



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: November 5, 2019

Subject

An Ordinance amending Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the 2019 California Building Standards Code as mandated by the State of California with certain exceptions, deletions, modifications, additions, and amendments.

Recommended Action:

Staff recommends that the City Council conduct the second reading to adopt: "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," (the "Ordinance"), attached as Attachment A.

Discussion:

On October 15, 2019, the City Council reviewed and conducted the first reading of the proposed Ordinance to adopt the 2019 California Building Standards Code with local amendments. The City Council also approved Resolution No. 19-131 making findings supporting the local amendments.

The justifications following the table of amendments to Title 16 of the Cupertino Municipal Code, as provided in the Resolution, provide the reasons and justifications for each amendment. (Attachment C.) Each amendment is identified by the Section number used in the proposed Ordinance.

As a result of the comments made by City Council at the public hearing, staff has prepared informational handouts to help homeowners, contractors, developers, and design professionals identify significant changes made to the 2019 California Building Standards Code. The changes are those made at the state level in addition

to those changes made at the local level. These handouts will be made available at the public counter and posted online.

Additionally, following the first reading of the Ordinance, minor revisions were made to the draft Ordinance to correct clerical and typographical errors. These changes are reflected in Attachment B and are discussed in more detail below.

Revisions After the First Reading of the Ordinance:

16.04.040

The first draft of the Ordinance amended Section 710A.3 of the California Building Code to require all accessory structures in Wildland-Urban Interface Fire Areas to comply with the section, and to delete subsections 710A.3.1, 710A.3.2, and 710A.3.3. The intention of the amendment to this section was to retain the requirement in section 16.04.070 of the current Municipal Code that all accessory buildings in Wildland-Urban Interface Fire Areas be required to be constructed of non-combustible materials or of ignition-resistant materials. However, due to a clerical error in drafting the revision, the intended requirement was not effectuated. The final version of the Ordinance effects the intent of the original change and maintains consistency with the current version of the Municipal Code.

16.04.080

The Ordinance provision amending Section 1705.3 of the California Building Code was revised to be consistent with the exact language in the 2019 California Building Code. Due to a clerical error, the exact language in the state code was not transcribed properly in the Ordinance.

16.06.040

The Ordinance provision amending Item 5c of Section R313.2 of the California Residential Code was revised to fix a typing error and to correct a clerical error to ensure that the provision is consistent with state law. In particular, the floor area defining the type of detached Accessory Dwelling Unit that is not required to have fire sprinklers installed was changed from 1,000 square feet to 1,200 square feet to comply with state law.

16.06.060

The first draft of the Ordinance amended Section R337.10.3 of the California Residential Code to require all accessory structures in Wildland-Urban Interface Fire Areas to comply with the section, and to delete subsections R337.10.3.1, R337.10.3.2, and R337.10.3.3. The intention of the amendment to this section was

to retain the requirement in section 16.04.070 of the current Municipal Code that all accessory buildings in Wildland-Urban Interface Fire Areas be required to be constructed of non-combustible materials or of ignition-resistant materials. However, due to a clerical error in drafting the revision, the intended requirement was not effectuated. The final version of the Ordinance effects the intent of the original change and maintains consistency with the current version of the Municipal Code.

Effective Date of Code Adoption:

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.

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.

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 Showing Corrections of Typographical and Clerical Errors Following First Reading.
- C – Adopted Resolution Making Findings and Justifications for Local Amendments and Modifications to 2019 California Building Standards Code.
- D – Public Handouts Highlighting Significant State-Level Changes to the 2019 Building Standards Code.