stakeholder engagement process.

### **Results**

HF&H revised the County's existing solid waste franchise agreement to encompass significant enhancements focused on expanding hauler obligations to provide recycling and organics programs. We also included minimum diversion standards and other performance standards to give the County the tools to effectively monitor contractor performance. Since this redesign of the County's non-exclusive franchise agreement has been occurring while SB 1383 regulations are being developed, HF&H also integrated numerous provisions to support the County's compliance with SB 1383 including: food waste collection, container color and labeling requirements, route monitoring and contamination noticing, SB 1383 education and reporting, low-population area exceptions, physical space and de minimis customer waivers, edible food recovery carve out, and more.

In tandem, HF&H revised the County's solid waste ordinance to reflect the changes in the non-exclusive collection system and clarify generator requirements. During the process, we conducted two hauler workshops and meetings with various stakeholders and integrated feedback into the final draft agreement and ordinance. The agreement and ordinance are expected to be presented at a public workshop in May 2019 and then to the Board of Supervisors for approval in September 2019.

### **Budget and Cost**

This project was budgeted at \$237,000. Project is still in progress so final billing cannot be reported.

## StopWaste Five-Year Program Review (2016-17)

In late 2016, HF&H, with the team of Kelly Runyon and Kies Strategies (Delyn Kies) was selected by StopWaste from among five proposers to conduct the most recent "Five Year Review" as mandated by Alameda County's Measure D. Peter Deibler of HF&H managed the Review, as well as two earlier five year reviews. The Review was forward-looking and focused on supporting StopWaste goals over the next few years. HF&H completed the report in December 2017 and presented the results to the Recycling Board, and to the Programs and Administration Committee.

### Client Contact

Ms. Meri Soll  
Senior Program Manager  
(510) 891-6500





## Exhibit A

### Results

- Evaluated member agency data provided by collectors, and applied statistical techniques to assess use of data from StopWaste material characterizations for use in developing metrics to monitor diversion progress.
- Identified steps StopWaste can take to develop metrics to help assess progress by individual member agencies, and in the aggregate towards meeting countywide "interim goals" "less than 10% good stuff" in the garbage. Focused analysis primarily on organics and food recovery; secondarily on recyclables and C&D.
- Reviewed recent disposal characterizations for high-diversion communities nationwide, developed an Excel tool to compare "good stuff in the garbage" data, analyzed ability to connect data to program characteristics, and applied statistical analysis to comparison of results.
- Reviewed, and provided recommendations related to assessing "true" diversion, including accounting for residue from secondary and tertiary processing.

### Budget and Cost

Budgeted \$88,000 and completed project on budget.

### Staffing

HF&H proposes that Peter Deibler, Monaliza Noor, and Alison Griffith lead up the Policy Guidance. In addition to their expertise, they can call upon the resources of Rob Hilton, Tracy Swanborn, and Lauren Barbieri.

## RFP for Haulers and/or Landfills

### Introduction

HF&H is involved in more solid waste contract procurements each year, whether through competitive or sole source processed, than any other single entity in the State. Collection, processing, and disposal contract development and negotiations are a core part of our business, accounting for approximately one third of our annual revenues. HF&H has performed more than 550 service procurements and contract development/negotiations projects, and has negotiated agreements with nearly every collection company in the State. HF&H has completed dozens of projects in the Bay Area, and has assisted, or is currently assisting most of the cities in Santa Clara County, as well as the County.

HF&H offers Cupertino the benefit of our experience and lessons learned through all of these projects. We have developed numerous policies and franchise provisions for the implementation of organics collection and processing programs and created performance standards to incentivize the success of these programs. Most recently, these projects have involved the development of SB 1383-specific language related to collection, route monitoring, contamination monitoring, container colors and labeling, education, reporting, and exclusion of the haulers' exclusive rights to edible food.

We recognize that, depending on the specific assignment, there may be a conflict of interest (real or perceived) given current processing procurement assistance we are giving nearby jurisdictions in Santa Clara County. We look forward to discussing any such conflicts, to help ensure the City makes decisions in allocating work that best meet the needs of all parties.

Recognizing HF&H's expertise, we were just selected by CalRecycle to develop SB 1383 template materials for use statewide. The following qualifications highlight recent and ongoing projects that address SB 1383 planning for the division of public and private sector compliance responsibility and service contracting.





Exhibit A

## Qualifications

### Sunnyvale Contract Options, Performance Review, Negotiation (2018-Present)

#### Project Description

The City of Sunnyvale's collection agreement with Bay Counties Waste Systems (BCWS) and the thirty year City Charter grant of franchise both end in 2021. The City Council directed staff to review three options for contracting post-2021. Based on the results, Council chose to negotiate a new franchise agreement with the incumbent franchisee, with the option to implement a competitive process, if necessary. The Council also directed staff to conduct a performance review prior to beginning negotiations.

#### Client Contact

Mark Bowers  
Solid Waste Program Manager  
(408) 730-7421

#### HF&H Solution

HF&H was selected on a sole source basis by the City to conduct all three phases of the work. HF&H has worked closely with senior Environmental Services Department management, the city attorney, and the city manager, and made three presentations to Council. For review of collection options, HF&H determined in consultation with the city attorney that the City could award a new agreement and a new franchise to the incumbent without modifying the City's charter. HF&H identified the necessary timeframes for a range of contracting options, including for following an unsuccessful sole source negotiation with a competitive process. HF&H then conducted a performance review, identifying key issues to address in negotiating a new agreement. HF&H is currently facilitating development of a "min-RFP" and draft agreement to begin the negotiation process that addresses SB 1383 requirements.

#### Budget and Cost

This project was budgeted at \$86,000 and was completed on budget.

### Sunnyvale SMaRT Procurements, Post 2021 Planning (2000-Ongoing)

#### Operator Procurements

On behalf of the City of Sunnyvale, and its two partner cities, Mountain View, and Palo Alto, Sunnyvale manages an operating agreement for the publicly-owned transfer station and materials recovery facility (the SMaRT Station). HF&H assisted Sunnyvale with the procurement of the facility operator in 2000, 2007 and 2013-14; Peter Deibler managed the 2007 and 2013 processes.

#### Client Contacts

Mark Bowers  
Solid Waste Program Manager  
(408) 730-7421

#### Budget and Cost

The most recent SMaRT Procurement project (2013-14) was budgeted at \$83,978. We were granted two amendments for out-of-scope work in the amounts of \$8,398 and \$4,200. The total cost for this project was \$96,219.

#### Post 2021 Planning

HF&H, as a subcontractor to HDR Engineering is leading team efforts in identifying future participants for the SMaRT Station following the late 2021 termination of the MOU with Sunnyvale, Mountain View, and Palo Alto. Work is in progress, with HF&H staff having arranged and participated in initial meetings with staff from five cities with a potential interest in future use of the SMaRT Station, and communicated with staff from additional





## Exhibit A

cities, and assisted with a multi-city workshop held in April 2019. Key issues include meeting SB 1383 processing mandates for removal of organics from MSW.

### Budget and Cost

HF&H budgeted \$80,000 for this work and the project is still in progress.

#### City of San José

#### Residential Negotiations (2017-Present)

HF&H is managing a multi-consultant team for San José under a three year master services agreement with the city's residential program. HF&H assisted the city in determining whether there is value in negotiating sole-source, long-term agreements with California Waste Solutions, Garden City Sanitation, GreenTeam of San Jose (dba of Waste Connections) and GreenWaste Recovery, the four companies that provide single-family and multi-family collection and processing services with combined compensation of about \$120 million per year. Current agreements end in 2021. The alternative will be a competitive process. HF&H facilitated a series of negotiations with each company, including assisting staff in determining how to address council direction to apply the city's living wage ordinance to both current and future contracts, soliciting and evaluating costs and rates, providing briefings to the Environmental Services Department director, and supporting staff council presentations.

#### Client Contact

Jeff Anderson  
Residential Program Manager  
(408) 975-2518

### Budget and Cost

This project was conducted in 5 separate phases. We are currently working on Phase 5. Below is the budget and cost for each phase.

Phase 1: Budgeted \$81,000 and total cost was \$81,000; Phase 2: Budgeted \$66,000 and total cost was \$66,000; Phase 3: Budgeted \$71,000 and total cost was \$71,000; Phase 4: Budgeted \$42,000 and total cost was \$42,000; Phase 5: Budgeted \$96,000 and this work is still in progress.

Phase &H budgeted \$80,000 for this work and the project is still in progress.

#### SBWMA (RethinkWaste)

#### Franchise Negotiations (2016-17)

The South Bayside Waste Management Authority (SBWMA), also known as RethinkWaste, is a Joint Powers Authority comprising of twelve member agencies in southern San Mateo County. Recology provides collection services to the member agencies through agreements with an initial term that ends December 31, 2020. In 2016, the SBWMA Board of Directors approved a plan to support member agencies with negotiating a potential extension of the Recology agreements. HF&H managed the negotiations process, which involved development of a model franchise agreement for use by the member agencies.

#### Client Contact

Joe La Mariana  
Executive Director  
(650) 802-3505

### Results

- Facilitated a goal-setting workshop with over 20 representatives from the member agencies.
- Prepared an RFP to solicit a formal proposal from Recology.
- Served as lead negotiator and lead analyst of Recology's cost proposal and proposed compensation and rate setting methodology.





## Exhibit A

- Developed a model franchise agreement with Recology that can be adapted by individual Member Agencies to their unique needs.
- Presented the model agreement for the SBWMA Board's review in May 2017 and for approval in June 2017.

### Budget and Cost

HF&H budgeted \$210,000 for this work. We had one amendment for out of scope work and the total project cost was \$216,000.

#### SBWMA (RethinkWaste)

#### Disposal Procurement (2018-In-progress)

The SBWMA contracts with Republic Services for landfill disposal services at Ox Mountain Landfill for receipt of solid waste from all member agencies. In preparation for the December 31, 2019 expiration of the disposal agreement, the SBWMA engaged HF&H to manage a competitive procurement process for solicitation of disposal services and additional service enhancements such as land leasing and other material handling services.

#### Client Contact

Joe La Mariana  
Executive Director  
(650) 802-3505

[jlamariana@rethinkwaste.org](mailto:jlamariana@rethinkwaste.org)

### Results

HF&H prepared and issued an RFP for disposal services. Proposals have been received and evaluated by HF&H. Summary findings and recommendations were presented in February 2019 to a selection committee (comprised of various member agency representatives) and will be presented in May 2019 to the SBWMA Board. Subsequent to the Board's selection of a preferred proposer, final contract negotiations facilitated by HF&H, will be completed in June.

### Budget and Cost

HF&H budgeted \$77,000 for this work and completed the project on budget.

#### City of San Ramon

#### High Diversion Planning and Procurement (2017-18)

The City's existing solid waste and recycling collection agreement with Waste Management (WM) was set to expire in 2019. In 2017 the City engaged HF&H to perform detailed diversion program planning in anticipation of the new agreement term, to assist the City in determining whether to enter into sole-source negotiations with WM, or to go out to competitive bid. Following the initial planning process, the City elected to engage in a competitive procurement process, which was managed by HF&H. A key goal through the process was to design the new franchise agreement to be compliant with the requirements of SB 1383, which presented a challenge, as the regulations were in draft form at the time.

#### Client Contact

David Krueger  
Solid Waste & Recycling Manager  
(925) 973-2824

### Results

The City received four proposals through the competitive RFP process. Following a preliminary evaluation process, HF&H assisted the City with dual negotiations with two proposers, WM and Alameda County Industries (ACI), which resulted in the City entering into an agreement with ACI. The new agreement retained all services provided under the prior franchise agreement, as well as, in part, added the following:

- 90% diversion by the end of the contract term, with significant penalties for non-performance;





## Exhibit A

- Multi-family and commercial organic materials collection and recovery; and
- Updated, SB 1383 compliant color-coded containers and container labels.

### Budget and Cost

HF&H budgeted \$258,000 for this work. We had one amendment for out of scope work and the total project cost was \$268,000.

### Staffing

HF&H proposes that Peter Deibler, Lauren Barbieri, Monaliza Noor, and Danielle Derby lead up the RFP for Haulers and/or Landfills. In addition to their expertise, they can call upon the resources of Rob Hilton and Tracy Swanborn.

### A Team Built for the City of Cupertino

The City requires a team with a breadth of knowledge and expertise. Your HF&H team will provide the City the "shelter" it needs and wants.

HF&H has extensive depth in staff that can provide assistance to the City. While we have assigned key staff to each project area, our collaborative nature is a key benefit to the City. We have resumes in Attachment A of other HF&H team members that will be available to provide assistance from "the bench".

Our team will be supported by staff from our two firm practices: solid waste management services and stormwater management services. Our staff includes Certified Public Accountants, Certified Management Consultants, and Registered Professional Engineers. Many of our team members possess advanced degrees, professional certifications, and have had a decade or more of government and/or industry experience prior to becoming consultants. They are leaders in such organizations as the California Resource Recovery Association, the Solid Waste Association of North America, the Southern California Waste Management Forum, and the Institute of Management Consultants.

HF&H is more than the sum of its individual members, technical training, and proprietary analytical tools. Each project includes a team of consultants using work processes that provide a consistent level of quality. Principals, managers, and staff members each play a role in preparing, reviewing, supervising, and carrying out detailed work plans and schedules, monitoring status, creating reports and analyses, drafting work products, and presenting results in a timely and cost-effective manner.

Our collaborative approach between the City and our diverse team of consultants will provide the City with the confidence to face its obligations to its ratepayers.



## HF&H Difference

- Leadership
- Independence and objectivity
- Commitment
- Thorough and detailed
- High quality
- Responsive and personal
- Exceeds expectations





## Billing Rate Schedule

HF&H proposes the following billing rate schedule for the two-year qualification period:

<u>HF&amp;H Staff</u>	<u>Rate</u>
President	\$290
Senior Vice President & Vice President	\$285
Senior Project Manager	\$250
Project Manager	\$235
Senior Associate	\$210
Associate Analyst	\$180
Assistant Analyst	\$140
Administrative Staff	\$120

Exhibit A





## COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA  
95014-3255 TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: October 15, 2019

#### Subject

Amendment to Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the California Buildings Standards Code and Fire Code as mandated by the State of California and making local exceptions to those standards as warranted.

#### Recommended Action

1. Conduct the first reading of "An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.40, 16.54, and 16.58 and Adding Chapters 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Existing Building Code, Referenced Standards Code, and Green Building Standards Code with certain exceptions, deletions, modifications, additions and amendments";
2. Adopt a Resolution making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.

#### Discussion

The Building Standards Commission (BSC) mandates that Title 24 of the California Code of Regulations, also referred to as the "California Building Standards Code," be adopted by local jurisdictions. The California Building Standards Code is published in its entirety every three years by order of the California legislature, with supplements published in intervening years.

The State of California allows local municipalities to modify the State-adopted building standards to make them more restrictive (not less), provided certain findings are made that the proposed modifications are necessary due to local climatic, geological or topographical conditions that can affect the health, welfare and safety of local residents. Building Standards, including Green Building Standards, must be justified on the basis of one or more local climatic, geological or topographical conditions.

California's Health and Safety Code (HSC) provides that the California Building Standards Code will be effective for local enforcement 180 days after it is published by the BSC. In adopting Title 24 for local enforcement, local jurisdictions may amend or make changes to the standards if such amendments or changes are necessary to address local geologic, topographic or climatic conditions.

In the proposed ordinance, Cupertino adopts the 2019 edition of the California Building Standards Code with local amendments. (Attachment A). The Local Amendments included in the code adoption package that are recommended to be adopted by City Council are more stringent than the State Codes and are identified in Exhibit A of the draft Resolution titled "Matrix Table for Justification and Findings for Local Amendments."

The local amendments recommended in the Ordinance incorporate those amendments developed by the local Tri-chapter Uniform Code Committee (TUCC) and those local Fire Code amendments developed by the Santa Clara County Fire Marshals Association and endorsed by the Santa Clara County Fire Chiefs Association. As part of the TUCC, Cupertino has worked with other local jurisdictions in the Bay Area to ensure consistency among amendments.

The TUCC is made up of local Building Officials serving communities in the East Bay (East Bay Chapter), communities along the peninsula from as far north as San Francisco and as far south as Gilroy (Peninsula Chapter) and communities serving the Monterey County area (Monterey Chapter). The TUCC takes on the responsibility to review and amend the model codes to enhance regional consistency in application and enforcement of the adopted codes. The TUCC develops standardized codes, interpretations and local amendments to maintain consistency from one jurisdiction to another.

The local Fire Code amendments to the California Fire Code provided by the Julie Linney, Santa Clara County Deputy Chief, were developed by the Santa Clara County Fire Marshals Association and endorsed by the Santa Clara County Fire Chiefs Association. The intent is to have consistency in the application of codes related to fire safety. The amendments have been provided to all Cities within the Santa Clara County Fire Department jurisdiction, as well as surrounding County jurisdictions, to be included in their respective code adoption package for consistency of enforcement.

Draft Ordinance Summary:

The Ordinance achieves the following:

- Adopts the 2019 edition of the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Referenced Standards and Green Building Standards codes by a single ordinance.
- Incorporates local Building Code amendments to the California Code of Regulations developed by the Tri-chapter Uniform Code Committee (TUCC).
- Incorporates local Fire Code amendments to the California Fire Code developed by the Santa Clara County Fire Marshals Association and endorsed by the Santa Clara County Fire Chiefs Association.

These primary local amendments to the State Building and Fire Codes, as reflected in Title 16 of the Cupertino Municipal Code (Building and Construction), are discussed in detail below.

#### Local Amendments:

- Administrative Code Amendments include:
  - Municipal Code Sections were reorganized and consolidated to be more consistent with the California Code.
  - Section 104.11.2 and 105.3.1 was inadvertently left out of the previous code cycle and, therefore, included in this code.
  - Requirement of the Job Card to be posted at a location visible from the street frontage added.
  - The validity of permits is extended to 12 months to align with AB 2913 and H&S 18938.6.
  - Subsections of Section 107.2 and 110.3 were removed because they are already adopted by the California Code.
  - Language was added for the Board of Appeals to be appointed by the City Manager.
- Building Code Amendments include:
  - Revise Table 2308.3.1 to not permit the use of Gypsum Board (GB), Hardboard Panel Siding (HPS), and Particle Board (PBS) as a Brace Wall Panel method and limiting the use of Portland Cement Plaster (PCP) to one-story building and structures.
- Residential Code Amendments include:
  - Municipal Code Sections were reorganized and consolidated to be more consistent with the California Code.
  - Delete exception in Section R310 that eliminates the requirement for emergency escape and rescue openings from bedrooms in basements in sprinklered buildings.



- Clarify Accessory Dwelling Units are required to be sprinklered if the cumulative total of one or more additions made to the building after 1/1/2011 totals more than 1000 s.f. or is the total building area increases to more than 3,600 s.f. or if the Access and Water supply requirements of the Fire Code are not met.
- Delete Exceptions for Accessory Structures located in the Wildland Urban Interface areas.

### Required Findings:

#### 1. Building Code Statement of Findings

Amendments to the 2019 California Code of Regulations are reasonably necessary for the protection of the public health, safety and welfare, due to the local climatic, geologic or topographical conditions specified as follows:

The Bay Area region is a densely populated area having 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. Seismically, Cupertino is situated adjacent to active earthquake faults capable of producing substantial seismic events. The city has the San Andreas and Sargent-Berocal faults running through the lower foothills and the Monta Vista fault system closer to the valley floor area. The Hayward fault is just northeast of the City which would have a major affect upon the City if it were to rupture. Adding to this threat, the number of vehicles driven in Cupertino is steadily increasing with commuters driving to and through the City either to homes, shopping and/or places of employment. Since the City is divided by major freeways and expressways, the occurrence of a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more freeway/expressway bridges collapse or be substantially damaged.

#### 2. Fire Code Statement of Findings

Amendments to the 2019 California Fire Code are reasonably necessary for the protection of the public health, safety and welfare, due to the local climatic, geologic or topographical conditions specified as follows:

The City of 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 structure fires. Additionally, the City of Cupertino is geographically situated adjacent to active earthquake faults capable of producing substantial seismic events. Since the City of Cupertino is divided by an active Union Pacific railway service line

(freight), creeks, highways, and other substantial traffic corridors, the occurrence of a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more bridges collapse or be substantially damaged. In addition, fire suppression capabilities would be severely limited should the water system be extensively damaged during the seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safe guards in order to minimize the risks to citizens, firefighters and property due to the severity of the fire threat and potential response delays.

Effective Date of Code Adoption:

On July 1, 2019, the BSC published the 2019 edition of the California Building Standards Code. The 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Existing Building Code, Referenced Standards Code, and Green Building Standards Codes as mandated by the State of California will become effective on January 1<sup>st</sup>, 2020. The local amendments to the State-adopted codes will be effective 30 days after the second reading and will apply to plans submitted after January 1<sup>st</sup>, 2020. These plans will be required to comply with the new 2019 California Codes along with the local adopted amendments.

The justifications following the table of amendments to Title 16 of the Cupertino Municipal Code, as provided in the draft Resolution, provide the reasons and justifications for each amendment. (Attachment C.) Each amendment is identified by the Section number used in the proposed Ordinance. Many of the proposed amendments have been renumbered to match the revised format of the International Codes upon which several of the California codes are based.

The Building and Fire codes were made available to the public in the City Clerk's office prior to the adoption of this Ordinance as required by law.

Environmental Review:

Exempt, under the provision of the California Environmental Quality Act of 1970, as amended, 14 California Code of Regulations Section 15061(b)(3) (common sense exemption). The Ordinance incorporates, and provide greater protections from environmental harm than State law and therefore there is no potential for approval causing a significant effect on the environment.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

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Prepared by: Albert Salvador, Building Official

Sean Hatch, Deputy Building Official

Reviewed by: Ben Fu, Director of Community Development

Approved for Submission by: Deborah L. Feng, City Manager

Attachments:

A – Draft Ordinance amending Title 16 of the Cupertino Municipal Code

B – Municipal Code Redline Version

C – Draft Resolution including Justification and Findings for Local Amendments

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CITY CODE CHAPTERS 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.40, 16.54, AND 16.58 AND ADDING CHAPTERS 16.62, 16.64, and 16.68 OF TITLE 16 OF THE CUPERTINO MUNICIPAL CODE ADOPTING THE 2019 CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, FIRE, HISTORICAL BUILDING CODE, EXISTING BUILDING CODE, REFERENCED STANDARDS CODE, AND GREEN BUILDING STANDARDS CODE WITH CERTAIN EXCEPTIONS, DELETIONS, MODIFICATIONS, ADDITIONS AND AMENDMENTS.**

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The City Council of the City of Cupertino finds that:

1. 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 2019 California Building Code (Part 2 of Title 24, based on the 2018 International Building Code), the 2019 California Residential Code (Part 2.5 of Title 24 based on the 2018 International Residential Code), the 2019 California Electrical Code (Part 3 of Title 24 based on the 2017 National Electrical Code), The 2019 California Mechanical Code (Part 4 of Title 24 based on the 2018 Uniform Mechanical Code), the 2019 California Plumbing Code (Part 5 of Title 24 based on the 2018 Uniform Plumbing Code), the 2019 California Energy Code (Part 6 of Title 24), the 2019 California Historical Building Code (Part 8 of Title 24), the 2019 California Fire Code (Part 9 of Title 24), the 2019 California Existing Building Code (Part 10 of Title 24 based on the 2018 International Existing Building Code), the 2019 California Green Building Standards Code (Part 11 of Title 24), the 2019 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.
2. The City Council of the City of Cupertino held a duly noticed public hearing on October 15, 2019, and after considering all testimony and written materials provided in connection with that hearing introduced this ordinance and waived the reading thereof.

**NOW THEREFORE, THE COUNCIL OF THE 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 Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. 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 of a significant effect on the environment. CEQA applies only to projects which have the potential of 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 amendments to the City Code would have no or only a de minimis impact on 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 and will apply to plans submitted after January 1, 2020.

**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.

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**INTRODUCED** at a regular meeting of the Cupertino City Council on October 15, 2019, and **ENACTED** at a regular meeting of the Cupertino City Council on November 5, 2019, by the following vote:

Members of the City Council

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

SIGNED:  _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST:  _____  Grace Schmidt, City Clerk	_____ Date
APPROVED AS TO FORM:  _____ Heather Minner, City Attorney	_____ Date



## ATTACHEMENT A

Chapter 16.02 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.02 to be entitled, numbered, and to read as follows:

### CHAPTER 16.02: ADMINISTRATIVE CODE

#### Section

- 16.02.010 Adoption of the 2019 California Building Code, Volume 1, based on the 2018 International Building code, Volume 1.
- 16.02.010 Purpose.
- 16.02.020 Definitions.
- 16.02.030 Scope.
- 16.02.040 Duties and Powers of Building Official.
- 16.02.050 Permits.
- 16.02.060 Submittal Documents.
- 16.02.070 Responsibility of permittee.
- 16.02.080 Fees.
- 16.02.090 Inspections.
- 16.02.100 Certificate of occupancy.
- 16.02.110 Board of Appeals.
- 16.02.120 Violations.
- 16.02.130 Stop work order.

**16.02.010** Adoption of the 2019 California Building Code, Volume 1, based on the 2018 International Building code, Volume 1.

A. Except as otherwise provided in this chapter, the provisions of the 2019 California Building Code, Volume 1 inclusive, and specified Appendices and each and all of the regulations, provisions, conditions and terms of the code are referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and are 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.

**16.02.015 Purpose.**

A. The purpose of this title is to establish the minimum requirements to safeguard to public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

B. This title provides for the administration and enforcement of the building, residential, plumbing, mechanical, electrical, fire prevention, energy, housing, green building, building conservation and historical codes adopted by the City of Cupertino.

**16.02.020 Definitions.**

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “Building” means any structure used or intended for supporting or sheltering any use or occupancy. A structure containing less than one hundred and twenty (120) square feet of floor space shall not fall within this definition;
- B. “Building Official” means the Chief Building Official for the City of Cupertino or authorized designee;
- C. “City” means the City of Cupertino;
- D. “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

**16.02.030 Scope.**

The provisions of this title shall apply to the construction, alteration, relocation, enlargement, replacement, repair, use and occupancy and demolition of every building, structure and building services equipment of every building or structure within the city.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

#### 16.02.040 Duties and Powers of Building Official.

Adopt Section [A] 104.1 of the 2019 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.

Adopt Section [A] 104.2 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 104.3 of the 2019 California Building Code as follows:

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

Adopt Section [A] 104.4 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 104.5 of the 2019 California Building Code as follows:

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

Adopt Section [A] 104.6 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 104.7 of the 2019 California Building Code as follows:

**[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.

Amend Section [A] 104.8 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 104.9 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 104.10 of the 2019 California Building Code as follows:

**[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 of building safety.

Amend Section [A] 104.11 of the 2019 California Building Code as follows:

**[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 design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and 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.

## 16.02.050 Permits.

Adopt Section [A] 105.1 of the 2019 California Building Code as follows:

**[A] 105.1 Required.** Any owner or 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.

Adopt Section [A] 105.2 of the 2019 California Building Code as follows:

**[A] 105.2 Work exempt from permit.** Exemptions from permit requirement 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. 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).
2. Fences 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.

Adopt Section [A] 105.3 of the 2019 California Building Code as follows:

**[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 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.

Adopt Section [A] 105.3.1 of the 2019 California Building Code as follows:

**[A] 105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within 180 days 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.

Adopt Section [A] 105.3.2 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 105.4 of the 2019 California Building Code as follows:

**[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.

Amend and Adopt Section [A] 105.5 of the 2019 California Building Code as follows:

**[A] 105.5 Expiration.** 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.

Adopt Section [A] 105.6 of the 2019 California Building Code as follows:

**[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.

Amend and Adopt Section [A] 105.7 of the 2019 California Building Code as follows:

**[A] 105.7 Placement of permit.** The Job Card or copy shall be posted 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.

#### 16.02.060 Submittal Documents.

Amend and Adopt Section [A] 107.1 of the 2019 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 electronically 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.



Adopt Section [A] 107.2 of the 2019 California Building Code as follows:

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

Adopt Section [A] 107.3, [A] 107.3.1, [A] 107.3.2, [A] 107.3.3, [A] 107.3.4, [A] 107.4.1, [A] 107.4, [A] 107.5 of the 2019 California Building Code as follows:

**[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 document retention plan.

#### 16.02.070 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.

#### 16.02.080 Fees.

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

#### 16.02.090 Inspections.

Adopt Section [A] 110.1 of the 2019 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. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed 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.

Adopt Section [A] 110.2 of the 2019 California Building Code as follows:

**[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.

Amend Section [A] 110.3 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 110.3.7 of the 2019 California Building Code as follows:

**[A] 110.3.7 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.

Adopt Section [A] 110.3.8 of the 2019 California Building Code as follows:

**[A] 110.3.8 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.

Adopt Section [A] 110.4 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 110.5 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 110.6 of the 2019 California Building Code as follows:

**[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

#### 16.02.100 Certificate of Occupancy.

Adopt Section [A] 111.1 of the 2019 California Building Code as follows:

**[A] 111.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall 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.

Adopt Section [A] 111.2 of the 2019 California Building Code as follows:

**[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.
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. If the automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Adopt Section [A] 111.3 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 111.4 of the 2019 California Building Code as follows:

**[A] 111.4 Revocation.** The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the California Building Code 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 any ordinance or regulation or any of the provisions of the California Building Code.

## 16.02.110 Board of Appeals.

Amend and Adopt Section [A] 113.1 of the 2019 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 consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction installations and materials. The board of appeals shall be appointed by the city manager, and the appointed members of the board of appeals shall not be employees of the City. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official, with a duplicate copy to the appellant. In the event where no such board of appeals has been established, the City Council shall serve as said appeals board.

Amend and Adopt Section [A] 113.1.1 of the 2019 California Building Code to read as follows:

**[A] 113.1.1 Access Compliance.** Per Health and Safety Code 19955 – 19959.5, in order to hear and decide appeals of orders, decisions or determinations made by the building official relative to access compliance, there shall be and is hereby created a board of appeals consisting of five members to hear written appeals brought by any person regarding action taken by the building department. Two members of accessibility board of appeals shall be physically handicapped persons, two members shall be persons experienced in construction, and one member shall be a public member. The accessibility board of appeals shall be appointed by the city manager, and the appointed members of the board of appeals shall not be employees of the City. The accessibility board of appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official, with a duplicate copy to the appellant. In the event where no such board of appeals has been established, the City Council shall serve as said appeals board.

Adopt Section [A] 113.2 of the 2019 California Building Code to read as follows:

**[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 or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

## 16.02.120 Violations.

Adopt Section [A] 114.1 of the 2019 California Building Code 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.

Adopt Section [A] 114.2 of the 2019 California Building Code as follows:

**[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. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**16.02.130 Stop Work Order.**

Adopt Section [A] 115.1 of the 2019 California Building Code 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.

Adopt Section [A] 115.2 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 115.3 of the 2019 California Building Code as follows:

**[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.

Chapter 16.04 of Title 16 of the Cupertino Municipal is hereby repealed in its entirety and replaced with the following Chapter 16.04 to be entitled, numbered, and to read as follows:

**CHAPTER 16.04: BUILDING CODE**

Section

- 16.04.010 Adoption of the 2019 California Building Code, Volumes 1 and 2, based on the 2018 International Building Code, Volumes 1 and 2.
- 16.04.015 Adoption of Appendix Chapters.
- 16.04.020 Section 501.2 - Address identification.
- 16.04.040 Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure.
- 16.04.060 Chapter 15 - Roof Assemblies and Rooftop Structures
- 16.04.080 Chapter 17 - Special Inspection and Tests.
- 16.04.100 Chapter 19 - Concrete.
- 16.04.120 Section 3109 - Swimming Pool Enclosures and Safety Devices.

**16.04.010 Adoption of the 2019 California Building Code, Volumes 1 and 2, based on the 2018 International Building Code, Volumes 1 and 2.**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 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 2019 California Building Code are hereby adopted.

Appendix C: Group U – Agricultural Buildings;  
Appendix F: Rodentproofing;  
Appendix G: Flood-Resistant Construction;  
Appendix I: Patio Covers;

#### 16.04.020 Section 501.2 - Address Identification.

Adopt Section 502.1 of the 2019 California Building Code and amend to read as follows:

New and existing buildings shall be provided with approved address numbers or letters. 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. When required by the fire code official, address numbers 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 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.

#### 16.04.040 Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure.

Amend Section 707A.9 of the 2019 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 2019 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.

#### 16.04.060 Chapter 15 - Roof Assemblies and Rooftop Structures.

Amend Section 1505.1.3 of the 2019 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 at least Class A.

Amend Section 1505.1.4 of the 2019 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 at least Class A.

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

#### 16.04.080 Chapter 17 – Special Inspection and Tests.

Amend Section 1705.3 Exception #1 of the 2019 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.

**Exception:**

Special inspections 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).

#### 16.04.100 Chapter 19 – Concrete.

Adopt and amend Section 1905.1.7 and ACI 318 Section 14.1.4 to read as follows:

**1905.1.7 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.

#### 16.04.120 Chapter 23 – Wood.

Add Section 2308.6.3.1 to the 2019 California Building Code to read as follows:

**2308.6.3.1 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.

Amend Table 2308.6.3(1) of the 2019 California Building Code, to add a new footnote "b" to the end of California Building Code Table 2308.6.3(1) to read as follows:

- b. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Methods GB, SFB, HPS and PBS is not permitted and the use of Method PCP is limited to one-story buildings and structures.

#### **16.04.140 Section 3109 - Swimming Pool Enclosures and Safety Devices.**

Adopt Section 3109 of the 2019 California Building Code.

Add Section 3109.3 to the 2019 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.
1. Pregunite 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;
  2. An inspection is required for all conduit and gas piping under slabs before decks are poured;
  3. 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;
  4. 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;
  5. 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 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.06 to be entitled, numbered, and to read as follows:

### **CHAPTER 16.06 RESIDENTIAL CODE**

#### **Section**

- 16.06.010 Adoption of the 2019 California Residential Code based on the 2018 International Residential Code.
- 16.06.015 Adoption of Appendix Chapters.
- 16.06.020 Section R310 – Emergency Escape and Rescue Openings.
- 16.06.040 Section R313 - Automatic Fire Sprinkler Systems.
- 16.06.060 Section R337 - Materials and Construction Methods for Exterior Wildfire Exposure.
- 16.06.080 Chapter 4 - Foundations.
- 16.06.100 Chapter 6 – Wall Construction.
- 16.06.120 Chapter 9 - Roof Assemblies.
- 16.06.140 Chapter 10 - Chimneys and Fireplaces – Spark Arrestors.

#### **16.06.010 Adoption of the 2019 California Residential Code based on the 2018 International Residential Code.**

A. Except as otherwise provide in this chapter, the provisions of the 2019 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 2019 California Residential Code are hereby adopted:

- Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;
- Appendix H: Patio Covers;
- Appendix J: Existing Building and Structures;
- Appendix K: Sound Transmission;
- Appendix V: Swimming Pool Safety Act

#### **16.06.020 Section R310 – Emergency Escape and Rescue Openings.**

Amend Section R310.1 of the 2019 California Residential Code to delete Exception #2.

#### 16.06.040 Section R313 - Automatic Fire Sprinkler Systems.

Amend Section R313.1 of the 2019 California Residential Code to read as follows:

**R313.1 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 of the 2019 California Residential Code to read as follows:

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings and Accessory Dwelling Units as follows:

1. In all new one- and two-family dwellings, rebuild of existing one- and two-family dwellings as defined by the Building Official.
2. In all new basements and in existing basements that are expanded by more than 50%.
3. In all attached Accessory Dwelling Units and/or additions to an existing one- and two-family dwelling that have an existing fire sprinkler system.
4. In all attached accessory dwelling units and/or additions to an existing non-sprinklered one- and two-family dwelling, when the building area is increased 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 and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.

5. Detached Accessory Dwelling Units that meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.

Exception (Fire Sprinklers are not required if all the following provisions are met):

1. The existing primary residence does not have automatic fire sprinklers; and
2. The accessory detached dwelling unit does not exceed 1,000 square feet in size; and
3. The unit is on the same lot as the primary residence; and
4. The unit meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.

#### 16.06.060 Section R337 - Materials and Construction Methods for Exterior Wildfire Exposure.

Amend Section R337.7.9 of the 2019 California Residential Code to read as follows:

**R337.7.9 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 either of the following:
  - 5.1 SFM Standard 12-7A-3; or
  - 5.2 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-grove, or set close together and well spiked.

Amend Section R337.10.3 of the 2019 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.

#### 16.06.080 Chapter 4 – Foundations.

Amend Section R403.1 of the 2019 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 2019 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 Table R403.1(1) to Table R403.1(3) and Figure R403.1.3. The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. 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. 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.

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

Delete Section R403.2 in its entirety.

#### 16.06.100 Chapter 6 – Wall Construction.

Amend Section R602.10.4 of the 2019 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 D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, 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 of the 2019 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 D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, 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 D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

#### 16.06.120 Chapter 9 – Roof Assemblies.

Amend Section R902.1.3 of the 2019 California Residential Code to read as follows:

**R902.1.3 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 at least Class A.

Amend Section R902.1.4 of the 2019 California Residential Code to read as follows:

**R902.1.4 Roofing coverings within the 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 at least Class A.

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

**16.06.140 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 2019 California Residential Code Section R1003.9.2.

**[Title 16 – Chapter 16.08 – No Change]**

**[Title 16 – Chapter 16.12 – No Change]**

Chapter 16.16 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.16 to be entitled, numbered, and to read as follows:

**CHAPTER 16.16: ELECTRICAL CODE**

Section

- 16.16.010 Adoption of the 2019 California Electrical Code based on the 2017 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 2019 California Electrical Code based on the 2017 National Electrical Code.**

A. Except as otherwise provided in this chapter, the provisions of the 2019 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 2019 California Electrical Code have been adopted.

**16.16.020 Article 100 – Definitions.**

Amend Article 100 of the 2019 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. Owner/Builder;
- b. Electrical contractors who are in compliance with the state licensing laws and whose employees are under the direct supervision of a qualified journeyman electrician;
- c. 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;
- d. 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 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.20 to be entitled, numbered, and to read as follows:

### **CHAPTER 16.20: PLUMBING CODE**

#### **Section**

- 16.20.010 Adoption of the 2019 California Plumbing Code based on the 2018 Uniform Plumbing Code.
- 16.20.015 Adoption of Appendix Chapters.
- 16.20.020 Name Insertion.

#### **16.20.010 Adoption of the 2019 California Plumbing Code based on the 2018 Uniform Plumbing Code.**

A. Except as otherwise provided in this chapter, the provisions of the 2019 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 Appendix Chapters from the 2019 California Plumbing Code are hereby 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;

#### **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 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.24 to be entitled, numbered, and to read as follows:

### **CHAPTER 16.24: MECHANICAL CODE**

Section

- 16.24.010 Adoption of the 2019 California Mechanical Code based on the 2018 Uniform Mechanical Code.
- 16.24.015 Adoption of Appendix Chapters.
- 16.24.020 Name Insertion.

**16.24.010 Adoption of the 2019 California Mechanical Code based on the 2018 Uniform Mechanical Code.**

A. Except as otherwise provided in this chapter, the provisions of the 2019 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.**

No Appendix Chapters from the 2019 California Mechanical Code have been adopted.

**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 16.36 – No Change]**

Chapter 16.40 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.40 to be entitled, numbered, and to read as follows:

**CHAPTER 16.40: FIRE CODE**

Section

- 16.40.010 Adoption of the 2019 California Fire Code and 2018 International Fire Code.
- 16.40.015 Adoption of Appendix Chapters.
- 16.40.020 Chapter 1 - Administration.
- 16.40.040 Chapter 2 - Definitions.
- 16.40.060 Chapter 3 - General Requirements.
- 16.40.080 Chapter 5 - Fire Service Features.
  
- 16.40.100 Chapter 6 – Building Services and Systems.
- 16.40.120 Chapter 8 – Interior Finish, Decorative Materials and Furnishings.
- 16.40.140 Chapter 9 – Fire Protection and Life Safety Systems.
- 16.40.160 Chapter 11 – Construction Requirements for Existing Buildings.
- 16.40.180 Chapter 33 – Fire Safety During Construction and Demolition.
- 16.40.200 Chapter 49 – Requirements for Wildland- Urban Interface Fire Areas.
- 16.40.220 Chapter 50 – Hazardous Materials – General Provisions.
- 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.

**16.40.010 Adoption of the 2019 California Fire Code and 2018 International Fire Code.**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 California Fire Code and also the 2018 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 2019 California Fire Code are hereby adopted.

- Appendix B: Fire-Flow Requirement for Buildings.
- Appendix C: Fire Hydrant Locations and Distribution.
- Appendix O: Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

16.40.020 Chapter 1 - Administration.

Add Section 101.3.1 to the 2019 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 105.6.20 of the 2019 California Fire Code to read as follows:

TABLE 105.6.20  
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials: Gases Liquids Solids	See Section 105.6.8 55 gallons 500 pounds
Explosive materials	See Section 105.6.14
Flammable materials: Gases Liquids Solids	See Section 105.6.8 See Section 105.6.16 100 pounds
Highly toxic materials: Gases Liquids Solids	See Section 105.6.8 Any Amount Any Amount
Moderately toxic materials: Gases	See Section 105.6.8
Other health hazard materials: Gases Liquids Solids	See Section 105.6.8 55 gallons 500 pounds
Oxidizing materials: Gases Liquids: Class 4 Class 3 Class 2 Class 1 Solids: Class 4 Class 3 Class 2 Class 1	See Section 105.6.8  Any Amount 1 gallon <sup>a</sup> 10 gallons 55 gallons  Any Amount 10 pounds <sup>b</sup> 100 pounds 500 pounds
Organic peroxides: Liquids Class I Class II	  Any Amount Any Amount

Class III Class IV Class V	1 gallon 2 gallons No Permit Required
Solids Class I Class II Class III Class IV Class V	Any Amount Any Amount 10 pounds 20 pounds No Permit Required
Pyrophoric materials: Gases Liquids Solids	Any amount Any amount Any amount
Toxic materials: Gases Liquids Solids	See Section 105.6.8 10 gallons 100 pounds
Unstable (reactive) materials: Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1	Any Amount Any Amount 5 gallons 10 gallons Any Amount Any Amount 50 pounds 100 pounds
Water-reactive materials: Liquids Class 3 Class 2 Class 1 Solids Class 3 Class 2 Class 1	Any Amount 5 gallons 55 gallons Any Amount 50 pounds 500 pounds

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

- a. 20 gallons for Class 3 oxidizers when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds for Class 3 oxidizers when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

Delete Section 105.6.30 of the 2019 California Fire Code.

Add Section 105.6.52 to the 2019 California Fire Code to read as follows:

**105.6.52 Day care facility.** An operational permit is required to operate a business as a day care facility for more than 6 people.

Add Section 105.6.53 to the 2019 California Fire Code to read as follows:

**105.6.53 Institutional.** A permit is required to operate, maintain, or use any institutional type occupancy. For the purpose of this Section, an institution shall be, but is not limited to: hospitals, children’s home, home or institution for insane or mentally retarded persons, home or institution for the care of aged or senile persons, sanitarium, nursing or convalescent home, certified family care homes, residential care homes for the elderly, out of home placement facilities, halfway house, and day care nurseries or similar facility of any capacity.

Add Section 105.6.54 to the 2019 California Fire code to read as follows:

**105.6.54 Lithium Batteries.** An operational permit is required to collect or store more than 1,000 pounds (454 kg) of lithium batteries.

Add Section 105.6.55 to the 2019 California Fire Code to read as follows:

**105.6.55 Additive Manufacturing.** An operational permit is required to conduct additive manufacturing operations as covered in Section 321.3.

Amend Section 105.7.4 of the 2019 California Fire Code to read as follows:

**[A] 105.7.4 Compressed Gases.** A construction permit is required to install any piped distribution system for

compressed gases, or to install a non-flammable medical gas manifold system. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

**Exceptions:**

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

Amend Section 105.7.5 of the 2019 California Fire Code to read as follows:

**[A] 105.7.5 Cryogenic fluids.** A construction permit is required for installation of or alteration to cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

Add Section 106.2.1 of the 2019 California Fire Code to read as follows:

**106.2.1 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 \$4.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$630.15 for the first \$50,000.00 plus \$13.60 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$986.75 for the first \$100,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000.00	\$3,228.15 for the first \$500,000.00 plus \$5.35 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001 and up	\$5,604.00 for the first \$1,000,000.00 plus \$4.75 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 the 2019 California Fire Code to read as follows:

**106.2.2 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 to the 2019 California Fire Code to read as follows:

**107.5 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.**

Amend Chapter 2 of the 2019 California Fire Code and 2018 International Fire Code with the following definitions added:

**3D PRINTER.** A machine used in the additive manufacturing process for fabricating objects through the deposition of a material using a print head, nozzle, or another printer technology.

**ADDITIVE MANUFACTURING.** A process of joining materials to make objects from 3D model data, usually layer upon layer, sometimes referred to as 3D printing. The Code recognizes two types of additive manufacturing:

1. Industrial additive manufacturing. 3D printing operations that typically utilize combustible powders or metals, an inert gas supply, a combustible dust collection system. or that create a hazardous (classified) location area or zone outside of the equipment.
2. Non-industrial additive manufacturing. 3D printing operations that do create a hazardous (classified) location area outside of the equipment, and do not utilize an inert gas supply or a combustible dust collection system.

**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;
2. any liquid having a pH of 2 or less or 12.5 or more;
3. any liquid classified as corrosive by the U.S. Department of Transportation; and
4. any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

**MINIMUM THRESHOLD QUANTITY.** Minimum threshold quantity is the aggregate of highly toxic, toxic or moderately toxic gases in a control area which, due to the minimum aggregate quantities, need only comply with the requirements set forth in Section 6004.1.

**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 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.

**OTHER HEALTH HAZARD MATERIAL.** 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) or teratogens (effect on fetuses).

**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.

**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 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.

**16.40.060 Chapter 3 - General Requirements.**

Add Section 315.8 to the 2019 California Fire Code to read as follows:

### **315.8 LITHIUM BATTERY STORAGE AND HANDLING**

**315.8 Lithium Battery Storage and Handling.** The storage and handling of lithium ion and lithium metal batteries or cells in quantities exceeding 1,000 pounds (4086 kg) shall comply with Section 315.8.1 through 315.8.10, and Chapter 32 where applicable.

**315.8.1 Permits.** Permits shall be required as set forth in Section 105.6.54.

**315.8.2 Maximum quantity in a fire area.** The aggregate amount of lithium batteries stored and handled in a single fire area shall not exceed 9,000 pounds (4086 kg).

**315.8.3 Construction requirements.** Fire areas shall be separated from each other by fire barriers having not less than 2-hour fire resistance rating constructed in accordance with Section 707 of the Building Code and horizontal assemblies constructed in accordance with Section 711 of the Building Code.

**315.8.4 Number of fire areas.** The maximum number of fire areas within a building shall be four.

**315.8.5 Group H, Division 2 occupancy.** Storage and handling of more than 9,000 pounds of lithium batteries per fire area shall be in an approved Group H, Division 2 occupancy constructed in accordance with the Building Code and provided throughout with approved automatic smoke detection and radiant-energy detection systems.

**315.8.6 Automatic sprinkler system.** Buildings containing fire areas used for lithium battery storage or handling shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The design of the sprinkler system within each fire area shall not be less than that required for Extra Hazard Group 2 with a minimum design area of 2,500 square feet. Where the storage arrangement is required by other provisions of this code to be provided with a higher level of sprinkler system protection, the higher level of sprinkler system protection shall be provided.

**315.8.7 Automatic smoke detection system.** An approved automatic smoke detection system that activates an approved occupant notification system shall be provided throughout each fire area in accordance with Section 907.

**315.8.8 Radiant energy detection.** An approved radiant-energy detection system that activates an approved occupant notification system shall be installed throughout each fire area in accordance with Section 907.

**315.8.9 Collection containers.** Containers used to collect or store lithium batteries shall be noncombustible and shall not have an individual capacity exceeding 30 gallons (113.6 L), or be approved for transportation in accordance with the Department of Transportation (DOT).

**315.8.10 Storage configuration.** Lithium batteries shall be considered a high-hazard commodity in accordance with Chapter 32 and where applicable, lithium battery storage shall comply with Chapter 32 in addition to Section 315.8.

Add Section 316.7 to the 2019 California Fire Code to read as follows:

**316.7 Roof guardrails at interior courts.** Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

**Exception:**

Where the roof opening is greater than 600 square feet in area.

Add Section 321 to the 2019 California Fire Code to read as follows:

**321.1 General.** Additive manufacturing equipment and operations shall comply with Section 320.

**321.1.1 Scope.** Additive manufacturing shall comply with one of the following:

1. Non-industrial additive manufacturing shall comply with Section 321.2.
2. Industrial additive manufacturing shall comply with Section 321.3.

**321.1.2 Installation, operation and maintenance.** 3D printers and associated additive manufacturing equipment shall be installed, operated and maintained in accordance with this Code, the listing and the manufacturer's instructions.

**321.1.3 Production materials.** Only the production materials listed for use with the equipment and included in the manufacturer's instructions shall be used.

**321.2 Non-industrial additive manufacturing.** Non-industrial additive manufacturing equipment and operations shall comply with Section 321.2.1 through 321.2.4. Additive manufacturing equipment and operations that do not comply with Section 321.2 shall comply with Section 321.3.

**321.2.1 Listing.** 3D printers used in non-industrial additive manufacturing shall be listed and labeled in accordance with UL 60950-1, UL 62368-1 or UL 2011. The listing shall also verify:

1. The 3D printers are self-contained and utilize maximum 30 liter pre-packaged production materials.
2. The operation of the 3D printers shall not create a hazardous (classified) electrical area or outside of the unit.
3. If any hazardous (classified) electrical area or zone exists inside of the unit's outer enclosure, the area shall be protected by intrinsically safe electrical construction or other acceptable protection methods.
4. The 3D printers shall not utilize inert gas or an external combustible dust collection.

**321.2.2 Occupancies.** Non-industrial additive manufacturing shall be permitted in all occupancy groups.

**321.3 Industrial additive manufacturing.** Industrial additive manufacturing equipment and operations shall comply with Section 321.3.1 through 321.3.13.

**321.3.1 Permits required.** Permits shall be obtained from the fire code official in accordance with Section 105.6.55 prior to engaging in industrial additive manufacturing operations.

**321.3.2 Listing.** 3D printers used in industrial additive manufacturing shall be listed and labeled in accordance with UL 2011 or approved for the application based on a field evaluation conducted by an approved agency.

**321.3.3 Combustible dusts and metals.** Industrial additive manufacturing operations that store, use or produce combustible dust, combustible particulate solids or combustible metals shall comply with Chapter 22 and this section.

**321.3.4 Powder evaluation.** Printing powders used in industrial additive manufacturing operations shall be tested for combustibility in accordance with NFPA 484 or NFPA 652 as applicable. A copy of test reports shall be provided to the fire code official upon request.

**321.3.5 Combustible (non-metallic) dusts.** Industrial additive manufacturing that uses operations that store, use or produce combustible (non-metallic) dusts shall comply with NFPA 654.

**321.3.6 Combustible metals.** Industrial additive manufacturing operations that store or use combustible metals shall also comply with NFPA 484.

**321.3.7 Ancillary equipment.** Ancillary equipment provided for recycling, sieving, vacuuming or handling combustible powders shall be designed and approved for such use.

**321.3.8 Hazardous materials.** Industrial additive manufacturing operations that store or use hazardous materials exceeding the maximum allowable quantity limits shall comply with Chapter 50.

**321.3.9 Inert Gas.** Additive manufacturing processes that utilize inert gases shall comply with Chapter 53. Ventilation or gas detection shall be provided in accordance with Section 5307.

**321.3.10 Technical assistance.** Where required by the fire code official, a report evaluating the acceptability of technologies, processes, products, facilities, materials and uses associated with the operation shall be provided in accordance with 104.7.2 and approved.

**321.3.11 Performance based design alternative.** Where approved by the fire code official, buildings and facilities where industrial additive manufacturing is performed shall be permitted to comply with the performance-based design options in Section 5001.3 as an alternative to compliance with the other requirements set forth in this Section.

**321.3.12 Occupancies.** Industrial additive manufacturing shall only be conducted in the occupancy groups associated with manufacturing operations. The occupancy may be required by the fire code official to comply with Chapter 50 maximum allowable quantity tables. Where approved, the requirements in Sections 321.2.5 and 321.3.6 shall be permitted to provide the technical basis for determining compliance with Table 5003.1.1(1), footnote q.

**321.3.13 Safety Certification.** The equipment, process, training procedures and occupancy associated with industrial additive manufacturing may be required by the fire code official to receive a safety certification from Underwriter's Laboratory or equivalent.

## 16.40.080 Chapter 5 - Fire Service Features.

Amend Section 503.1 of the 2019 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 as required by the Fire Department access road Standards.

Amend Section 503.1.1 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, 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 2019 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), exclusive of shoulders, or as required by fire department access road standards, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

**Exception:**

When there are not more than two Group R, Division 3, or Group U occupancies, the access road width may be modified by the fire code official.

Amend Section 503.2.2 of the 2019 California Fire Code as follows:

**503.2.2 Authority.** The fire code official shall have the authority to require or permit modifications to the required access widths and/or vertical clearance where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

Adopt Section 504.5 to the 2019 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 also comply with Chapter 10 Egress.

Amend Section 510.1 of the 2019 California Fire Code to read as follows:

**510.1 Emergency responder radio coverage in new buildings.** Approved radio coverage 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 907.2.12.2 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 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 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.

The coverage shall be based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Add Section 510.1.1 of the 2019 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.

Delete Section 510.2 of the 2019 California Fire Code.

Amend Section 510.3 of the 2019 California Fire Code to read as follows:

**510.3 Permit required.** A construction permit, for the installation of, or modification of, emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.6. 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 2019 California Fire Code to read as follows:

**510.4 Technical requirements.** Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with the current Emergency Responders Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Amend Section 510.4.1.1 of the 2019 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 2019 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 510.5 of the 2019 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 and the current Emergency Responder Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Amend Section 510.5.1 of the 2019 California Fire Code to read as follows:

**510.5.1 Approval prior to installation.** Amplification 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 the First Paragraph of Section 510.5.3 of the 2019 California Fire Code to read as follows:

**510.5.3 Acceptance test procedure.** Where an emergency responder radio coverage 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 FUEL-FIRED APPLIANCES

Amend Section 603.4.2.1.1 by deleting the exception:

**603.4.2.1.1 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 in other than R-3 occupancies.

Add Section 604.12 to the 2019 California Fire Code to read as follows:

**604.12 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.

#### 16.40.120 Chapter 8 - Decorative Vegetation in New and Existing Buildings.

Amend Section 806.1.1 of the 2019 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.

#### 16.40.140 Chapter 9 - Automatic sprinkler systems.

Amend Section 901.6.3 of the 2019 California Fire Code to read as follows:

**901.6.3 Records.** 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. Inspections and tests performed on fire alarm systems shall be documented on NFPA 72 forms.

Amend Section 903.2 of the 2019 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.

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 not be utilized as a means of area reduction for the purposes of circumventing automatic fire sprinkler system installation requirement.

1. An approved automatic sprinkler system shall be provided throughout all new buildings and structures.

Exceptions:

- a. Buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.
- b. Buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.
- c. Group S-2 or U occupancies that are not located in the Wildland-Urban Interface and used exclusively for vehicle parking and meeting all of the following conditions:
  - i. Noncombustible construction
  - ii. Maximum building area not to exceed 5,000 square feet
  - iii. Structure is open on three (3) or more sides
  - iv. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with CBC 706.

2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.

3. An automatic sprinkler system shall be provided throughout existing buildings and structures, 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.

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.

5. 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 safety<sup>1</sup> or increased fire risk<sup>2</sup>, shall require the installation of an approved automatic fire sprinkler system.

<sup>1</sup> Life Safety – 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;

<sup>2</sup> Fire Risks – 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).

Amend Section 903.2.18 of the 2019 California Fire Code to delete the Exception:

Amend Section 909.20.1 of the 2019 California Fire Code to read as follows:

**909.20.1 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 both shall occur at least annually.

#### **16.40.160 Chapter 11 - Construction Requirements for Existing Buildings.**

Delete Chapter 11 of the 2018 International Fire Code in its entirety.

#### **16.40.180 Chapter 33 – Fire Safety During Construction and Demolition.**

Add Section 3304.9 to the 2019 California Fire Code to read as follows:

**3304.9 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 3311.1 of the 2019 California Fire Code to read as follows:

**3311.1 Stairways Required.** Each level above the first story in new 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. 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 new 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.).

Adopt Section 3311.1.1 of the 2019 California Fire Code to read as follows:

**Section 3311.1.1 Required Means of Egress.** All new buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the prefire plan. See Section 3308.3.

#### **16.40.200 Chapter 49 - Requirements for Wildland-Urban Interface Fire Areas.**

Amend Section 4902 of the 2019 California Fire Code with the following definition amended:

**Wildland-Urban Interface Fire Area.** A geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. The Wildland-Urban Interface Fire Area shall be defined as 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.

Amend Section 4906.2 of the 2019 California Fire Code to read as follows:

**4906.2 Application.** Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:

- 1.1. Moderate Fire Hazard Severity Zones
- 1.2. High Fire Hazard Severity Zones

### 1.3. Very-High Fire Hazard Severity Zones

2. Land designated as a Very-High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the City of Cupertino.

Amend Section 4907.1 of the 2019 California Fire Code to read as follows:

**4907.1 General.** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the authority having jurisdiction.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

**Exception:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

**Exception:** Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.

4. Maintain trees adjacent to or overhanging a building free of deadwood; and

5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

6. Defensible space shall also be provided around water tank structures, water supply pumps and pump houses.

7. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.

8. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

**Exception:** Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.

9. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways of non-fire-resistive vegetation growth.

**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

Adopt Section 4907.2 of the 2019 California Fire Code to read as follows:

**4907.2 Corrective Actions.** The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exists.

Adopt Section 4908 of the 2019 California Fire Code to read as follows:

**4908.1 General.** When required by the code official, a fire protection plan shall be prepared.

**4908.2 Content.** The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of

location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

**4908.3 Cost.** The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

**4908.4 Plan Retention.** The fire protection plan shall be retained by the fire code official.

Adopt Section 4909 of the 2019 California Fire Code to read as follows:

**4909.1 General.** Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Section 4909.2.

**Exception:**

Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m<sup>2</sup>).

**4909.2 Standby power.** Standby power shall be provided to pumps, controllers and related electrical equipment so that stationary water supply facilities within the wildland-urban interface area that are dependent on electrical power can provide the required water supply. The standby power system shall be in accordance with the Electrical Code. The standby power source shall be capable of providing power for a minimum of two hours.

**Exceptions:**

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

Adopt Section 4910 of the 2019 California Fire Code to read as follows:

**4910.1 Fireworks.** Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

**16.40.220 Chapter 50 - Hazardous Materials – General Provisions.**

Amend Section 5001.2.2.2 of the 2019 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 2019 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.

Add Section 5003.1.3.1 to the 2019 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 highly toxic, toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for highly toxic, toxic or moderately toxic gases.

Add Section 5003.1.5 to the 2019 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 2019 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 2019 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. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:

1. The point of use.
2. The tank, cylinder or bulk use.

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 2019 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.



**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.

3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of  $1 \times 10^{-9}$  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.

Amend Section 5003.3.1 of the 2019 California Fire Code to read as follows:

**5003.3.1 Unauthorized Discharges.** When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

Adopt Section 5003.5.2 of the 2019 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.

Adopt Section 5003.5.3 of the 2019 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.

Adopt Sec. 5003.9.11 of the 2019 California Fire Code to read as follows:

**5003.9.11 Fire Extinguishing Systems For Workstations Dispensing, Handling or Using Hazardous Materials.** Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

**Exception:** Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500ml.

Amend Section 5003.10.4, 5003.10.4.1, 5003.10.4.2, 5003.10.4.3, 5003.10.4.4 of the 2019 California Fire Code to read:

**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.

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

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

**5003.10.4.4** Means shall be provided to prevent the elevator from being summoned to other floors.

Amend Section 5004.2.1 of the 2019 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 2019 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 2019 California Fire Code as follows:

**5004.2.3 Containment pallets.** Combustible containment pallets shall not be used inside buildings to comply with Section 5004.2 where the individual container capacity exceeds 55 gallons (208 L) or an aggregate capacity of multiple containers exceeds 1,000 gallons (3785 L) for liquids or where the individual container capacity exceeds 550 pounds (250 kg) or an aggregate of multiple containers exceeds 10,000 pounds (4540 kg) for solids.

Where used as an alternative to spill control and secondary containment for outdoor storage in accordance with the exception in Section 5004.2, containment pallets shall comply with all of the following:

1. A liquid-tight sump accessible for visual inspection shall be provided;
2. The sump shall be designed to contain not less than 66 gallons (250L);
3. Exposed surfaces shall be compatible with material stored;
4. Containment pallets shall be protected to prevent collection of rainwater within the sump of the containment pallet.

#### 16.40.240 Chapter 56 - General – Explosives and Fireworks.

Amend Section 5601.1.3 of the 2019 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.

**Exceptions:** The use of fireworks for firework displays as allowed in Section 5608.

#### 16.40.260 Chapter 57 – Flammable and Combustible Liquids.

Amend section 5704.2.7.5.8 of the 2019 California Fire Code to delete Exception and 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: Deleted**

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.

Adopt Section 5704.2.7.5.9 of the 2019 California Fire Code to read as follows:

**5704.2.7.5.9 Automatic 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 2019 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 2019 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 2019 California Fire Code as follows:

**5707.3.3 Site plan.** A site plan shall be developed for each location at which mobile 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; all uses adjacent to the *lot lines* of the site; fueling locations, the locations of all storm drain openings and adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding and how a spill will be kept on the site property; and the scale of the site plan.

#### 16.40.280 Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids.

Amend Section 5806.2 of the 2019 California Fire Code 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 2019 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 Section 6001.1 of the 2019 California Fire Code to read as follows:

**6001.1 Scope.** The storage and use of highly toxic, toxic and 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 6004.1 of the 2019 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, 6004.1.1.1, 6004.1.1.2, 6004.1.1.3 of the 2019 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 (0.556m<sup>3</sup>) 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 m<sup>3</sup>) at NTP are allowed in gas cabinets or fume hoods.

Amend Section 6004.2 of the 2019 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 6004.2.4.

Amend Section 6004.2.1 of the 2019 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 Section 6004.2.1.4 of the 2019 California Fire Code to read as follows:

**6004.2.1.4 Quantities exceeding the minimum threshold quantities, but not exceeding the maximum allowable 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 2019 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 2019 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 2019 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 2019 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 2019 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 2019 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 2019 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 2019 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 2019 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 2019 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 2019 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) (m<sup>3</sup>/s) of gas at normal temperature and pressure (NTP).

Add Section 6004.4.5.5 to the 2019 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 2019 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 604:

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

Add Section 6004.4.6.1 of the 2019 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 the 2019 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 the 2019 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 the 2019 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 the 2019 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 2019 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 2019 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

Chapter 16.54 of Title 16 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 2019 California Energy Code.

#### **16.54.010 Adoption of the 2019 California Energy Code.**

- A. The provisions of the 2019 California Energy Code 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 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 16.56 – No Change]**

Amend Chapter 16.58.010 of the Cupertino Municipal Code to read as follows:

**16.58.010 Adoption of the 2019 California Green Building Standards Code.**

- A. The provisions of the 2019 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, 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 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.

Amend Chapter 16.58.015 of the 2019 California Green Building Standards Code to read as follows:

**16.58.015 Adoption of Appendix Chapters.**

No Appendix Chapters from the 2019 California Green Building Standards Code have been adopted.

Amend Chapter 16.58.040 of the 2019 California Green Building Standards Code to read as follows:

**16.58.040 Local Amendments.**

The following provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the 2019 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.

Amend Chapter 16.58.100 of the 2019 California Green Building Standards Code to read as follows:

**16.58.100 Section 101.10–Amended.**

Amend Section 101.10 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 2019 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.

**[Title 16 – Chapter 16.60 – No Change]**

Add Chapter 16.62 to be entitled, numbered, and to read as follows:

**CHAPTER 16.62: HISTORICAL BUILDING CODE**

**Section**

16.62.010 Adoption of the 2019 California Historical Building Code.

**16.62.010 Adoption of the 2019 California Historical Building Code.**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 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.

Add Chapter 16.64 to be entitled, numbered, and to read as follows:

**CHAPTER 16.64: EXISTING BUILDING CODE**

Section

16.64.010 Adoption of the 2019 California Existing Building Code.

**16.64.010 Adoption of the 2019 California Existing Building Code.**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 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.

Add Chapter 16.68 to be entitled, numbered, and to read as follows:

**CHAPTER 16.68: REFERENCED STANDARDS CODE**

Section

16.68.010 Adoption of the 2019 California Referenced Standards Code.

**16.68.010 Adoption of the 2019 California Referenced Standards Code.**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 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]

[Title 16 – Chapter 16.80 – No Change]

ATTACHEMENT A

Chapter 16.02 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.02 to be entitled, numbered, and to read as follows:

CHAPTER 16.02: ADMINISTRATIVE CODE

Section

- 16.02.010
- ~~Purpose~~Adoption of the 2019 California Building Code, Volume 1, based on the 2018 International Building code, Volume 1.
- 16.02.015

~~Purpose.~~
- 16.02.020
- Definitions.
- 16.02.030
- Scope.
- 16.02.040
- ~~General.~~Duties and Powers of Building Official.
- 16.02.050
- ~~Applications and permits.~~Permits.
- ~~16.02.060~~
- ~~Notices and orders.~~
- ~~16.02.070~~
- ~~Inspections.~~
- ~~16.02.080~~
- ~~Identification.~~
- ~~16.02.090~~
- ~~Right of entry.~~
- ~~16.02.100~~
- ~~Department records.~~
- ~~16.02.110~~
- ~~Liability.~~
- ~~16.02.120~~
- ~~Approved materials and equipment.~~
- ~~16.02.130~~
- ~~Modifications.~~
- ~~16.02.140~~
- ~~Alternate materials, design and methods of construction and equipment.~~
- ~~16.02.150~~
- ~~Permit required.~~
- ~~16.02.200~~

16.02.060
- Submittal ~~D~~documents.
- ~~16.02.240~~

16.02.070
- Responsibility of permittee.
- ~~16.02.250~~

16.02.080
- Fees.
- ~~16.02.260~~

16.02.090
- Inspections.
- ~~16.02.270~~

16.02.100
- Certificate of occupancy.
- ~~16.02.280~~

16.02.110
- Board of Appeals.
- ~~16.02.290~~

16.02.120
- Violations.
- ~~16.02.300~~

16.02.130
- Stop work order.

16.02.010 Adoption of the 2019 California Building Code, Volume 1, based on the 2018 International Building code, Volume 1.

A. Except as otherwise provided in this chapter, the provisions of the 2019 California Building Code, Volume 1 inclusive, and specified Appendices and each and all of the regulations, provisions, conditions and terms of the code are referred to as if fully set forth in this chapter, except such portions as are hereinafter deleted, modified or amended by this ordinance, and are 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.

~~16.02.010~~ 16.02.015 **Purpose.**

A. The purpose of this title is to establish the minimum requirements to safeguard to public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

B. This title provides for the administration and enforcement of the building, residential, plumbing, mechanical, electrical, fire prevention, energy, housing, green building, building conservation and historical codes adopted by the City of Cupertino.

**16.02.020 Definitions.**

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “Building” means any structure used or intended for supporting or sheltering any use or occupancy. A structure containing less than one hundred and twenty (120) square feet of floor space shall not fall within this definition;
- B. “Building Official” means the Chief Building Official for the City of Cupertino or authorized designee;
- C. “City” means the City of Cupertino;
- D. “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

16.02.030 Scope.

The provisions of this title shall apply to the construction, alteration, relocation, enlargement, replacement, repair, use and occupancy and demolition of every building, structure and building services equipment of every building or structure within the city.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

16.02.040 ~~General.~~Duties and Powers of Building Official.

Adopt Section [A] 104.1 of the ~~2016-2019~~ 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.

~~16.02.050 Applications and permits.~~

Adopt Section [A] 104.2 of the ~~2016-2019~~ California Building Code as follows:

**[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.

~~16.02.060 Notices and orders.~~

Adopt Section [A] 104.3 of the ~~2016-2019~~ California Building Code as follows:

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

~~16.02.070 Inspections.~~

Adopt Section [A] 104.4 of the ~~2016-2019~~ California Building Code as follows:

**[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.

~~16.02.080 Identification.~~

Adopt Section [A] 104.5 of the ~~2016-2019~~ California Building Code as follows:

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

~~16.02.090 Right of Entry.~~

Adopt Section [A] 104.6 of the ~~2016-2019~~ California Building Code as follows:

**[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.

~~16.02.100 Department records.~~

Adopt Section [A] 104.7 of the ~~2016-2019~~ California Building Code as follows:

**[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.

~~16.02.110 Liability.~~

Amend Section [A] 104.8 of the ~~2016-2019~~ California Building Code as follows:

**[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.

~~16.02.120 Approved materials and equipment.~~

Adopt Section [A] 104.9 of the ~~2016-2019~~ California Building Code as follows:

**[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.

~~16.02.130 Modifications.~~

Adopt Section [A] 104.10 of the ~~2016-2019~~ California Building Code as follows:

**[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 of building safety.

~~16.02.140 Alternate materials, design and methods of construction and equipment.~~

Amend Section [A] 104.11 of the ~~2016-2019~~ California Building Code as follows:

**[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 design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, ~~at least not less than~~ the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and 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.

**16.02.150-050 Permits. Required.**

Adopt Section [A] 105.1 of the [2016-2019 California Building Code](#) as follows:

[A] **105.1 Required.** Any owner or 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 ~~the California Code of Regulations~~ [this code](#), or to cause any such work to be ~~done performed~~, shall first make application to the Building Official and obtain the required permit.

Adopt Section [A] 105.2 of the [2016-2019 California Building Code](#) as follows:

[A] **105.2 Work exempt from permit.** Exemptions from permit requirement 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. 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).
2. Fences 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.

Adopt Section [A] 105.3 of the ~~2016-2019~~ California Building Code as follows:

**[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 for that purpose. Such application shall:

- ~~3.1~~ Identify and describe the work to be covered by the permit for which application is made.
- ~~4.2~~ 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.
- ~~5.3~~ Indicate the use and occupancy for which the proposed work is intended.
- ~~6.4~~ Be accompanied by construction documents and other information as required in Section 107.
- ~~7.5~~ State the valuation of the proposed work.
- ~~8.6~~ Be signed by the applicant, or the applicant's authorized agent.
- ~~9.7~~ Give such other data and information as required by the building official.

Adopt Section [A] 105.3.1 of the 2019 California Building Code as follows:

**[A] 105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within 180 days 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.

Adopt Section [A] 105.3.2 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 105.4 of the ~~2016-2019~~ California Building Code as follows:

**[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.

Amend and Adopt Section [A] 105.5 of the ~~2016-2019~~ California Building Code as follows:

**[A] 105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ~~180 days~~ 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of ~~180 days~~ 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.

Adopt Section [A] 105.6 of the ~~2016-2019~~ California Building Code as follows:

**[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.

Amend and Adopt Section [A] 105.7 of the 2016-2019 California Building Code as follows:

**[A] 105.7 Placement of permit.** ~~The building permit or copy shall be kept on the site of the work until the completion of the project. The Job Card or copy shall be posted 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.~~

**16.02.200-060 Submittal Documents.**

Amend and Adopt Section [A] 107.1 of the 2016-2019 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 two or more sets~~electronically with each permit application. The construction document shall be prepared by a registered design professional where required by the ~~statutes of the jurisdiction in which the project is to be constructed~~ 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.

Adopt Section [A] 107.2 of the 2019 California Building Code as follows:

**[A] 107.2 Construction documents.** Construction documents shall be in accordance with Sections 107.2.1 through ~~107.2.6~~107.2.8.

~~**[A] 107.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when 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 the Fire Department to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation unless prior approval is granted by the fire code official. 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-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 which was tested, where applicable, as well as the test procedure used.~~

~~**[A] 107.2.5 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 requirements for a site plan when the application for permit is for alteration or repair or when otherwise warranted.~~

~~**[A] 107.2.5.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.~~

~~**[A] 107.2.6 Structural information.** The construction documents shall provide the information specified in Section 1603.~~

Language already adopted in  
model code.

Adopt Section [A] 107.3, [A] 107.3.1, [A] 107.3.2, [A] 107.3.3, [A] 107.3.4, [A] 107.4.1, [A] 107.4, [A] 107.5 of the 2019 California Building Code as follows:

**[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 document retention plan.

**16.02.240-070 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.

**16.02.250-080 Fees.**

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

**16.02.260-090 Inspections.**

Adopt Section [A] 110.1 of the 2016-2019 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. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed 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.

Adopt Section [A] 110.2 of the [2016-2019](#) California Building Code as follows:

[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.

Amend Section [A] 110.3 of the [2016-2019](#) California Building Code as follows:

[A] **110.3 Required inspections.** The Building Official, upon notification, shall make the inspections set forth in Section 110.3.1 through ~~110.3.10~~ [110.3.11](#).

~~[A] **110.3.1 Footing and foundation inspection.** Footing and foundation inspection shall be made after excavations for footings are complete any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Material 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.~~

~~An engineering survey, pad certification and/or geotechnical letter may be required by the Building Official prior to the approval of the foundation inspection.~~

~~[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 1612.5 shall be submitted to the building official.~~

~~[A] **110.3.4 Frame inspection.** Framing inspection 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 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product, 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.~~

Adopt Section [A] 110.3.7 of the 2019 California Building Code as follows:

[A] ~~110.3.6~~ **110.3.7 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.

Adopt Section [A] 110.3.8 of the 2019 California Building Code as follows:

[A] ~~110.3.7~~ **110.3.8 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] **110.3.8 Other Inspections.** In addition to the inspections specified in Sections 110.3.1 through 110.3.7, the Building Official is authorized to make or require any other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Department. For the purpose of determining compliance, the Building Official may cause any structure to be reinspected. If any inspection is made at the request of any individual, property owner or lending institution, a fee equal to the cost of making such inspection shall be charged as set forth in the latest resolution adopted by the city.~~

~~[A] **110.3.9 Special inspections.** For special inspections, see Chapter 17.~~

Same code language has already been adopted by the model code.

Language already  
adopted by model code.

~~[A] 110.3.10 Final inspection.~~ The final inspection shall be made after all work required by the building permit is completed.

~~All surveys, pad certifications, engineering certifications, structural observation reports, special inspection reports, and any other documentation related to each of the required inspections as required by the Building Official shall be reviewed and approved by the City prior to the approval of each inspection unless approval is granted by the Building Official to allow required documentation to be reviewed and approved prior to final inspection.~~

~~[A] 110.3.10.1 Flood hazard documentation.~~ If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.5 shall be submitted to the building official prior to the final inspection.

~~110.3.10.2 Operation and maintenance manual.~~ At the time of final inspection, an electronic copy of the operation and maintenance manual acceptable to the enforcing agency shall be placed in the building in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4

Adopt Section [A] 110.4 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 110.5 of the 2019 California Building Code as follows:

**[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.

Adopt Section [A] 110.6 of the 2019 California Building Code as follows:

**[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

**16.02.270-100 Certificate of Occupancy.**

Adopt Section [A] 111.1 of the 2016-2019 California Building Code as follows:

**[A] 111.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall 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.

Adopt Section [A] 111.2 of the 2016-2019 California Building Code as follows:

**[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.
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. If the automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Adopt Section [A] 111.3 of the 2019 California Building Code as follows:

**[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.



Adopt Section [A] 111.4 of the [2016-2019](#) California Building Code as follows:

**[A] 111.4 Revocation.** The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the California Building Code 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 any ordinance or regulation or any of the provisions of the California Building Code.

**16.02.280-110 Board of Appeals.**

Amend and Adopt Section [A] 113.1 of the [2016-2019](#) 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 ~~the codes identified in this Title~~[this code](#), there shall be and is hereby created a board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction installations and materials. The board of appeals shall be appointed by the ~~Mayor, subject to the approval of the City Council~~[city manager, and the appointed members of the board of appeals shall not be employees of the City](#). The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official, with a duplicate copy to the appellant,~~and may recommend to the City Council such new legislation as is consistent therewith. To the extent permitted by law, the same personnel of the Board of Appeals appointed under this code may act as the Board of Appeals under this Title.~~ In the event where no such board of appeals has been established, the City Council shall serve as said appeals board.

Amend and Adopt Section [A] 113.1.1 [of the 2019 California Building Code](#) to read as follows:

**[A] 113.1.1 Access Compliance.** Per Health and Safety Code 19955 – 19959.5, in order to hear and decide appeals of orders, decisions or determinations made by the building official relative to access compliance, there shall be and is hereby created a board of appeals consisting of five members to hear written appeals brought by any person regarding action taken by the building department. Two members of accessibility board of appeals shall be physically handicapped persons, two members shall be persons experienced in construction, and one member shall be a public member. The accessibility board of appeals shall be appointed by the ~~Mayor, subject to the approval of the City Council~~[city manager, and the appointed members of the board of appeals shall not be employees of the City](#). The accessibility board of appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official, with a duplicate copy to the appellant,~~and may recommend to the City Council such new legislation as is consistent therewith.~~ In the event where no such board of appeals has been established, the City Council shall serve as said appeals board.

Adopt Section [A] 113.2 of the 2019 California Building Code to read as follows:

**[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 or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

**16.02.290-120 Violations.**

Adopt Section [A] 114.1 of the [2016-2019](#) California Building Code 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.

Adopt Section [A] 114.2 of the [2016-2019](#) California Building Code as follows:

**[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. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**16.02.300-130 Stop Work Order.**

Adopt Section [A] 115.1 of the [2016-2019](#) California Building Code 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.

Adopt Section [A] 115.2 of the [2016-2019](#) California Building Code as follows:

**[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.

Adopt Section [A] 115.3 of the 2019 California Building Code as follows:

**[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.

Chapter 16.04 of Title 16 of the Cupertino Municipal is hereby repealed in its entirety and replaced with the following Chapter 16.04 to be entitled, numbered, and to read as follows:

**CHAPTER 16.04: BUILDING CODE**

Section

- 16.04.010 ~~Code adoption.~~Adoption of the 2019 California Building Code, Volumes 1 and 2, based on the 2018 International Building Code, Volumes 1 and 2.
- 16.04.015 Adoption of ~~A~~appendix ~~C~~chapters.
- ~~16.04.050~~16.04.020 ~~Section 501.2 - Address identification.~~
- ~~16.04.070~~16.04.040 ~~Chapter 7A – Materials and Construction Methods for Exterior W~~wildfire ~~E~~exposure.
- ~~16.04.080~~16.04.060 ~~Chapter 15 - Roof covering classification.~~Assemblies and Rooftop Structures
- ~~16.04.200~~16.04.080 ~~Chapter 17 - Concrete isolated footings.~~Special Inspection and Tests.
- ~~16.04.210~~16.04.100 ~~Chapter 19 - Revise Section 1905.1.7 ACI 318, Section 14.1.4.~~Concrete.
- ~~16.04.400~~16.04.120 ~~Section 3109 - Swimming pools.~~Pool Enclosures and Safety Devices.

**16.04.010 ~~Code Adoption.~~Adoption of the 2019 California Building Code, Volumes 1 and 2, based on the 2018 International Building Code, Volumes 1 and 2.**

A. Except as otherwise provided in this chapter, The~~the~~ provisions of the [2016-2019](#) California Building Code, Volumes 1 and 2 inclusive, and specified Appendices ~~which follow~~ 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 ~~reference~~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 [2016-2019](#) 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: 2016-2019 California Historical Building Code;~~
- ~~California Code Part 10: 2016-2019 California Existing Building Code;~~
- ~~California Code Part 12: 2016-2019 California Referenced Standards Code~~

**16.04.~~050~~020 Section 501.2 - Address Identification.**

Adopt Section 501.2 of the [2016-2019](#) California Building Code and amend to read as follows:

New and existing buildings shall be provided with approved address numbers or letters. 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. When required by the fire code official, address numbers 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 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.

16.04.070-040 Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure.

Amend Section 707A.9 of the 2016-2019 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:** Heavy timber structural columns and beams do not require protection. 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-grove, or set close together and well spiked.

Amend Section 710A.3 of the 2019 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.

~~710A.4 Requirements.~~ Accessory structures shall be constructed on noncombustible or ignition-resistant materials.

16.04.080-060 Chapter 15 - Roof Covering Classification Assemblies and Rooftop Structures.

Amend Section 1505.1.3 of the 2016-2019 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 at least Class A.

Amend Section 1505.1.4 of the 2016-2019 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 at least Class A.

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

16.04.200-080 Chapter 17 – Concrete Isolated Footings, Special Inspection and Tests.

Amend Section 1705.3 Exception #1 of the 2016-2019 CBC-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.

**Exception:**  
Special inspections 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).

**16.04.210-100 Chapter 19 - ~~Revise Section 1905.1.7 ACI 318, Section 14.1.4~~Concrete.**

~~Delete~~ Adopt and amend Section 1905.1.7 and ACI 318 Section 14.1.4 to read as follows:~~and replace with the following:~~

**1905.1.7 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.

**16.04.120 Chapter 23 – Wood.**

Add Section 2308.6.3.1 to the 2019 California Building Code to read as follows:

**2308.6.3.1 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.

Amend Table 2308.6.3(1) of the 2019 California Building Code, to add a new footnote "b" to the end of California Building Code Table 2308.6.3(1) to read as follows:

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

**16.04.400-140 Section 3109 - ~~Swimming Pools~~ Enclosures and Safety Devices.**

Adopt Section 3109 of the ~~2016~~ 2019 California Building Code.

Add Section 3109.3 to the 2019 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.
  - 1. Pregunite 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;
  - 2. An inspection is required for all conduit and gas piping under slabs before decks are poured;
  - 3. 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;
  - 4. 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;
  - 5. 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 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.06 to be entitled, numbered, and to read as follows:

CHAPTER 16.06 RESIDENTIAL CODE

Section

16.06.010 ~~Code adoption. Adoption of the 2019 California Residential Code based on the 2018 International Residential Code.~~  
16.06.015 Adoption of ~~A~~appendix ~~C~~chapters.  
~~16.06.020 Section R310 – Emergency Escape and Rescue Openings~~  
~~16.06.050–16.06.040 Section R313 - Automatic Ffire Ssprinkler Ssystems.~~  
~~16.06.060–16.06.060 Section R337 - Materials and Cconstruction Mmethods for Eexterior Wwildfire Eexposure.~~  
~~16.06.070–16.06.080 Chapter 4 - Footings;Foundations.~~  
~~16.06.100 Chapter 6 – Wall Construction.~~  
~~16.06.090–16.06.120 Chapter 9 - Roof ecovering-classification;Assemblies.~~  
~~16.06.100–16.06.140 Chapter 10 - Spark-arrestors;Chimneys and Fireplaces – Spark Arrestors.~~  
~~16.06.110 Intermittent brace wall panel construction methods.~~

16.06.010 ~~Code Adoption.~~Adoption of the 2019 California Residential Code based on the 2018 International Residential Code.

A. ~~Except as otherwise provide in this chapter, The~~the provisions of the ~~2016-2019~~ 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 ~~adopted~~.

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 ~~2016-2019~~ California Residential Code are hereby adopted:

- Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;
- Appendix H: Patio Covers;
- Appendix J: Existing Building and Structures;
- Appendix K: Sound Transmission;
- Appendix V: Swimming Pool Safety Act

16.06.020 Section R310 – Emergency Escape and Rescue Openings.

Amend Section R310.1 of the 2019 California Residential Code to delete Exception #2.

~~16.06.050–040~~ Section R313 - Automatic Fire Sprinkler Systems.

Amend Section R313.1 of the ~~2016-2019~~ California Residential Code to read as follows:

**R313.1 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 ~~do~~es not total more than 1,000 square feet of building area.

Amend Section R313.2 of the ~~2016-2019~~ California Residential Code to read as follows:

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings and Accessory Dwelling Units as follows:

1. In all new one- and two-family dwellings, rebuild of existing one- and two-family dwellings as defined by the Building Official, ~~and in existing one- and two family dwellings 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;~~

- ~~2. In all new basements and in existing basements that are expanded by more than 50%.~~
- ~~3. In all attached Accessory Dwelling Units and/or additions to an existing one- and two-family dwelling that have an existing fire sprinkler system.~~
- ~~4. In all attached accessory dwelling units and/or additions to an existing non-sprinklered one- and two-family dwelling, when the building area is increased 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 and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.~~

- ~~5. Detached Accessory Dwelling Units that meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.~~

~~Exception: Fire Sprinklers are not required if all the following provisions are met:  
1. The existing primary residence does not have automatic fire sprinklers; and  
2. The accessory detached dwelling unit does not exceed 1,000 square feet in size; and  
3. The unit is on the same lot as the primary residence; and  
4. The unit meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.~~

~~1. A fire sprinkler system is not required for an accessory dwelling unit if a fire sprinkler system is not provided for the primary residence it serves.~~

~~In all new attached Accessory Dwelling Units when additions to the existing building are made that increase the building area to more than 3,600 square feet.~~

~~Exception:  
An automatic residential sprinkler system shall be installed in the attached Accessory Dwelling Unit if an automatic residential sprinkler system is provided in the existing building.  
An automatic residential sprinkler system shall be installed in the attached Accessory Dwelling Unit if all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code are not met.~~

~~In all new attached Accessory Dwelling Units if one or more additions made to the existing building after January 1, 2011, totals more than 1,000 square feet.~~

~~Exception:  
An automatic residential sprinkler system shall be installed in the attached Accessory Dwelling Unit if an automatic residential sprinkler system is provided in the existing building.  
An automatic residential sprinkler system shall be installed in the attached Accessory Dwelling Unit if all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code are not met.~~

~~In all new detached Accessory Dwelling Units.~~

~~Exception (if all the following conditions are met):  
The existing primary residence is not provided with an automatic fire sprinkler system; and  
The detached Accessory Dwelling Unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2; and  
The detached Accessory Dwelling Unit meets all access and water supply requirements in Chapter 5 and Appendix B & C of the 2019 California Fire Code; and  
The detached Accessory Dwelling Unit does not exceed 1,000 square feet in size.~~

- ~~2. In all new basements and in existing basements that are expanded.~~

~~Exception:  
Existing basements that are expanded by not more than 50%.~~

**16.06.060-060 Section R337 - Materials and Construction Methods for Exterior Wildfire Exposure.**

Amend Section R337.7.9 of the 2016-2019 California Residential Code to read as follows:

**R337.7.9 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:

- Noncombustible material.
- Ignition-resistant material.
- 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 either of the following:
  - 5.1 SFM Standard 12-7A-3; or
  - 5.2 ASTM E2957;

**Exception:**  
~~Heavy timber structural columns and beams do not require protection. 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-grove, or set close together and well spiked.~~

Amend Section R337.10.3 of the ~~2016-2019~~ 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.~~
- ~~R337.10.3.1. Attached accessory structures shall comply with the requirements of this section.~~
- ~~Delete Section R337.10.3.2 in its entirety.~~
- ~~Delete Section R337.10.3.3 in its entirety.~~

~~R337.10.4. Requirements. Accessory structures shall be constructed on noncombustible or ignition resistant materials.~~

**16.06.070-080 Chapter 4 - Footings Foundations.**

Amend Section R403.1 of the ~~2016-2019~~ 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 ~~2016-2019~~ 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 Table R403.1(1) to Table R403.1(3) and Figure R403.1.3. The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. 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. 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.

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

Delete Section R403.2 in its entirety.

**16.06.110-100 Chapter 6 - Intermittent Brace Wall Panel Construction Methods Wall Construction.**

Amend Section R602.10.4 of the ~~2016-2019~~ California Residential Code, to add a new footnote "f" to the end of CRC Table ~~R602.10.3(3)~~R602.10.4 to read as follows:

- f. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method ~~s~~ GB, SFB, HPS, PBS, and CS-SFB ~~is 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 ~~in the title for Methods GB, SFB, HPS, PBS, CS-SFB, and PCP~~ of Table ~~R602.10.3(3)~~R602.10.4 to read as follows:

~~TABLE R602.10.3(3)  
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY~~

Add a new subsection R602.10.4.4-5 of the ~~2016-2019~~ California Residential Code, to read as follows:

**R602.10.4.4-5 Limits on methods GB, SFB, HPS, PBS, CS-SFB and PCP.** In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method ~~s~~ GB, SFB, HPS, PBS, and CS-SFB ~~is 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<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

16.06.090-120 Chapter 9 - Roof ~~Covering Classification Assemblies.~~

Amend Section R902.1.3 of the 2016-2019 California Residential Code to read as follows:

**R902.1.3 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 at least Class A.

Amend Section R902.1.4 of the 2016-2019 California Residential Code to read as follows:

**R902.1.4 Roofing coverings within the 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 at least Class A.

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

16.06.100-140 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 2016-2019 California Residential Code Section R1003.9.2.

[Title 16 – Chapter 16.08 – No Change]

[Title 16 – Chapter 16.12 – No Change]

Chapter 16.16 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.16 to be entitled, numbered, and to read as follows:

CHAPTER 16.16: ELECTRICAL CODE

Section

- 16.16.010 ~~Code adoption.~~Adoption of the 2019 California Electrical Code based on the 2017 National Electrical Code.
- 16.16.015 Adoption of ~~A~~appendix ~~C~~chapters.
- 16.16.020 Article 100 ~~amended~~ – Definitions.
- 16.16.030 Electrical ~~W~~work.
- 16.16.040 Electrical ~~F~~fee ~~S~~schedule.
- 16.16.050 Interpretation.
- 16.16.060 Electrical ~~M~~maintenance ~~P~~program.

16.16.010 ~~Code Adoption.~~Adoption of the 2019 California Electrical Code based on the 2017 National Electrical Code.

A. ~~Except as otherwise provided in this chapter, The~~the provisions of the 2016-2019 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. ~~adopted.~~

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 2016-2019 California Electrical Code have been adopted.

16.16.020 Article 100~~Amended~~ – Definitions.

~~Adopt~~Amend Article 100 of the 2016-2019 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 in 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. Owner/Builder;
- b. Electrical contractors who are in compliance with the state licensing laws and whose employees are under the direct supervision of a qualified journeyman electrician;
- c. 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;
- d. 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 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.20 to be entitled, numbered, and to read as follows:

CHAPTER 16.20: PLUMBING CODE

Section

- 16.20.010 ~~Code Adoption.~~Adoption of the 2019 California Plumbing Code based on the 2018 Uniform Plumbing Code.
- 16.20.015 Adoption of ~~A~~appendix ~~C~~chapters.
- 16.20.020 Name ~~I~~insertion.

16.20.010 ~~Code Adoption.~~Adoption of the 2019 California Plumbing Code based on the 2018 Uniform Plumbing Code.

A. ~~Except as otherwise provided in this chapter, The~~the provisions of the ~~2016-2019~~ 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. ~~adopted.~~

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 Appendix Chapters from the 2016-2019 California Plumbing Code are hereby 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;

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 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.24 to be entitled, numbered, and to read as follows:

CHAPTER 16.24: MECHANICAL CODE

Section

- 16.24.010 ~~Code adoptions.~~Adoption of the 2019 California Mechanical Code based on the 2018 Uniform Mechanical Code.
- 16.24.015 Adoption of Appendix C chapters.
- 16.24.020 Name Insertion.

16.24.010 ~~Code Adoption.~~Adoption of the 2019 California Mechanical Code based on the 2018 Uniform Mechanical Code.

- A. ~~Except as otherwise provided in this chapter, The the~~ provisions of the 2016-2019 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.~~adopted.~~
- 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.

No Appendix Chapters from the 2016-2019 California Mechanical Code have been adopted.

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 16.36 – No Change]

Chapter 16.40 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.40 to be entitled, numbered, and to read as follows:

CHAPTER 16.40: FIRE CODE

Section

- 16.40.010 Adoption of the 2016-2019 California Fire Code and 2015-2018 International Fire Code.
- 16.40.015 Adoption of Appendix C chapters.
- ~~16.40.020 Chapter 1 - Administration.~~
- ~~16.40.060 Permits.~~
- ~~16.40.070~~16.40.040 Chapter 2 - Definitions.
- ~~16.40.080~~16.40.060 ~~Hazards to firefighters.~~Chapter 3 - General Requirements.



~~16.40.120~~~~16.40.080~~ Fire apparatus access roads.~~Chapter 5 - Fire Service Features.~~  
~~16.40.130~~—Access to building openings and roofs.  
~~16.40.180~~~~16.40.100~~ Chapter 6 –Electrical equipment, wiring and hazards.~~Building Services and Systems.~~  
~~16.40.200~~~~16.40.120~~ Chapter 8 –Decorative vegetation in new and existing buildings.~~Interior Finish, Decorative Materials and Furnishings.~~  
~~16.40.210~~~~16.40.140~~ Chapter 9 –Automatic sprinkler systems.~~Fire Protection and Life Safety Systems.~~  
~~16.40.220~~~~16.40.160~~ Precautions against fire.~~Chapter 11 – Construction Requirements for Existing Buildings.~~  
~~16.40.230~~~~16.40.180~~ Chapter 33 – Fire Safety ~~De~~during ~~C~~construction and ~~D~~demolition—means of egress.  
~~16.40.300~~~~16.40.200~~ Definitions—~~Chapter 49 – Requirements for~~Wildland- Urban Interface Fire Areas.  
~~16.40.310~~—Application.  
~~16.40.320~~—Defensible space.  
~~16.40.330~~—Fire protection plan.  
~~16.40.340~~—Water supply.  
~~16.40.350~~—Ignition source control.  
~~16.40.355~~—General hazardous materials.  
~~16.40.360~~~~16.40.220~~ Chapter 50 – General requirements hazardous materials.~~Hazardous Materials – General Provisions.~~  
~~16.40.365~~—Storage hazardous materials.  
~~16.40.370~~~~16.40.240~~ Chapter 56 – General – ~~E~~explosives and ~~F~~fireworks.  
~~16.40.380~~—Establishment of limits of districts in which storage of Class I and II liquids in aboveground tanks is prohibited.  
~~16.40.385~~~~16.40.260~~ Storage flammable and combustible liquids.~~Chapter 57 – Flammable and Combustible Liquids.~~  
~~16.40.390~~—Establishment of limits of districts in which storage of Class I and II liquids in outside aboveground tanks is prohibited.  
~~16.40.400~~—On demand mobile fueling.  
~~16.40.410~~~~16.40.280~~ Establishment of limits of districts in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited.~~Chapter 58 – Flammable Gases and Flammable Cryogenic Fluids.~~  
~~16.40.420~~~~16.40.300~~ General highly toxic, toxic and moderately toxic materials.~~Chapter 60 – Highly Toxic and Toxic Materials.~~  
~~16.40.430~~—Highly toxic, toxic and moderately toxic compressed gasses including those used as refrigerants.  
~~16.40.440~~~~16.40.320~~ Establishment of limits in which storage of liquefied petroleum gases is prohibited.~~Chapter 61 – Liquefied Petroleum Gases.~~  
~~16.40.440~~~~16.40.340~~ Use silane distribution systems automatic shutdown.~~Chapter 64 – Pyrophoric Materials.~~  
~~16.40.460~~—Reference standards.

**16.40.010 Adoption of the 2016-2019 California Fire Code and 2015-2018 International Fire Code.**

- A. ~~There is hereby adopted by the City of Cupertino for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2016 California Fire Code based on the 2015 International Fire Code, including Appendix Chapters B, C and N and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this ordinance, Except as otherwise provided in this chapter, the provisions of the 2019 California Fire Code and also the 2018 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 2016-2019 California Fire Code are hereby adopted.

- Appendix B: Fire-Flow Requirement for Buildings.  
Appendix C: Fire Hydrant Locations and Distribution.  
Appendix ~~NQ~~: Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

**16.40.020 Chapter 1 - Administration.**

Add Section 101.3.1 to the 2016-2019 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 Section 105.6.9 of the 2016 California Fire Code to read as follows:

~~105.6.9 Compressed gases.~~ An operational permit is required for the storage, use or handling at normal temperature and pressure (NPT) of compressed gases in excess of the amounts listed in Table 105.6.9.

~~Exceptions:—~~

- ~~1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.~~
- ~~2. Inert and simple asphyxiants at or below the amounts listed in Table 105.6.9.~~

Amend Table 105.6.9 of the 2016 California Fire Code to read as follows:

TABLE 105.6.9  
PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	AMOUNT cubic feet at NTP
Corrosive	200
Flammable (except cryogenic and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant*	6,000
Moderately toxic	20
Other health hazards	200
Oxidizing (including oxygen)	504
Pyrophoric	Any amount
Toxic	Any amount

For SI: 1 cubic foot = 0.02832 m2

For carbon dioxide used in beverage dispensing applications, see Section 105.6.4.

Amend Section 105.6.10 of the 2016 California Fire Code to read as follows:

~~105.6.10 Cryogenic fluids.~~ An operational permit is required to produce, store transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10 or to install a cryogenic vessel or piping system for the storage or distribution of cryogens.

~~Exception:~~ Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

Amend Table 105.6.20 of the 2013 California Fire Code to read as follows:

TABLE 105.6.20  
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Carcinogens	40 pounds
Combustible liquids	See Section 105.6.16
Corrosive materials: Gases Liquids Solids	See Section 105.6.8 55 gallons 500 pounds
Cryogens	See Section 105.6.10
Explosive materials	See Section 105.6.14
Flammable materials: Gases Liquids Solids	See Section 105.6.8 See Section 105.6.16 100 pounds
Highly toxic materials: Gases Liquids Solids	See Section 105.6.8 Any amount Any amount
Moderately toxic gas	See Section 105.6.8
Organic peroxides: Liquids: Class I-IV Liquids: Class V Solids: Class I-IV	Any Amount No Permit Required Any Amount

Solids: Class V	No Permit Required
Oxidizing materials: Gases Liquids Solids:	See Section 105.6.8 Any amount Any amount
Other health hazards: Liquids Solids	55 gallons 500 pounds
Pyrophoric materials: Gases Liquids Solids	See Section 105.6.8 Any amount Any amount
Radioactive materials: Gases Liquids Solids	See Section 105.6.8 See Section 105.6.50 See Section 105.6.50
Toxic materials: Gases Liquids Solids	See Section 105.6.8 Any amount Any amount
Unstable (reactive) materials: Gases Liquids Solids	See Section 105.6.8 Any amount Any amount
Water-reactive materials: Liquids Solids	Any amount Any amount

- For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.
- a. ~~20 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 20 gallons or less.~~
  - b. ~~200 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 200 pounds or less.~~

Amend Section 105.6.~~17-16~~ the ~~2016 2019~~ California Fire Code to read as follows:

**~~105.6.17 Flammable and combustible liquids.~~** An operation permit is required:

- ~~1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.~~
- ~~2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:~~
  - ~~2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.~~
  - ~~2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purpose for a period of not more than 30 days.~~
- ~~3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil burning equipment.~~
- ~~4. To store, handle or use Class IIIB liquids I tanks or portable tanks for fueling motor vehicles at motor fuel dispensing facilities or where connected to fuel burning equipment.~~

~~**Exception:** Fuel oil and used motor oil used for space heating or water heating.~~
- ~~5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary onsite pumps normally used for dispensing purposes.~~
- ~~6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries, and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.~~
- ~~7. To place temporarily out of service (for more than 90 days) an underground, protected above ground or above-ground flammable or combustible liquid tank.~~
- ~~8. To change the type of contents stored in a flammable or combustible liquid tank to a materials that poses a greater hazard than that for which the tank was designed and constructed.~~
- ~~9. To manufacture, process, blend or refine flammable or combustible liquids.~~
- ~~10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707.~~
- ~~11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.~~

[Delete Section 105.6.30 of the 2019 California Fire Code.](#)

Amend Table ~~105.6.21~~ [105.6.20](#) of the ~~2016-2019~~ California Fire Code to read as follows:

**TABLE ~~105.6.21~~ [105.6.20](#)**  
**PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section <del>105.6.17</del> <a href="#">105.6.16</a>
Corrosive materials: Gases Liquids Solids	See Section <del>105.6.9</del> <a href="#">105.6.8</a> 55 gallons 500 pounds
Explosive materials	See Section <del>105.6.15</del> <a href="#">105.6.14</a>
Flammable materials: Gases Liquids Solids	See Section <del>105.6.9</del> <a href="#">105.6.8</a> See Section <del>105.6.17</del> <a href="#">105.6.16</a> 100 pounds
Highly toxic materials: Gases Liquids Solids	See Section <del>105.6.9</del> <a href="#">105.6.8</a> Any Amount Any Amount
Moderately toxic materials: Gases	See Section <del>105.6.9</del> <a href="#">105.6.8</a>
Other health hazard materials: Gases Liquids Solids	See Section <del>105.6.9</del> <a href="#">105.6.8</a> 55 gallons 500 pounds
Oxidizing materials: Gases Liquids: Class 4 Class 3 Class 2 Class 1 Solids: Class 4 Class 3 Class 2 Class 1	See Section <del>105.6.9</del> <a href="#">105.6.8</a>  Any Amount 1 gallon <sup>a</sup> 10 gallons 55 gallons  Any Amount 10 pounds <sup>b</sup> 100 pounds 500 pounds
Organic peroxides: Liquids Class I Class II Class III Class IV Class V  Solids Class I Class II Class III Class IV Class V	  Any Amount Any Amount 1 gallon 2 gallons No Permit Required  Any Amount Any Amount 10 pounds 20 pounds No Permit Required
Pyrophoric materials: Gases Liquids Solids	Any amount Any amount Any amount
Toxic materials: Gases Liquids Solids	See Section <del>105.6.9</del> <a href="#">105.6.8</a> 10 gallons 100 pounds
Unstable (reactive) materials: Liquids Class 4 Class 3 Class 2 Class 1  Solids Class 4 Class 3 Class 2	  Any Amount Any Amount 5 gallons 10 gallons  Any Amount Any Amount 50 pounds

Class 1	100 pounds
Water-reactive materials:	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

- For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.
- 20 gallons for Class 3 oxidizers when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
  - 200 pounds for Class 3 oxidizers when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

~~Section 105.6.30 of the 2019 California Fire Code.~~

~~Section 105.6.50~~ Add Section 105.6.52 to the ~~2016~~ 2019 California Fire Code to read as follows:

~~105.6.50~~ 105.6.52 **Day care facility.** An operational permit is required to operate a business as a day care facility for more than 6 people.

~~Section 105.6.51~~ Add Section 105.6.53 to the ~~2016~~ 2019 California Fire Code to read as follows:

~~105.6.51~~ 105.6.53 **Institutional.** A permit is required to operate, maintain, or use any institutional type occupancy. For the purpose of this Section, an institution shall be, but is not limited to: hospitals, children’s home, home or institution for insane or mentally retarded persons, home or institution for the care of aged or senile persons, sanitarium, nursing or convalescent home, certified family care homes, residential care homes for the elderly, out of home placement facilities, halfway house, and day care nurseries or similar facility of any capacity.

Add Section 105.6.54 to the 2019 California Fire code to read as follows:

105.6.54 **Lithium Batteries.** An operational permit is required to collect or store more than 1,000 pounds (454 kg) of lithium batteries.

Add Section 105.6.55 to the 2019 California Fire Code to read as follows:

105.6.55 **Additive Manufacturing.** An operational permit is required to conduct additive manufacturing operations as covered in Section 321.3.

Amend Section 105.7.~~3-4~~ of the ~~2016~~ 2019 California Fire Code to read as follows:

~~105.7.3~~[A] 105.7.4 **Compressed Gases.** A construction permit is required to install any piped distribution system for compressed gases, or to install a non-flammable medical gas manifold system. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

**Exceptions:**

- Routine maintenance.
- For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

Amend Section 105.7.~~4-5~~ of the ~~2016~~ 2019 California Fire Code to read as follows:

~~105.7.4~~[A] 105.7.5 **Cryogenic fluids.** A construction permit is required for installation of or alteration to cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table ~~405.6.11~~ 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

~~16.40.065~~ **Permits.**

~~Section 105.1.7~~ Add Section 106.2.1 ~~to~~ to of the ~~2016~~ 2019 California Fire Code to read as follows:

~~105.1.7~~ 106.2.1 **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 <del>\$10.10</del> 4.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	<del>\$643.75</del> 630.15 for the first \$50,000.00 plus <del>\$7.00</del> 13.60 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	<del>\$993.75</del> 986.75 for the first \$100,000.00 plus <del>\$5.60</del> 7.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000.00	<del>\$3,233.75</del> 3,228.15 for the first \$500,000.00 plus <del>\$5.35</del> 4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001 and up	<del>\$5,608.75</del> 5,604.00 for the first \$1,000,000.00 plus <del>\$3.15</del> 4.75 for each additional \$1,000.00, or fraction thereof
Additional re-inspections, in connection with the permits above, are to be paid at <del>\$50.00</del> 120.00 for each occurrence at the discretion of the fire code official.	
Cancelled inspections without advance notice are to be paid at <del>\$112.00</del> 120.00 for each occurrence.	

~~Amend~~ Add Section ~~105.1.8~~ 106.2.2 the ~~2016~~ 2019 California Fire Code to read as follows:

~~105.1.8~~ 106.2.2 **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. <del>43</del> 47).	\$85.00 – Each occurrence

~~Adopt~~ Add Section ~~106.5~~107.5 to the ~~2016~~ 2019 California Fire Code to read as follows:

~~106.5~~107.5 **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.~~070~~ 040 **Chapter 2 - Definitions.**

~~Add the following definitions to read:~~ Amend Chapter 2 of the 2019 California Fire Code and 2018 International Fire Code with the following definitions added:

3D PRINTER. A machine used in the additive manufacturing process for fabricating objects through the deposition of a material using a print head, nozzle, or another printer technology.

ADDITIVE MANUFACTURING. A process of joining materials to make objects from 3D model data, usually layer upon layer, sometimes referred to as 3D printing. The Code recognizes two types of additive manufacturing:

1. Industrial additive manufacturing. 3D printing operations that typically utilize combustible powders or metals, an inert gas supply, a combustible dust collection system, or that create a hazardous (classified) location area or zone outside of the equipment.
  2. Non-industrial additive manufacturing. 3D printing operations that do create a hazardous (classified) location area outside of the equipment, and do not utilize an inert gas supply or a combustible dust collection system.
- ~~— **CONTINUOUS GAS DETECTION SYSTEM.** An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is re-circulated and not exhausted to a treatment system (e.g. breathing zone), the Chief may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below ½ IDLH (or 0.05 LC 50 if no established IDLH) in unoccupiable areas.~~

**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;
2. any liquid having a pH of 2 or less or 12.5 or more;
3. any liquid classified as corrosive by the U.S. Department of Transportation; and
4. any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

~~— **MAXIMUM THRESHOLD QUANTITY (MAX TQ).** Maximum Threshold Quantity (Max TQ) is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category of regulation is applied.~~

**MINIMUM THRESHOLD QUANTITY.** Minimum threshold quantity is the aggregate of highly toxic, toxic or moderately toxic gases in a control area which, due to the minimum aggregate quantities, need only comply with the requirements set forth in Section 6004.1.

**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 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.

**OTHER HEALTH HAZARD MATERIAL.** 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) or teratogens (effect on fetuses).

**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.

**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 higher as ranked by~~ NFPA 704 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.

**16.40.060 Chapter 3 - General Requirements.**

Add Section 315.8 to the 2019 California Fire Code to read as follows:

**315.8 LITHIUM BATTERY STORAGE AND HANDLING**

**315.8 Lithium Battery Storage and Handling.** The storage and handling of lithium ion and lithium metal batteries or cells in quantities exceeding 1,000 pounds (4086 kg) shall comply with Section 315.8.1 through 315.8.10, and Chapter 32 where applicable.

**315.8.1 Permits.** Permits shall be required as set forth in Section 105.6.54.

**315.8.2 Maximum quantity in a fire area.** The aggregate amount of lithium batteries stored and handled in a single fire area shall not exceed 9,000 pounds (4086 kg).

**315.8.3 Construction requirements.** Fire areas shall be separated from each other by fire barriers having not less than 2-hour fire resistance rating constructed in accordance with Section 707 of the Building Code and horizontal assemblies constructed in accordance with Section 711 of the Building Code.

**315.8.4 Number of fire areas.** The maximum number of fire areas within a building shall be four.

315.8.5 Group H, Division 2 occupancy. Storage and handling of more than 9,000 pounds of lithium batteries per fire area shall be in an approved Group H, Division 2 occupancy constructed in accordance with the Building Code and provided throughout with approved automatic smoke detection and radiant-energy detection systems.

315.8.6 Automatic sprinkler system. Buildings containing fire areas used for lithium battery storage or handling shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The design of the sprinkler system within each fire area shall not be less than that required for Extra Hazard Group 2 with a minimum design area of 2,500 square feet. Where the storage arrangement is required by other provisions of this code to be provided with a higher level of sprinkler system protection, the higher level of sprinkler system protection shall be provided.

315.8.7 Automatic smoke detection system. An approved automatic smoke detection system that activates an approved occupant notification system shall be provided throughout each fire area in accordance with Section 907.

315.8.8 Radiant energy detection. An approved radiant-energy detection system that activates an approved occupant notification system shall be installed throughout each fire area in accordance with Section 907.

315.8.9 Collection containers. Containers used to collect or store lithium batteries shall be noncombustible and shall not have an individual capacity exceeding 30 gallons (113.6 L), or be approved for transportation in accordance with the Department of Transportation (DOT).

315.8.10 Storage configuration. Lithium batteries shall be considered a high-hazard commodity in accordance with Chapter 32 and where applicable, lithium battery storage shall comply with Chapter 32 in addition to Section 315.8.

~~16.40.080 Hazards to Firefighters.~~

~~Adopt~~ Add Section 316.7 ~~of to~~ the 2016-2019 California Fire Code to read as follows:

**316.7 Roof guardrails at interior courts.** Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

**Exception:**

Where the roof opening is greater than 600 square feet in area.

Add Section 321 to the 2019 California Fire Code to read as follows:

**321.1 General.** Additive manufacturing equipment and operations shall comply with Section 320.

**321.1.1 Scope.** Additive manufacturing shall comply with one of the following:

1. Non-industrial additive manufacturing shall comply with Section 321.2.
- ~~1.2.~~ Industrial additive manufacturing shall comply with Section 321.3.

**321.1.2 Installation, operation and maintenance.** 3D printers and associated additive manufacturing equipment shall be installed, operated and maintained in accordance with this Code, the listing and the manufacturer's instructions.

**321.1.3 Production materials.** Only the production materials listed for use with the equipment and included in the manufacturer's instructions shall be used.

**321.2 Non-industrial additive manufacturing.** Non-industrial additive manufacturing equipment and operations shall comply with Section 321.2.1 through 321.2.4. Additive manufacturing equipment and operations that do not comply with Section 321.2 shall comply with Section 321.3.

**321.2.1 Listing.** 3D printers used in non-industrial additive manufacturing shall be listed and labeled in accordance with UL 60950-1, UL 62368-1 or UL 2011. The listing shall also verify:

1. The 3D printers are self-contained and utilize maximum 30 liter pre-packaged production materials.
2. The operation of the 3D printers shall not create a hazardous (classified) electrical area or outside of the unit.
3. If any hazardous (classified) electrical area or zone exists inside of the unit's outer enclosure, the area shall be protected by intrinsically safe electrical construction or other acceptable protection methods.
- ~~1.4.~~ The 3D printers shall not utilize inert gas or an external combustible dust collection.

**321.2.2 Occupancies.** Non-industrial additive manufacturing shall be permitted in all occupancy groups.

**321.3 Industrial additive manufacturing.** Industrial additive manufacturing equipment and operations shall comply with Section 321.3.1 through 321.3.13.

**321.3.1 Permits required.** Permits shall be obtained from the fire code official in accordance with Section 105.6.55 prior to engaging in industrial additive manufacturing operations.

321.3.2 Listing. 3D printers used in industrial additive manufacturing shall be listed and labeled in accordance with UL 2011 or approved for the application based on a field evaluation conducted by an approved agency.

321.3.3 Combustible dusts and metals. Industrial additive manufacturing operations that store, use or produce combustible dust, combustible particulate solids or combustible metals shall comply with Chapter 22 and this section.

321.3.4 Powder evaluation. Printing powders used in industrial additive manufacturing operations shall be tested for combustibility in accordance with NFPA 484 or NFPA 652 as applicable. A copy of test reports shall be provided to the fire code official upon request.

321.3.5 Combustible (non-metallic) dusts. Industrial additive manufacturing that uses operations that store, use or produce combustible (non-metallic) dusts shall comply with NFPA 654.

321.3.6 Combustible metals. Industrial additive manufacturing operations that store or use combustible metals shall also comply with NFPA 484.

321.3.7 Ancillary equipment. Ancillary equipment provided for recycling, sieving, vacuuming or handling combustible powders shall be designed and approved for such use.

321.3.8 Hazardous materials. Industrial additive manufacturing operations that store or use hazardous materials exceeding the maximum allowable quantity limits shall comply with Chapter 50.

321.3.9 Inert Gas. Additive manufacturing processes that utilize inert gases shall comply with Chapter 53. Ventilation or gas detection shall be provided in accordance with Section 5307.

321.3.10 Technical assistance. Where required by the fire code official, a report evaluating the acceptability of technologies, processes, products, facilities, materials and uses associated with the operation shall be provided in accordance with 104.7.2 and approved.

321.3.11 Performance based design alternative. Where approved by the fire code official, buildings and facilities where industrial additive manufacturing is performed shall be permitted to comply with the performance-based design options in Section 5001.3 as an alternative to compliance with the other requirements set forth in this Section.

321.3.12 Occupancies. Industrial additive manufacturing shall only be conducted in the occupancy groups associated with manufacturing operations. The occupancy may be required by the fire code official to comply with Chapter 50 maximum allowable quantity tables. Where approved, the requirements in Sections 321.2.5 and 321.3.6 shall be permitted to provide the technical basis for determining compliance with Table 5003.1.1(1), footnote q.

321.3.13 Safety Certification. The equipment, process, training procedures and occupancy associated with industrial additive manufacturing may be required by the fire code official to receive a safety certification from Underwriter’s Laboratory or equivalent.

**16.40.120-080 Fire apparatus access roads, Chapter 5 - Fire Service Features.**

Amend Section 503.1 of the 2016-2019 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 as ~~per required by the~~ Fire Department access road Standards.

Amend Section 503.1.1 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, 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 2016-2019 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), exclusive of shoulders, or as required by fire department access road standards, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

**Exception:**

When there are not more than two Group R, Division 3, or Group U occupancies, the access road width may be modified by the fire code official.

Amend Section 503.2.2 of the [2016-2019](#) California Fire Code as follows:

**503.2.2 Authority.** The fire code official shall have the authority to require or permit modifications to the required access widths and/or vertical clearance where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

~~16.40.130 Access to buildings and roofs.~~

Adopt Section 504.5 to the [2016-2019](#) 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 also comply with Chapter 10 Egress.

Amend Section 510.1 of the 2019 California Fire Code to read as follows:

**510.1 Emergency responder radio coverage in new buildings.** Approved radio coverage 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 907.2.12.2 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 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 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.

The coverage shall be based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Add Section 510.1.1 of the 2019 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.

Delete Section 510.2 of the 2019 California Fire Code.

Amend Section 510.3 of the 2019 California Fire Code to read as follows:

**510.3 Permit required.** A construction permit, for the installation of, or modification of, emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.6. Maintenance performed in

SCCFD Amendment

SCCFD Amendment

SCCFD Amendment



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 2019 California Fire Code to read as follows:

**510.4 Technical requirements.** Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with the current Emergency Responders Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Amend Section 510.4.1.1 of the 2019 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 2019 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 510.5 of the 2019 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 and the current Emergency Responder Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Amend Section 510.5.1 of the 2019 California Fire Code to read as follows:

**510.5.1 Approval prior to installation.** Amplification 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 the First Paragraph of Section 510.5.3 of the 2019 California Fire Code to read as follows:

**510.5.3 Acceptance test procedure.** Where an emergency responder radio coverage 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.

**16.40.180-100 Chapter 6 - Electrical equipment, wiring and hazards.**~~Building Services and Systems.~~

Amend Section 603.4.2.1.1 by deleting the exception:

**603.4.2.1.1 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 in other than R-3 occupancies.

Adopt-Add Section ~~605.13~~ 604.12 of to the 2016-2019 California Fire Code to read as follows:

**605.14604.12 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.

**16.40.200-120 Chapter 8 - Decorative Vegetation in New and Existing Buildings.**

Amend Section 806.1.1 of the 2016-2019 California Fire Code to read as follows:

**806.1.1 Display inside buildingsRestricted occupancies.** The display of ~~Christmas trees~~ 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 ~~806.5~~ 806.4.

SCCFD Amendment

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16.40.210-140 Chapter 9 - Automatic sprinkler systems.

Amend Section 901.6.3 of the 2019 California Fire Code to read as follows:

**901.6.3 Records.** 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. Inspections and tests performed on fire alarm systems shall be documented on NFPA 72 forms.

Amend Section 903.2 of the 2016-2019 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 903.2.19 903.2.18 whichever is the more restrictive.

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. not be utilized as a means of area reduction for the purposes of circumventing automatic fire sprinkler system installation requirement.~~

1. ~~In other than residential buildings which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an~~ An approved automatic sprinkler system shall be provided throughout all new buildings and structures.

Exceptions:

- a. Buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.
- b. Buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.
- c. Group S-2 or U occupancies that are not located in the Wildland-Urban Interface and used exclusively for vehicle parking and meeting all of the following conditions:
  - i. Noncombustible construction
  - ii. Maximum building area not to exceed 5,000 square feet
  - iii. Structure is open on three (3) or more sides
  - iv. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with CBC 706.

2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.19 903.2.18.

3. An automatic sprinkler system shall be provided throughout existing buildings and structures, 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 ~~do~~es not total more than 1,000 square feet of building area.

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.

5. 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 safety<sup>1</sup> or increased fire risk<sup>2</sup>, shall require the installation of an approved automatic fire sprinkler system.

<sup>1</sup> Life Safety – 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;

<sup>2</sup> Fire Risks – 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).

Amend Section 903.2.18 of the 2019 California Fire Code to delete the Exception:

Amend Section 909.20.1 of the 2019 California Fire Code to read as follows:

909.20.1 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 both shall occur at least annually.

16.40.160 Chapter 11 - Construction Requirements for Existing Buildings.

Delete Chapter 11 of the 2018 International Fire Code in its entirety.

16.40.220-180 Precautions against fire,Chapter 33 – Fire Safety During Construction and Demolition.

Adopt-Add Section ~~3304.8~~ 3304.9 ~~of to~~ the 2016-2019 California Fire Code to read as follows:

3304.8 3304.9 **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).

16.40.230 Means of egress.

Amend Section 3311.1 of the 2016-2019 California Fire Code to read as follows:

**3311.1 Stairways Required.** Each level above the first story in new 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 new 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.).

Adopt Section 3311.1.1 of the 2016-2019 California Fire Code to read as follows:

**Section 3311.1.1 Required Means of Egress.** All new buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the prefire plan. See Section ~~3308.2~~ 3308.3.

16.40.300-200 Definitions—Wildland Urban Interface Fire Areas,Chapter 49 - Requirements for Wildland-Urban Interface Fire Areas.

Amend Section 4902 of the 2016-2019 California Fire Code ~~for with~~ the following definition ~~of Wildland Urban Interface Fire Area as follows~~amended:

**Wildland-Urban Interface Fire Area** ~~is a~~ is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. The Wildland-Urban Interface Fire Area shall be defined as 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.

16.40.310 Application.

Amend Section 4906.2 of the 2016-2019 California Fire Code to read as follows:

**4906.2 Application.** Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
  - 1.1. Moderate Fire Hazard Severity Zones
  - 1.2. High Fire Hazard Severity Zones
  - 1.3. Very-High Fire Hazard Severity Zones
2. Land designated as a Very-High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the City of Cupertino.

16.40.320 Defensible space.

Amend Section 4907.1 of the 2016-2019 California Fire Code to read as follows:

**4907.1 General.** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the authority having jurisdiction.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

**Exception:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

**Exception:** Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

- 3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
- 4. Maintain trees adjacent to or overhanging a building free of deadwood; and
- 5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.
- 6. Defensible space shall also be provided around water tank structures, water supply pumps and pump houses.
- 7. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.
- 8. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

**Exception:** Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.

9. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways of non-fire-resistive vegetation growth.

**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

Adopt Section 4907.2 of the [2016-2019](#) California Fire Code to read as follows:

**4907.2 Corrective Actions.** The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exists.

~~16.40.330 Fire protection plan.~~

Adopt Section 4908 of the [2016-2019](#) California Fire Code to read as follows:

**4908.1 General.** When required by the code official, a fire protection plan shall be prepared.

**4908.2 Content.** The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

**4908.3 Cost.** The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

**4908.4 Plan Retention.** The fire protection plan shall be retained by the fire code official.



~~16.40.340 Water Supply.~~

Adopt Section 4909 of the ~~2016-2019~~ California Fire Code to read as follows:

**4909.1 General.** Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Section 4909.2.

**Exception:**

Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m2).

**4909.2 Standby power.** Standby power shall be provided to pumps, controllers and related electrical equipment so that stationary water supply facilities within the wildland-urban interface area that are dependent on electrical power can provide the required water supply. The standby power system shall be in accordance with the Electrical Code. The standby power source shall be capable of providing power for a minimum of two hours.

**Exceptions:**

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

~~16.40.350 Ignition source control.~~

Adopt Section 4910 of the ~~2016-2019~~ California Fire Code to read as follows:

**4910.1 Fireworks.** Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

~~16.40.355-220 General—Chapter 50 - Hazardous Materials – General Provisions.~~

Amend Section 5001.2.2.2 of the ~~2016-2019~~ 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 2019 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.

~~16.40.360 General requirements - Hazardous Materials.~~

~~Adopt Add~~ Section ~~5003.1.5~~ 5003.1.3.1 ~~of to~~ the ~~2016-2019~~ California Fire Code to read as follows:

~~5003.1.5~~**5003.1.3.1 Highly Toxic, Highly Toxic, Moderately Toxic Gases and Similarly Used or Handled Materials.** The ~~\_~~storage, use and handling of highly toxic, ~~highly~~-toxic and moderately toxic gases in amounts exceeding Table ~~6004.2~~6004.2.1.4 ~~or 6004.3~~ shall be in accordance with this chapter and Chapter 60. Any highly 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 highly toxic, ~~highly~~-toxic or moderately toxic gases.

~~Adopt Add~~ Section ~~5003.1.6~~5003.1.5 ~~of to~~ the ~~2016-2019~~ California Fire Code to read as follows:

~~5003.1.6~~**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.

~~Adopt Add~~ Section ~~5003.1.7~~5003.1.6 ~~of to~~ the ~~2016-2019~~ California Fire Code to read as follows:

~~5003.1.7~~**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 [2016-2019](#) 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. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
  1. The point of use.
  2. The tank, cylinder or bulk use.
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  
~~Instability-Reactivity~~ Class ~~3 or 4~~

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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 ~~6004.16004.2.1.4~~. 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 [2016-2019](#) 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.

**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 ~~415.8.6.4~~ [415.11](#) of the California Building Code for H-5 Occupancies.

3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1x10<sup>-9</sup> 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.

Amend Section 5003.3.1 of the [2016-2019](#) California Fire Code to read as follows:

**5003.3.1 Unauthorized Discharges.** When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

Adopt Section 5003.5.2 of the [2016-2019](#) California Fire Code to read as follows:

**5003.5.2 Ventilation Ducting.** ~~Product-conveying ducts for~~[Ducts](#) venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

Adopt Section 5003.5.3 of the [2016-2019](#) 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.

Adopt Sec. 5003.9.11 of the [2016-2019](#) California Fire Code to read as follows:

**5003.9.11 Fire Extinguishing Systems For Workstations Dispensing, Handling or Using Hazardous Materials.** Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

**Exception:** Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500ml.

Amend Section 5003.10.4, [5003.10.4.1](#), [5003.10.4.2](#), [5003.10.4.3](#), [5003.10.4.4](#) of the [2016-2019](#) California Fire Code to read:

**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.

**5003.10.4.2** Hazardous materials liquid containers shall have a maximum capacity of 20 liters (~~5-265.28~~ gal).

**5003.10.4.3** ~~Highly toxic~~ [Toxic](#), ~~highly~~-toxic and ~~asphyxiant-moderately toxic~~ gases shall be limited to a container of a maximum water capacity of 1 lb.

**5003.10.4.4** Means shall be provided to prevent the elevator from being summoned to other floors.

~~16.40.365 Storage—Hazardous Materials.~~

Amend Section 5004.2.1 of the [2016-2019](#) 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 [2016-2019](#) 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 [2016-2019](#) California Fire Code as follows:

**5004.2.3 Containment pallets.** Combustible containment pallets shall not be used inside buildings to comply with Section 5004.2 where the individual container capacity exceeds 55 gallons (208 L) or an aggregate capacity of multiple containers exceeds 1,000 gallons (3785 L) for liquids or where the individual container capacity exceeds 550 pounds (250 kg) or an aggregate of multiple containers exceeds 10,000 pounds (4540 kg) for solids.

Where used as an alternative to spill control and secondary containment for outdoor storage in accordance with the exception in Section 5004.2, containment pallets shall comply with all of the following:

1. A liquid-tight sump accessible for visual inspection shall be provided;
2. The sump shall be designed to contain not less than 66 gallons (250L);
3. Exposed surfaces shall be compatible with material stored;
4. Containment pallets shall be protected to prevent collection of rainwater within the sump of the containment pallet.

16.40.370-240 Chapter 56 - General – Explosives and Fireworks.

Amend Section 5601.1.3 of the 2016-2019 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.

**Exceptions:** The use of fireworks for firework displays as allowed in Section 5608.

- ~~1. Storage and handling of fireworks as allowed in Section 5604.~~
- ~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.~~
- ~~3. 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.~~

16.40.385-260 Storage Chapter 57 – Flammable and Combustible Liquids.

Amend Section 5704.2.7.5.8 of the 2019 California Fire Code to delete Exception and 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 Deleted~~

~~**Exception:** Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less provided an independent means of notifying the person filling the tank that the fluid level has reached 90 percent of tank capacity by providing an audible or visual alarm signal, or providing a tank level gauge marked at 90 percent of tank capacity.~~

An approved means or method in accordance with Section ~~5704.2.9.7.6~~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.

Adopt Section 5704.2.7.5.9 of the 2019 California Fire Code to read as follows:

**5704.2.7.5.9 Automatic 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.

~~The limits referred to in Section 5704.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited are hereby established as all locations of the City of Cupertino that are residential or congested commercial areas as determined by the fire code official.~~

~~Amend Section 5704.2.9.6.1 of the 2019 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.~~

~~16.40.380 Establishment of limits of districts in which storage of Class I and II liquids in aboveground tanks is prohibited.~~

~~The limits referred to in Section 5704.2.4.4 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited are hereby established as all locations of the City of Cupertino that are residential or congested commercial areas as determined by the fire code official.~~

~~Amend Section 5706.2.4.4 of the 2019 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.~~

~~16.40.400 On-Demand Mobile Fueling~~

~~Adopt Section 5707 of the 2016 California Fire Code to read as follows:~~

**5707.1 General.** On-demand mobile fueling operations that dispense Class I, II, and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.7.

**Exception:** Fueling from an *approved* portable container in cases of an emergency or for personal use.

**5707.1.1 Approval required.** Mobile fueling operations shall not be conducted without first obtaining a *permit* and approval from the *fire code official*. Mobile fueling operations shall occur only at *approved* locations.

**5707.2 Mobile fueling vehicle.** An on-demand mobile fueling vehicle shall be one of the following:

- 1.—A tank vehicle complying with NFPA 385 that has chassis-mounted *tanks* or *containers* where the aggregate cargo capacity does not exceed 1200 gallons (4542 L).
- 2.—A vehicle with one or more chassis-mounted *tanks* or *containers* that do not exceed 110 gallons (415 L) individual capacity and having an aggregate capacity that does not exceed 1200 gallons (4542 L).
- 3.—A vehicle that carries a maximum of 60 gallons (227 L) of motor fuel in metal *safety cans* listed in accordance with UL 30 or other *approved* metal *containers* each not to exceed 5 gallons (19 L) in capacity.

The mobile fueling vehicle shall comply with the requirements of all local, state and federal requirements.

Mobile fueling vehicles with a chassis-mounted *tank* in excess of 110 gallons (415 L) shall comply with the requirements of Section 5706.6, Section 5707, and NFPA 385.

The mobile fueling vehicle and its equipment shall be maintained in good repair.

*Safety cans* and *approved* metal *containers* shall be secured to the mobile fueling vehicle except when in use.

**5707.3 Required documents.** Documents developed to comply with Sections 5707.3.1 through 5707.3.3 shall be updated as necessary by the owner of the mobile fueling operation and shall be maintained in compliance with Section 107.3.

**5707.3.1 Safety and emergency response plan.** Mobile fueling operators shall have an *approved* written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control, personnel training and compliance with other applicable requirements of this code.

**5707.3.2 Training records.** Training records of operators shall be maintained. Mobile fueling vehicle operators shall possess evidence of training on proper fueling procedures and the safety and emergency response plan.

Amend section 5707.3.3 of the 2019 California Fire Code as follows:

**5707.3.3 Site plan.** A site plan shall be developed for each location at which mobile 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; all uses adjacent to the *lot lines* of the site; fueling locations, the locations of all storm drain openings and adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding and how a spill will be kept on the site property; and the scale of the site plan.

**5707.4 Mobile fueling areas.** Mobile fueling shall not occur on public streets, *public ways*, or inside *buildings*. Fueling on the roof level of parking structures or other *buildings* is prohibited.

**5707.4.1 Separation.** Mobile fueling shall not take place within 25 feet (7620 mm) of *buildings*, property lines, or combustible storage.

**Exception:** The *fire code official* shall be authorized to decrease the separation distance for dispensing from metal *safety cans* or other *approved* metal *containers* in accordance with Section 5707.2.

When dispensing operations occur within 15 feet (4572 mm) of a storm drain, an *approved* storm drain cover or an *approved* equivalent method that will prevent any fuel from reaching the drain shall be used.

**5707.4.2 Sources of ignition.** Smoking, open flames, and other sources of ignition shall be prohibited within 25 feet (7620 mm) of fuel dispensing activities. Signs prohibiting smoking or open flames within 25 feet (7620 mm) of the vehicle and the point of fueling shall be prominently posted on the mobile fueling vehicle. The engines of vehicles being fueled shall be shut off during fueling.

**5707.5 Equipment.** Mobile fueling equipment shall comply with Sections 5707.5.1 through 5707.5.5.

**5707.5.1 Dispensing hoses and nozzles.** Where equipped, the dispensing hose shall not exceed 50 feet (15 240 mm) in length. The dispensing nozzles, and hoses and appurtenances shall be of an *approved* and *listed* type.

**5707.5.2 Break-away device.** A listed break-away device shall be provided at the nozzle.

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~~**Exception:** Mobile fueling vehicles equipped with an *approved* brake interlock tied to the nozzle holder that prohibits movement of the mobile fueling vehicle when the nozzle is removed from its holder.~~

~~—**5707.5.3 Shut off valve and fuel limit.** Mobile fueling vehicles shall be equipped with a *listed* shutoff valve assembly and a *fuel limit switch* set to a maximum of 30 gallons (116 L).~~

~~—**5707.5.4 Fire extinguisher.** An *approved* portable fire extinguisher complying with Section 906 with a minimum rating of 4 A:80 B:C shall be provided on the mobile fueling vehicle with signage clearly indicating its location.~~

~~—**5707.5.5 Spill kit.** Mobile fueling vehicles shall contain a minimum 5 gallon (19 L) spill kit of an *approved* type.~~

~~**5707.6 Operations.** Mobile fueling vehicles shall be constantly attended during fueling operations with brakes set and warning lights in operation. Mobile fueling vehicles shall not obstruct emergency vehicle access roads.~~

~~**5707.6.1 Dispensing hose.** Where equipped, mobile fueling vehicles shall be positioned in a manner to preclude traffic from driving over the dispensing hose. The dispensing hose shall be placed on an *approved* reel or in an *approved* compartment prior to moving the mobile fueling vehicle.~~

~~**5707.6.2 Drip control.** Operators shall place a drip pan or an absorbent pillow under the nozzle to catch drips and under each fuel fill opening prior to and during dispensing operations.~~

~~**5707.6.3 Nighttime deliveries.** Nighttime deliveries shall only be made in areas deemed adequately lighted by the *fire code official*.~~

~~**5707.6.4 Vehicle lights.** The mobile fueling vehicle flasher lights shall be in operation while dispensing operations are in progress.~~

~~**5707.6.5 Safety cones.** Safety cones or barriers shall be employed as warning devices to highlight the vehicle fueling area.~~

~~**5707.6.6 Bonding.** A means for bonding the mobile fueling vehicle to the motor vehicle shall be provided. Such bonding means shall be employed during fueling operations.~~

~~**5707.6.7 Spill reporting.** Spills shall be reported in accordance with Section 5003.3.1.~~

~~**5707.7 Training.** Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. The vehicle operator training shall be approved by the *fire code official*.~~

~~**16.40.410-280 Establishment of limits of districts in which the storage of stationary containers of flammable cryogenic fluids are to be prohibited.**Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids.~~

~~—The limits referred to in Section 5806.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as all locations of the City of Cupertino which are residential and congested commercial areas as determined by the fire code official.~~

~~—Amend Section 5806.2 of the 2019 California Fire Code 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 2019 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.~~

~~**16.40.420-300 General—Highly Toxic, Toxic and Moderately Toxic Materials.**Chapter 60 – Highly Toxic and Toxic Materials.~~

~~—Amend Section 6001.1 of the 2019 California Fire Code to read as follows:~~

~~**6001.1 Scope.** The storage and use of highly toxic, toxic and 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 2016 California Fire Code to read as follows:

**6002.1 Definitions.** The following terms are defined in Chapter 2:

- CONTAINMENT SYSTEM.
- CONTAINMENT VESSEL.
- EXCESS FLOW VALVE.
- HIGHLY TOXIC.
- MAXIMUM THRESHOLD QUANTITY.
- MINIMUM THRESHOLD QUANTITY.
- MODERATELY TOXIC GAS.
- OZONE GAS GENERATOR.
- PHYSIOLOGICAL WARNING THRESHOLD.
- REDUCED FLOW VALVE.
- TOXIC.

**16.40.430 Highly Toxic, Toxic and Moderately Toxic Compressed Gases including those used as Refrigerants.**

Amend Section 6004.1 of the 2016 2019 California Fire Code to read as follows:

**6004.1 General.** ~~Materials stored and used as a gas whether or not the material meets the definition of a compressed gas, and meets the definition of a highly toxic, toxic and moderately toxic gas shall comply with Section 6004.~~The storage and use of highly toxic, toxic, and moderately toxic compressed gases shall comply with this section.

~~The minimum threshold quantity for highly toxic, toxic and moderately toxic gases, vapors and mists for indoor and exterior storage and use are set forth in Table 6004.1.~~

Add Table 6004.1 of the 2016 California Fire Code to read as follows:

Table 6004.1 Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

Amend Section 6004.1.1, 6004.1.1.1, 6004.1.1.2, 6004.1.1.3 of the 2016 2019 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~~, ~~highly~~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~~, ~~highly~~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~~, ~~highly~~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 6004.1.2 of the 2016 California Fire Code to read as follows:

~~**6004.1.2 Gas cabinets.** Gas cabinets containing highly toxic, toxic and moderately toxic gases shall comply with Section 5003.8.6 and the following requirements:~~

1. The average ventilation velocity at the face of gas cabinet access ports or windows shall not be less than 200 cubic feet per minute (1.02 m/s) with a minimum of 150 feet per minute (0.76 m/s) at any point of the access port or window.

2. Gas cabinets shall be connected to an exhaust system.

3. Gas cabinets shall not be used as the sole means of exhaust for any room or area.

4. The maximum number of cylinders located in a single gas cabinet shall not exceed three, except that cabinets containing cylinders not exceeding 1 pound (0.454 kg) net contents are allowed to contain up to 100 cylinders.

Gas cabinets required by Section 6004.2 or 6004.3 shall be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1. Alternative fire extinguishing systems shall not be used.

Amend Section 6004.1.3 of the 2016 California Fire Code to read as follows:

**6004.1.3 Exhausted enclosures.** Exhausted enclosures containing highly toxic, toxic or moderately toxic gases shall comply with Section 5003.8.5 and the following requirements:

1. The average ventilation velocity at the face of the enclosure shall not be less than 200 feet per minute (1.02 m/s) with a minimum of 150 feet per minute (0.76 m/s).

2. Exhausted enclosures shall be connected to an exhaust system.

3. Exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

Exhausted enclosures required by Section 6004.2 or 6004.3 shall be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1. Alternative fire extinguishing system shall not be used.

Adopt Section 6004.1.4 to the 2016 California Fire Code to read as follows:

**6004.1.4 Automatic Shut Off Valve.** An automatic shut off valve, which is of a fail safe to close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.
3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

Add Section 6004.1.5 to the 2016 California Fire Code to read as follows:

**6004.1.5 Emergency Control Station.** Signals from emergency equipment used for highly toxic gases shall be transmitted to an emergency control station or other approved monitoring station, which is continually staffed by trained personnel.

Adopt Section 6004.1.6 to the 2016 California Fire Code to read as follows:

**6004.1.6 Maximum Threshold Quantity.** Toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 6004 of this code.

Moderately toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for toxic gases of Section 6004 of this code.

The following formula shall be used to calculate the maximum threshold quantity:

$$\text{Max TQ (pounds)} = \text{LC}_{50} \text{ (ppm)} \times 2 \text{ lb.}$$

For gas mixtures containing one or more toxic, highly toxic or moderately toxic components, the  $\text{LC}_{50}$  shall be calculated using CGA Standards P 20 and P 23.

Adopt Section 6004.1.7 to the 2016 California Fire Code to read as follows:

**6004.1.7 Reduced Flow Valve.** All containers of materials other than lecture bottles containing Highly Toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

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Adopt Section 6004.1.8 to the 2016 California Fire Code to read as follows:

**6004.1.8 Fire Extinguishing Systems.** Buildings and covered exterior areas for storage and use areas of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic, toxic and moderately toxic gases are stored, handled or used shall be in accordance with Section 5004.5.

Adopt Section 6004.1.9 to the 2016 California Fire Code to read as follows:

**6004.1.9 Local Gas Shut Off.** Manual activation controls shall be provided at locations near the point of use and near the source, as approved by the fire code official. The fire code official may require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations.

—Manual activated shut off valves shall be of a fail safe to close design.

Adopt Section 6004.1.10 to the 2016 California Fire Code to read as follows:

**6004.1.10 Exhaust Ventilation Monitoring.** For highly toxic gases and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

Adopt Section 6004.1.11 to the 2016 California Fire Code to read as follows:

**6004.1.11 Emergency Response Plan.** If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire code official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the fire code official.

Adopt Section 6004.1.12 to the 2016 California Fire Code to read as follows:

**6004.1.12 Cylinder Leak Testing.** Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the fire code official in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

Adopt Section 6004.1.13 to the 2016 California Fire Code to read as follows:

**6004.1.13 Inert Gas Purge System.** Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems inside buildings shall be located in an approved gas cabinet unless the system operates by vacuum demand.

Adopt Section 6004.1.14 to the 2016 California Fire Code to read as follows:

**6004.1.14 Seismic Shutoff Valve.** An automatic seismic shut off valve, which is of a fail safe to close design, shall be provided to shutoff the supply of highly toxic, toxic and moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million upon a seismic event within 5 seconds of a horizontal sinusoidal oscillation having a peak acceleration of 0.3G (1.47m/sec<sup>2</sup>) and a period of 0.4 seconds.

Amend Section 6004.2 of the 2016-2019 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 6004.2.2.10.4-6004.2.4.

Amend Section 6004.2.1 of the 2016-2019 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 6004.2.1.5-6004.2.1.4.

Amend Sec. 6004.2.1.1 of the 2016 California Fire Code to read as follows:

**6004.2.1.1 Quantities Not Exceeding the Maximum Allowable Quantity per Control Area.** The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, 6004.1, 6004.2.1.4 and 6004.2.1.5.

Adopt Section 6004.2.1.4 of the 2016-2019 California Fire Code to read as follows:

**6004.2.1.4 Quantities not exceeding the minimum threshold quantity-quantities, but not exceeding the maximum allowable per control area.** The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the minimum threshold quantity-quantities per control area set forth in Table 6004.2.1.4

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but not exceeding maximum allowable quantity per control area set forth in Table 5003.1.1(2) 6004.1 shall be in accordance with Sections 5001, 5003, 6001, and 6004.1 and Chapter 506004.4.

Add Table 6004.2.1.4 to the 2019 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

Adopt Section 6004.2.1.5 of the 2016 California Fire Code to read as follows:

**6004.2.1.5 Quantities exceeding the minimum threshold quantity per control area.** The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts exceeding the minimum threshold quantity per control area set forth in Table 6004.1 shall be in accordance with Sections 6001, 6004.1, 6004.2 and Chapter 50.

Amend Sec. 6004.2.2 of the 2016 California Fire Code to read as follows:

**6004.2.2 General Indoor Requirements.** The general requirements applicable to the indoor storage and use of highly toxic and toxic compressed gases shall be in accordance with Sections 6004.2.2.1 through 6004.2.2.10.4.

Moderately toxic gases with an LC<sub>50</sub> equal to or less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.10.4.

Moderately toxic gases with an LC<sub>50</sub> more than 3000 parts per million but not greater than 5000 parts per million and exceeding the maximum threshold quantity, as determined by 6004.1.6, shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.7.

Moderately toxic gases shall not be considered as toxic gases for maximum allowable quantities determinations under Table 5003.1.1(2).

Amend Sec. 6004.2.2.7 of the 2016 California Fire Code to read as follows:

**6004.2.2.7 Treatment Systems.** The exhaust ventilation from gas cabinets, exhausted enclosures and gas rooms and local exhaust systems required in Section 6004.2.2.4 and 6004.2.2.5 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 when all of the following are provided:
  - 1.1. Valve outlets are equipped with gas tight outlet plug 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.

Amend 6004.2.2.10.2 of the 2016 California Fire Code to read as follows:

**6004.2.2.10.2. Alarms.** The gas detection system shall initiate a local alarm and transmit a signal to a constantly attended control station when a short term hazard condition is detected. The alarm shall be both visual and audible and shall provide warning both inside and outside the area where the gas is detected. The audible alarm shall be distinct from all other alarms.

Amend Section 6004.3 of the 2016 California Fire Code to read as follows:

**6004.3 Outdoor Storage and Use.** The outdoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.3.1 through 6004.3.4. The minimum threshold quantity for highly toxic, toxic and moderately toxic gases for outdoor storage and use are set forth in Table 6004.1.

Amend Section 6004.3.1 of the 2016 California Fire Code to read as follows:

**6004.3.1 Applicability.** The applicability of regulations governing the outdoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.3.1.1 through 6004.3.1.5.

Amend Section 6004.3.1.1 of the 2016 California Fire Code to read as follows:

**6004.3.1.1 Quantities Not Exceeding The Maximum Allowable Quantity Per Control Area.** The outdoor storage or use of highly toxic and toxic gases in amounts exceeding the maximum allowable quantity per control area set forth in Table 5004.3.1.1(4) shall be in accordance with Sections 5001, 5003, 6001, 6004.1, 6004.3.1.4 and 6004.3.1.5.

Adopt Section 6004.3.1.4 of the 2016 California Fire Code to read as follows:

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~~6004.3.1.4 Quantities not exceeding the minimum threshold quantity per control area.~~ The outdoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the minimum threshold quantity per control area set forth in Table 6004.1 shall be in accordance with Sections 6001, 6004.1 and Chapter 50.

Adopt Section 6004.3.1.5 of the 2016 California Fire Code to read as follows:

~~6004.3.1.5 Quantities exceeding the minimum Threshold Quantity per control area.~~ The outdoor storage or use of highly toxic, toxic and moderately toxic gases in amounts exceeding the minimum threshold quantity per control area set forth in Table 6004.1 shall be in accordance with Sections 6001, 6004.3 and Chapter 50.

Amend Section 6004.3.2 of the 2016 California Fire Code to read as follows:

~~6004.3.2 General outdoor requirements.~~ The general requirements applicable to the outdoor storage and use of highly toxic, toxic and moderately toxic gases shall be in accordance with Sections 6004.3.2.1 through 6004.3.2.4.

~~Moderately toxic gases with an LC<sub>50</sub> equal to or less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.~~

~~Moderately toxic gases with an LC<sub>50</sub> more than 3000 parts per million but not greater than 5000 parts per million and exceeding the maximum threshold quantity, as determined by 6004.1.6, shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.2.1 through 6004.3.2.4.~~

~~Moderately toxic gases shall not be considered as toxic gases for maximum allowable quantities determinations under Table 5003.1.1(4).~~

~~Amend Section 6004.3.3 of the 2016 California Fire Code to read as follows:~~

~~6004.3.3 Outdoor Storage Weather Protection For Portable Tanks and Cylinders.~~ Weather protection in accordance with Section 5004.13 shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures. The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section 5004.5.

Add Section 6004.4 to the 2019 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 2019 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 2019 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 2019 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 2019 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.

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Add Section 6004.4.5 to the 2019 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 2019 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 2019 California Fire Code to read as follows:

**6004.4.5.2. Performance.** Treatment systems shall be designed to reduce the maximum allowable dis- charge 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 2019 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 2019 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 2019 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 2019 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 604:

SCCFD Amendment

SCCFD Amendment

SCCFD Amendment

SCCFD Amendment

SCCFD Amendment

SCCFD Amendment

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

Add Section 6004.4.6.1 of the 2019 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 the 2019 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 the 2019 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 the 2019 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 the 2019 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.

**16.40.440-320 Establishment of limits in which storage of liquefied petroleum gases is prohibited. Chapter 61 – Liquefied Petroleum Gases.**

The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as all locations of the City of Cupertino that are residential or congested commercial areas.

Amend Section 6104.2 of the 2019 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 ~~LGP~~-LPG containers may be approved by the fire code official on a case by case basis.

**16.40.450-340 Silane Distribution systems automatic shutdown. Chapter 64 – Pyrophoric Materials.**

~~Adopt~~Add Section 6405.3.1 ~~of to~~ the 2016-2019 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.

16.40.460 Reference Standards.

Adopt Chapter 80 of the 2016 California Fire Code with the following amendments:

CGA

C 7 (2014) — Guide to Classification and Labeling of Compressed Gases . . .	5303.4.2, 5503.4.2
G 13 (2015) — Storage and Handling of Silane and Silane Mixtures — (an American National Standard) . . . . .	6404.1, 6404.2, 6405.3
P 1 (2000) — Safe Handling of Compressed Gases in Containers . . . . .	5305.7
ANSI/P 18 (2013) — Standard for Bulk Inert Gas Systems . . . . .	5501.1
S 1.1 (2011) — Relief Device Standards — Part 1 — Cylinders for Compressed Gases . . .	5003.3.2, 5503.2
S 1.2 (2009) — Pressure Relief Device Standards — Part 2 Portable Containers for — Compressed Gases . . . . .	5003.3.2, 5503.2
S 1.3 (2008) — Pressure Relief Device Standards — Part 3 — Stationary Storage Containers for Compressed Gases . . . . .	5003.3.2, 5503.2
V 1 (2013) — Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections . . . . .	3505.2.1

This language is in the  
model code

Section 16.54.010 of Chapter 16.54 of Title 16 of the Cupertino Municipal Code is hereby repealed in its entirety and replaced with the following Chapter 16.54 to be entitled, numbered, and amended to read as follows:

CHAPTER 16.54: ENERGY CODE

16.54.010 Code Adoption-Adoption of the 2019 California Energy Code.

- A. The provisions of the 2016 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.

A. The provisions of the 2019 California Energy 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 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 16.56 – No Change]

Amend Chapter 16.58.010 of the Cupertino Municipal Code to read as follows:Section 16.58.010 of 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 amended to read as follows:

16.58.010 Code Adoption-Adoption of the 2019 California Green Building Standards Code.

- A. The provisions of the 2016-2019 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 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 is made available for public inspection.

Amend Chapter 16.58.015 of the 2019 California Green Building Standards Code to read as follows:

16.58.015 Adoption of Appendix Chapters.

No Appendix Chapters from the 2016-2019 California Green Building Standards Code have been adopted.

Amend Chapter 16.58.040 of the 2019 California Green Building Standards Code to read as follows:

16.58.040 Local Amendments.

The following provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the 2016 2019 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.

Amend Chapter 16.58.100 of the 2019 California Green Building Standards Code to read as follows:

16.58.100 Section 101.10–Amended.

Amend Section 101.10 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 ~~2016~~ 2019 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.

[Title 16 – Chapter 16.60 – No Change]

Add Chapter 16.62 to be entitled, numbered, and to read as follows:

**CHAPTER 16.62: HISTORICAL BUILDING CODE**

Section

16.62.010 Adoption of the 2019 California Historical Building Code

**16.62.010 Adoption of the 2019 California Historical Building Code**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 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.

Add Chapter 16.64 to be entitled, numbered, and to read as follows:

**CHAPTER 16.64: EXISTING BUILDING CODE**

Section

16.64.010 Adoption of the 2019 California Existing Building Code.

**16.64.010 Adoption of the 2019 California Existing Building Code.**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 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.

Add Chapter 16.68 to be entitled, numbered, and to read as follows:

**CHAPTER 16.68: REFERENCED STANDARDS CODE**

Section

16.68.010 Adoption of the 2019 California Referenced Standards Code.

**16.68.010 Adoption of the 2019 California Referenced Standards Code.**

- A. Except as otherwise provided in this chapter, the provisions of the 2019 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]

[Title 16 – Chapter 16.80 – No Change]

DRAFT



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF CUPERTINO  
MAKING FINDINGS RELATING TO LOCAL CLIMATIC,  
GEOGRAPHICAL, OR TOPOGRAPHICAL CONDITIONS SUPPORTING  
AMENDMENTS AND CHANGES TO THE 2019 CALIFORNIA BUILDING  
STANDARDS CODE.

**WHEREAS**, the City Council of the City of Cupertino, intends to pass an ordinance adopting the California Building Standards Code which consists of the 2019 editions of the California Building Code, Residential Code, Energy Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, Historical Building Code, Existing Building Code, Referenced Standards Code and Green Building Standards Code and making modifications and changes thereto; and

**WHEREAS**, the California Health and Safety Code Sections 17958, 17958.5 and 17958.7 require the governing body of a city, before making any modification or changes to the California Building Standards Code, to make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions; and

**WHEREAS**, as more specifically set forth in the October 15, 2019 staff report for this item by Albert Salvador, the City's Building Official, a departure from the Building Standards Code is reasonably necessary due to local climatic, geological, or topographical conditions;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby:

1. The City Council hereby finds the following facts to be true:
  - A. The Bay Area region is a densely populated area with buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including, but not limited to the recent 1989 Loma Prieta Earthquake;

- B. Cupertino is situated adjacent to active earthquake faults capable of producing substantial seismic events. The San Andreas and Sargent-Berocal faults run through the lower foothills and the Monta Vista Fault is closer to the valley floor area. The Hayward fault is North East of the City which would also presents a risk to Cupertino in the event of an earthquake;
  - C. Vehicular traffic through Cupertino is significant, and continues to increase as Cupertino is an employment center as well as the location of residential projects;
  - D. Because Cupertino is divided by major freeways and expressways, the occurrence of a major earthquake could impact the ability of fire crews to respond to emergencies should one or more of the freeways or expressways collapse, be substantially damaged, or become gridlocked;
  - E. Fire suppression capabilities would be severely limited should the water system be damaged during an earthquake;
  - F. Cupertino experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structural fires;
  - G. Cupertino's topography contains remote, steep hillsides which further limits the ability of emergency responders to extinguish or control wildland or structural fires;
  - H. The local geographic, topographic and climatic conditions require amendments to the California Building Standards Code to establish more restrictive conditions to improve structural integrity of the buildings in the event of a seismic incident and provide other protections to protect against the increased risk of fire.
- 2. Based on the above facts, the City Council makes the following finding: that Cupertino's local geographic, topographic and climatic conditions require amendments to the California Building Standards Code to establish more restrictive conditions to improve structural integrity of the buildings in the event of a seismic incident, provide other protections to protect against the increased risk of fire as more specifically set forth in the memorandum from Albert Salvador, the City's Building Official, and as summarized in the chart attached hereto as Exhibit A.
  - 3. Based on the above finding, the City Council determines that it is necessary to make local amendments to the California Building Standards Code based upon the local conditions.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. 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 of a significant effect on the environment. CEQA applies only to projects which have the potential of 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 amendments to the City Code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 15<sup>th</sup> day of October, 2019, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST:  _____ Grace Schmidt, City Clerk	_____ Date

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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STEVEN SCHARF  
Mayor

ATTEST:

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GRACE SCHMIDT  
City Clerk

## EXHIBIT A

MATRIX TABLE FOR JUSTIFICATION AND FINDINGS FOR LOCAL AMENDMENTS					
MUNICIPAL CODE SECTION	TITLE	ADDED TO CALIF. CODE	DELETED FROM CALIF. CODE	AMENDED FROM CALIF. CODE	JUSTIFICATION (See below for key)
16.02.010 through 16.02.030	Municipal Code Sections were consolidated and renumbered to be more in line with the corresponding section of the 2019 California Building Code.	X			A
16.02.040	Reference changes were made to reference the 2019 California Building Code. Language was added to be consistent with the 2019 California Building Code.			X	
16.02.050	Reference changes were made to reference the 2019 California Building Code. Language was added to be consistent with the 2019 California Building Code. Section 105.3.1 was inadvertently left out from last code cycle. Language for a Job Card to be posted on job site visible from the street was added.			X	
16.02.060	Reference changes were made to reference the 2019 California Building Code. Language was added to be consistent with the 2019 California Building Code. This section for submittal documents was added from the Administrative sections of the California Building Code and amended to reflect our electronic review process. Section 107.2.1 through 107.2.6 was removed because the language of the section now resides in the California Building Code, Volume 1.			X	
16.02.070 through 16.02.100	This section previously existed in the Municipal Code for inspection requirements. Reference changes were made to reference the 2019 California Building Code. Portions of Section 110 were removed from the ordinance because the language resides in the adopted model code.			X	
16.02.110	This section previously existed in the Municipal Code. Reference changes were made to reference the 2019 California Building Code. Language was added for the Board of Appeals to be appointed by the City Manager.			X	
16.02.120	Reference changes were made to reference the 2019 California Building Code. Some language was removed since these requirements are already adopted from the model code.			X	
16.02.130	These sections previously existed in the Municipal Code. Reference changes were made to reference the 2019 California Building Code. Penalty language in Section 115.3 for any person continuing to work after a stop work notice is issued was added from model code.			X	



<b>16.04.010</b>	This section previously existed in the Municipal Code. A reference change is made to reference the 2019 California Building Code. A more descriptive title change was added to be more consistent with the rest of the ordinance.			X	
<b>16.04.015</b>	This section previously existed in the Municipal Code. This section modifies the CBC by adopting specific appendix chapters in the code. Only a reference change is made to reference the 2019 California Building Codes.			X	
<b>16.04.020</b>	Regulations for proper address identification already exist in the Municipal Code. The CBC, however, also has regulations regarding address identification. The adoption and revisions to Section 501.2 referenced in the Municipal Code brings Cupertino more in line with the model code.			X	<b>E</b>
<b>16.04.040</b> <b>16.04.060</b>	These sections previously existed in the Municipal Code. A reference change is made to reference the 2019 California Building Code. Language was added to be consistent with the 2019 California Building Code.			X	<b>A</b>
<b>16.04.080</b>	This section previously existed in the Municipal Code. A reference change is made to reference the 2019 California Building Code.			X	<b>C</b>
<b>16.04.100</b>	This proposed amendment to the CRC is made to be consistent with TUCC amendment that modifies the plain concrete provisions in CBC Section 1905.1.7 and ACI 318 Section 14.1.4.			X	<b>D</b>
<b>16.04.120</b>	This amendment existed in the previous Municipal Code. Only a reference change is made to be consistent with the new section and table in the 2019 CRC Code. The amendment modifies California Building Code to restrict the use of gypsum wallboard (GB), structural fiberboard (SFB), hardboard panel siding (HPS), and particleboard sheathing (PBS) as braced wall panels and limit the use of portland cement plaster or stucco (PCP).  The proposed amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall bracing materials in high seismic areas. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were observed in 1994 Northridge earthquake.			X	<b>B</b>
<b>16.04.140</b>	This section previously existed in the Municipal Code. A reference change is made to reference the 2019 California Building Code.	X			
<b>16.06.010</b>	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2019 California Residential Code. Language was added to be consistent with the 2019 California Building Code.			X	

16.06.015	This section previously existed in the Municipal Code. This section modifies the CBC by adopting specific appendix chapters in the code. Only a reference change is made to reference the 2019 California Residential Code.			X	
16.06.020	Amendment to delete the exception #2 that removes the emergency escape and rescue openings from bedrooms in basements.				
16.06.040	Fire sprinkler systems have been required by policy for the rebuild of existing homes. Clarification of this requirement is added in this section. Also, based on new requirements per Government Code Section 65852.2 for Accessory Dwelling Units, language has been added to waive Fire Sprinkler requirements for ADU's when the primary residence is not equipped with one. The ordinance, however, does not exempt fire sprinkler requirements for ADU's where the additional building area exceeds a threshold amount or if Access or Water Supply requirements do not meet the requirements of the California Fire Code.			X	
16.06.060	This amendment existed in the previous Municipal Code. Only a reference change is made to be consistent with the new exception in the 2019 California Residential Code. Language was added to be consistent with the 2019 California Residential Code. Deleted exceptions for accessory structures.			X	
16.06.080	<p>This section previously existed in the Municipal Code. A reference change is made to reference the 2019 California Residential Code. There is no change to this section, however, the findings for this amendment, introduced in a previous code cycle, is included here for reference.</p> <p>This proposed amendment to the CRC is made to be consistent with Tucc amendment that modifies the plain concrete provisions in CBC Section 1905.1.7 and ACI 318 Section 14.1.4.</p>			X	D
16.06.100	<p>This amendment existed in the previous Municipal Code. Only a reference change is made to be consistent with the new section and table in the 2019 CRC Code. The amendment modifies California Residential Code to restrict the use of gypsum wallboard (GB), structural fiberboard (SFB), hardboard panel siding (HPS), particleboard sheathing (PBS), and continuously sheathed structural fiberboard (CS-SFB) as braced wall panels and limit the use of portland cement plaster or stucco (PCP).</p> <p>The proposed amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall bracing materials in high seismic areas. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were</p>			X	C

	observed in 1994 Northridge earthquake.				
<b>16.06.120 &amp; 16.06.140</b>	This section previously existed in the Municipal Code. A reference change is made to reference the 2019 California Residential Code.			X	<b>A</b>

<b>16.16.010 &amp; 16.16.020</b>	These sections previously existed in the Municipal Code. Only a reference change is made to reference the 2019 California Electrical Code.			X	<b>A</b>
<b>16.16.030</b>	Language from the previous code is revised to reflect when general building contractors are allowed to do electrical work. The municipal code is now consistent with the requirements of the Business and Professions Code Section 7057(b).			X	
<b>16.16.040 through 16.16.060</b>	These sections previously existed in the Municipal Code with no change.			X	
<b>16.20.010 &amp; 16.20.015</b>	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2019 California Plumbing Code.			X	
<b>16.20.020</b>	No change.			X	
<b>16.20.080</b>	This section currently exists in the Municipal Code. This section is being omitted based on Section 814 of the 2016 California Plumbing Code containing all listed requirements.		X		<b>A</b>
<b>16.24.010 &amp; 16.24.015</b>	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2019 California Mechanical Code.			X	<b>A</b>
<b>16.24.020</b>	No change.			X	

<b>Chap 16.40</b>	Chapter 16.40 is being repealed and replaced in its entirety. Municipal Code Sections were consolidated and renumbered to be more in line with the corresponding Chapters of the 2019 California Fire Code.				<b>E</b>
<b>16.40.010</b>	Reword to be consistent with the adoption language for all other 2019 California Codes. A reference change is made to reference the 2019 California Fire Code and the 2018 International Fire Code.			X	
<b>16.40.015</b>	This section modifies the California Fire Code by adopting specific appendix chapters in the code. A reference change is made to reference the 2019 California Fire Code. Appendix N is changed to Appendix O in the Fire Code.			X	
<b>16.40.020</b>	A reference change is made to reference the 2019 California Fire Code. Nominal Inspection fees were updated to be more aligned with the current cost of service. Language requiring an operational permit for collection or storage of Lithium Batteries is included.			X	

<b>16.40.040</b>	Two definitions were added to the Fire Code and a couple definitions were deleted that were added to the California Code.			X	
<b>16.40.060</b>	The new Lithium Batteries requirements of Section 315.8 and Industrial additive manufacturing equipment regulations of Section 321 were adopted.			X	
<b>16.40.080</b>	Exceptions are amended for fire apparatus access roads allowing the extension of 150 feet to the exterior of the building or facility. Requirements for emergency responder radio coverage in new building from Section 510.1 were amended and adopted.			X	
<b>16.40.100</b>	Immersion Heater regulations already exists in our municipal code but new regulations limiting locations for the storage and use of portable outdoor gas-fired heating appliances were added.			X	
<b>16.40.120</b>	Regulations already exists in municipal code. A reference change is made to reference the 2019 California Fire Code.			X	
<b>16.40.140</b>	Automatic fire sprinkler system regulations already exists in the municipal code. New code reference changes were made. Inspection, testing and maintenance record regulations are newly codified in this section.			X	
<b>16.40.160</b>	Chapter 11 of the 2018 International Fire Code is deleted in its entirety. The regulations of Chapter 11 of the 2019 California Fire Code are adopted to be enforced.			X	
<b>16.40.180</b> <b>16.40.200</b>	Sections for Means of Egress and Wildland-Urban Interface Fire Area currently exists in the municipal code. Reference changes were made to reference the 2019 California Fire Code.			X	
<b>16.40.220</b> <b>through</b> <b>16.40.340</b>	Hazardous materials regulations Explosives and Fireworks regulations already exists in municipal code. Reference changes were made to reference the 2019 California Fire Code. On-Demand fueling stations requirements were taken out of municipal code because they were adopted in the California Fire Code.  Portions of Chapter 60 for Highly Toxic and Toxic Materials were taken out of the municipal code because the regulations were adopted in the California Fire Code. Reference changes were made to reference the 2019 California Fire Code.			X	

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

<b>A</b>	This amendment is necessary for administrative clarification and does not modify a Building Standard pursuant to California Health and Safety Code Sections 17958. This amendment establishes administrative standards for the effective enforcement of building standards throughout the City of Cupertino.
<b>B</b>	<p>This proposed amendment for topographic and geographic conditions has been voted for approval by the <u>local Tri-chapter Uniform Code Committee</u> (TUCC) and addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake and based on the following:</p> <ol style="list-style-type: none"> <li>1. The San Francisco Bay area is densely populated and located in an area of high seismic activity. Cupertino is bounded by the Hayward and San Andreas faults capable of producing major earthquakes.</li> <li>2. Concern for fire-life safety associated with a structural failure due to a seismic event considering the increasing number of buildings in the region, the use of new structural systems, the poor performance of certain materials, and the quality of construction.</li> <li>3. Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department to meet the fire life-safety needs of the community.</li> <li>4. The local geographic, topographic and climatic conditions pose an increase hazard in acceleration, spread, magnitude and severity of potential fires in the City of Cupertino, and may cause a delayed response from emergency responders, allowing further growth of the fire.</li> </ol>
<b>C</b>	Considering topographic and geographic conditions, the results from studies after the 1994 Northridge earthquake indicated that a lot of the damages were attributed to lack of quality control during construction. The proposed amendment improves quality control during construction and therefore needs to be incorporated into the Code. Revise CBC Section 1705.3 exception No. 1 to allow special inspection not to be required for isolated spread footing where the structural design of the footing is based on a specified compressive strength, $f'_c$ , no greater than 2,500 psi. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycle.
<b>D</b>	<p><b>ISSUE:</b> Revise section 1905.1.7. American Concrete Institute (ACI) 318 Section 14.1.4 that allows the use of plain concrete in residential structures assigned to Seismic Design Category C, D, E or F.</p> <p><b>RATIONALE:</b> The proposed amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake.</p>
<b>E</b>	<p>Amendments to the 2019 California Fire Code are reasonably necessary for the protection of the public health, safety and welfare, due to the local climatic, geologic or topographical conditions specified as follows:</p> <p>The City of 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 structure fires. Additionally, the City of Cupertino is geographically situated adjacent to active</p>



	<p>earthquake faults capable of producing substantial seismic events. Since the City of Cupertino is divided by an active Union Pacific railway service line (freight), creeks, highways, and other substantial traffic corridors, the occurrence of a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more bridges collapse or be substantially damaged. In addition, fire suppression capabilities would be severely limited should the water system be extensively damaged during the seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safe guards in order to minimize the risks to citizens, firefighters and property due to the severity of the fire threat and potential response delays.</p>
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## PUBLIC WORKS DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: October 15, 2019

#### Subject

Update on revised Community Garden Improvements Project at McClellan Ranch Preserve and provide any input. Status update on the investigation of creating community gardens at other parks in the City and provide any input.

#### Recommended Action

Review the revised design and proposed construction approach for the Community Garden Improvements Project and provide input. Receive status update on the investigation of creating community gardens at other parks in the City and provide any input.

#### Discussion

The Community Garden at McClellan Ranch Preserve was established in 1974 and was a popular amenity in the City for many years. However, over the years, the garden fell into a state of disrepair and the local wildlife (i.e. ground squirrels and other rodents) proliferated, forcing gardeners to install wire cages and screens in order to protect their plots and their produce.

The fence around the Community Garden was failing in many places and was unreliable as a secure enclosure. The impact of rodents on garden produce was pervasive and persistent. The garden irrigation system was past its useful life, becoming maintenance-intensive and insufficient to meet the needs of the garden. The existing garden plot sizing was variable and needed to be reconfigured for regular plot sizes.

The purpose of this project is to develop a new vision for the garden including more regular-sized garden plots, new irrigation and new fencing.

An earlier garden design, that was the result of several meetings with the gardener community between September 2017 and January 2018, was presented to the Parks and Recreation Commission on April 5, 2018 and was issued for bidding on August 31, 2018. On September 18, 2018, three bids were received, and all bids exceeded the construction budget. Staff then directed the design consultant, Callander Associates, Landscape

Architects, to repackaging the project and turn some of the work into bid alternates in order to bring the project within budget, with the intention of re-bidding the project. However, at the October 18, 2018 City Council meeting, the project was de-funded and shelved to fund design services for a New City Hall.

Since the October 18<sup>th</sup> meeting, the proposed New City Hall project was reprioritized and several CIP projects that were defunded, including the Community Garden, were proposed for this year's CIP budget. Staff proposed a budget of \$1.5 million for project design and construction, based on the bids that were received in the previous year. At the June 18, 2019 City Council meeting, Council reduced the budget for the Community Garden at McClellan Ranch Preserve to \$1.2 million and directed staff to allocate \$300,000 to explore opportunities to build other community gardens at other locations within the City. Further, Council directed staff to utilize volunteer efforts to help build the community gardens in order to reduce cost.

With these parameters, staff directed the design consultant to revise the Community Garden layout to meet the new budget and to consider where and how volunteer forces can be used during the construction phase. The proposed conceptual layout presented to the Parks and Recreation Commission on October 3, 2019 provided a total 120 plots, which includes 6 in-ground plots, 8 ADA raised beds, and 106 non-ADA raised beds. This is an increase from the previous design which had a total of 88 plots (14 small, 47 medium, 15 large, 7 master gardener and 5 ADA plots)

Construction is proposed to be sequenced as follows:

<b>Task</b>	<b>By Contractor</b>	<b>By City</b>	<b>By Volunteers</b>
1. Project startup/mobilization	•		
2. Demolition	•		
3. Erosion control	•		
4. Earthwork and grading	•		
5. Install underground hardware cloth	•		
6. Construct perimeter fence and gate(s)	•		
7. Install new irrigation controller, lines and risers, including a hose bibb at every other plot	•		
8. Construct ADA raised beds	•		
9. Install decomposed granite (DG) pathways	•		
10. Stake the corners of in-ground and non-ADA planter beds	•		
11. Construct concrete pads and tool sheds	•		

12. Install sheet mulch underlayment for wood chipped pathways	•		
13. Procure lumber, fasteners, hardware, top soil, wood chips, tool sheds (2) and ADA picnic tables (2)		•	
14. Fabricate planter bed kits (pre-cut lumber and pre-drill holes)		•	
15. Construct non-ADA raised beds		• (assist)	•
16. Fill planter beds with top soil		•	• (assist)
17. Place wood chips on pathways			•
18. Assemble picnic tables			•

The construction budget for this revised Community Garden design at McClellan Ranch Preserve is \$900,000. The remaining \$300,000 will cover soft costs including fees for the landscape architect, biological monitoring and bird surveys, and staff time.

To assist with keeping construction costs under the budget, individual volunteers and/or organizations will be sought to assist with construction of the gardens. Volunteers will assemble the non-ADA raised beds and picnic tables. They will also assist with filling the beds with top soil and spreading wood chips on garden pathways. Upon completion of the gardens, gardeners will be expected to volunteer a certain amount of time to keep the gardens organized and free of weeds in the pathways.

At the Parks and Recreation Commission meeting the proposed conceptual layout of 120 plots, exceeded the approved budget by approximately \$75,000. The Commission accepted the revised conceptual design and acknowledged the use of volunteers and bid alternates to facilitate construction of the project within the approved budget. Based on comments received at the Parks and Recreation Commission meeting, staff made minor revisions to the layout reducing the total number of plots to 107 and they raised the hardware cloth, that protects the entire garden from burrowing rodents, from 2-ft deep to 1-ft deep. This resulted in significant cost savings which resulted in a base bid cost estimate within budget. Additive alternates will be included in the bid schedule to allow for additional planter beds (Phase 2), site furnishings and a shade structure should bids come in lower than estimated. Attachment A details the proposed conceptual layout for both the base and additive alternates.

The next steps for the project are to finalize the design and prepare construction documents. The construction contract will then be issued for competitive bidding.

The target completion date for the project is Memorial Day 2020. In order for the project to meet this schedule, construction will need to begin in January 2020 in advance of the bird nesting season that begins in February 2020.

As directed by City Council, staff is also investigating the possibility of creating community gardens at other parks in the City. Wilson Park, Creekside Park, and Portal Park are currently under consideration for satellite gardens. Staff is currently researching community garden programs in other communities to develop the best options for implementation and will return to Council with additional information at a later date.

#### **Sustainability Impact**

The Community Garden Improvement project is consistent with General Plan Policy RPC-2.5: Range of Park Amenities, and General Plan Strategies RPC-2.5.1: Special Needs and RPC-2.5.3 Community Gardens. Additionally, the project proposes to repair old and leaking irrigation lines, thus minimizing waste of water resources.

This project is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Sections 15301 (repair and minor alterations of existing facilities and topographical features), 15303 (new construction or conversion of small structures), and 15304 (minor alterations to land)).

#### **Fiscal Impact**

Funds for the redesign and reconstruction of the Community Garden at McClellan Ranch Preserve are allocated in the FY19-20 Capital Improvement Program. No additional budget allocation is needed.

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**Prepared by:** Alex Acenas, Public Works Project Manager

**Reviewed by:** Chad Mosley, Assistant Director Public Works Department

**Approved for Submission by:** Deborah Feng, City Manager

#### **Attachments:**

A – Revised Conceptual Plan October 2019



