



COMMUNITY DEVELOPMENT DEPARTMENT

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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 1st, 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 1st, 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.

Prepared by: Albert Salvador, Building Official

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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