

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



January 10, 2014

Albert Salvador  
Chief Building Official  
City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

RE: Ordinance #13-2115

Dear Mr. Albert:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 2, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



**CUPERTINO**

**COMMUNITY DEVELOPMENT DEPARTMENT  
BUILDING DIVISION**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
(408) 777-3228 • FAX (408) 777-3333

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CALIFORNIA BUILDING  
STANDARDS COMMISSION

November 26, 2013

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, California, 95833  
Attn: James McGowan

**ADOPTION OF THE 2013 CALIFORNIA BUILDING STANDARDS CODE  
AND LOCAL AMENDMENTS FOR THE CITY OF CUPERTINO**

Dear Mr. McGowan:

On November 19, 2013, the Cupertino City Council approved an Ordinance amending Title 16 of the Cupertino Municipal Code for the adoption of the 2013 California Building Standards Code along with local amendments.

A copy of the Ordinance, Ord # 13-2115, is enclosed for your reference. The ordinance has been signed by the Mayor and noticed by the City Clerk to verify the adoption date. Also enclosed, is a Resolution making factual finding with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.

Should you have any questions regarding any of these items, please contact me at (408) 777-3206.

Sincerely,

A handwritten signature in blue ink that reads "Albert Salvador".

Albert Salvador, P.E., C.B.O.  
Chief Building Official  
City of Cupertino

**Attachments:**

- Ordinance No 13-2115
- Resolution No

## ORDINANCE NO. 13-2115

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CHAPTER 16 OF THE CUPERTINO MUNICIPAL CODE ADDING CHAPTER 16.02 AND ADOPTING THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, MECHANICAL, ELECTRICAL CODES, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE WITH CERTAIN EXCEPTIONS, MODIFICATIONS, AND ADDITIONS

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Cupertino may adopt the provisions of the California Building, Residential, Plumbing, Mechanical, Electrical, Existing Building, Historical Building Codes, Green Building Standards Code and International Existing Building Code, with certain amendments to those provisions which are reasonably necessary to protect the health, welfare and safety of the citizens of Cupertino because of the local climatic, geological, and topographical conditions; and

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

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

WHEREAS, in addition to those findings set forth in the provisions of the Cupertino Municipal Code, on November 4, 2013, the City Council adopted a resolution making factual findings with respect to the local geological, topographical, and climate conditions including, but not limited to, the following:

- 1) The Bay Area region is a densely populated area with buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including, but not limited to the recent 1989 Loma Prieta Earthquake;
- 2) Cupertino is situated adjacent to active earthquake faults capable of producing substantial seismic events. The San Andreas and Sargent-Berocal faults run through the lower foothills and the Monta Vista Fault is closer to the valley floor area. The Hayward fault is North East of the City which would also presents a risk to Cupertino in the event of an earthquake;

- 3) Vehicular traffic through Cupertino is significant, and continues to increase as Cupertino is an employment center as well as the location of residential projects;
- 4) Cupertino is divided by major freeways and expressways, the occurrence of a major earthquake could impact the ability of fire crews to respond to emergencies should one or more of the freeways or expressways collapse, be substantially damaged, or become gridlocked;
- 5) Fire suppression capabilities would be severely limited should the water system be damaged during an earthquake;
- 6) Cupertino experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structural fires;
- 7) Cupertino's topography contains remote, steep hillsides which further limits the ability of emergency responders to extinguish or control wildland or structural fires; and
- 8) The local geographic, topographic and climatic conditions require amendments to the California Codes to establish more restrictive conditions to improve structural integrity of the buildings in the event of a seismic incident and provide other protections to protect against the increased risk of fire.

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

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

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

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CUPERTINO:

**SECTION 1.** Title 16 of the Cupertino Municipal Code is hereby amended to add Chapter 16.02 to read as follows:

**CHAPTER 16.02: ADMINISTRATIVE CODE**

**16.02.010 Purpose.**

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.

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 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.**

Adopt Section [A] 104.1 of the 2013 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 codes.

#### **16.02.050 Applications and permits.**

Adopt Section [A] 104.2 of the 2013 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.

#### **16.02.060 Notices and orders.**

Adopt Section [A] 104.3 of the 2013 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 2013 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 2013 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 2013 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 2013 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.**

Adopt Section [A] 104.8 of the 2013 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 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. Any suit 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 2013 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.

**16.02.130 Used materials and equipment.**

Adopt Section [A] 104.9.1 of the 2013 California Building Code as follows:

**[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.

**16.02.140 Modifications.**

Adopt Section [A] 104.10 of the 2013 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.

**16.02.150 Alternate materials, design and methods of construction and equipment.**

Adopt Section [A] 104.11 of the 2013 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 the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**16.02.160 Research Reports.**

Adopt Section [A] 104.11,1 of the 2013 California Building Code as follows:

[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.

**16.02.170 Permit Required.**

Adopt Section [A] 105.1 of the 2013 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, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

**16.02.180 Time limitation of application.**

Adopt Section [A] 105.3.2 of the 2013 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.

**16.02.190 Validity of permit.**

Adopt Section [A] 105.4 of the 2013 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.

**16.02.200 Expiration.**

Adopt Section [A] 105.5 of the 2013 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 after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days 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.

**16.02.210 Suspension or revocation.**

Adopt Section [A] 105.6 of the 2013 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.

**16.02.220 Placement of permit.**

Adopt Section [A] 105.7 of the 2013 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.

**16.02.230 Responsibility of permittee.**

Add new Section [A] 105.8 to the 2013 California Building Code to read as follows:

**[A] 105.8 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.

**16.02.240 Fees.**

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

**16.02.250 Inspections.**

Adopt Section [A] 110.1 of the 2013 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 2013 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.

Adopt Section [A] 110.3.8 of the 2013 California Building Code as follows:

**[A] 110.3.8 Other Inspections.** In addition to the called inspections specified above, 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.

#### **16.02.260 Certificate of Occupancy.**

Adopt Section [A] 111.1 of the 2013 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 title or any ordinance of the City of Cupertino.

Adopt Section [A] 111.2 of the 2013 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 2013 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 2013 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.

#### 16.02.270 Board of Appeals.

Adopt Section [A] 113.1 of the 2013 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, 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. 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.

Add Section [A] 113.1.1 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. 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.

16.02.280 Violations.

Adopt Section [A] 114.1 of the 2013 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 2013 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.

#### 16.02.290 Stop Work Order.

Adopt Section [A] 115.1 of the 2013 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 2013 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.

**SECTION 2.** Chapter 16.04 of Title 16 of the Cupertino Municipal Code is hereby repealed and readopted to read as follows:

## CHAPTER 16.04: BUILDING CODE

### 16.04.010 Code Adoption.

The provisions of the 2013 California Building Code, Volumes 1 and 2 inclusive, and 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, and is by such reference adopted.

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 (d) (1) and are made available for public inspection.

### 16.04.015 Adoption of Appendix Chapters.

The following Appendix Chapters from the 2013 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: 2013 California Historical Building Code;  
California Code Part 10: 2013 California Existing Building Code;  
California Code Part 12: 2013 California Referenced Standards Code

### 16.04.050 Address Identification.

Adopt Section 501.2 of the 2013 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 Exterior Wildfire Exposure.

Amend Section 707A.8 of the 2013 California Building Code to read as follows:

**707A.8 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.

**Exception:** Heavy timber structural columns and beams do not require protection.

Amend Section 710A.3 of the 2013 California Building Code to read as follows:

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

**710A.3.1** Attached accessory structures shall comply with the requirements of this section.

Amend Section 710A.4 of the 2013 California Building Code to read as follows:

**710A.4 Requirements.** Accessory structures shall be constructed on noncombustible or ignition-resistant materials.

**16.04.080 Roof Covering Classification.**

Amend Section 1505.1.3 of the 2013 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 2013 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.

**16.04.340 Conventional Construction Provisions (Bracing).**

Amend Section 2308.9.3 of the 2013 California Building Code to read as follows:

**2308.9.3 Bracing.** Braced wall lines shall consist of braced wall panels that meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1219 mm). Braced wall panels shall start not more than 12 ½ feet (3810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Nominal 1-inch by 4-inch (25mm by 102 mm) continuous diagonal braces let into top and bottom plates and intervening studs, placed at an angle not more than 60 degrees (1.0 rad) or less than 45 degrees (0.79 rad) from the horizontal and attached to the framing in conformance with Table 2304.9.1.
2. Wood boards of 5/8 inch (15.9 mm) net minimum thickness applied diagonally on studs spaced not over 24 inches (610 mm) o.c.
3. Wood structural panel sheathing with a thickness not less than 3/8 inch (9.5 mm) for 16-inch (406 mm) or 24-inch (610 mm) stud spacing in accordance with Tables 3308.9.3(2) and 3308.9.3(3).
4. Fiberboard sheathing panels not less than ½ inch (12.7 mm) thick applied vertically or horizontally on studs spaced not over 16 inches (406 mm) o.c. where installed with fasteners in accordance with Section 2306.6 and Table 2306.6.
5. *Not adopted.*
6. Particleboard wall sheathing panels where installed in accordance with Table 2308.9.3(4).
7. Portland cement plaster on studs spaced 16 inches (406 mm) o.c. installed in accordance with Section 2510. This item is limited to one-story structures of R-3 and U occupancies.
8. Hardboard panel siding where installed in accordance with Section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing, see Section 2308.9.4.1. For Methods 2,3,4,6,7 and 8, each panel must be at least 48 inches (1219 mm) in length, covering three stud spaces where studs are spaced 16 inches (406 mm) apart and covering two stud spaces where studs are spaced 24 inches (610 mm) apart.

For Method 5, each panel must be at least 96 inches (2438 mm) in length where applied to one face of a panel and 48 inches (1219 mm) where applied to both faces. All vertical joints of panel sheathing shall occur over studs and adjacent panel joints shall be nailed to common framing members. Horizontal joints shall occur over blocking or other framing equal in size to the studding except where waived by the

installation requirements for the specific sheathing materials. Sole plates shall be nailed to the floor framing and top plates shall be connected to the framing above in accordance with Section 2308.3.2. Where joists are perpendicular to braced wall lines above, blocking shall be provided under and in line with the braced wall panels.

#### **16.04.360 Concrete Isolated Footings.**

Amend Section 1705.3 Exception #1 of the 2013 CBC 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).

#### **16.04.370 Revise Section 1905.1.8 ACI 318 Section 22.10.**

Amend Section 1905.1.8 and ACI 318 Section 22.10 and replace with the following:

22.10 - Plain concrete in structures assigned to seismic design category C, D, E or F.

22.10.1- 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.

**16.04.400 Swimming Pools.**

Adopt Section 3109 of the 2013 California Building Code.

**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.

**SECTION 3.** Chapter 16.06 of Title 16 of the Cupertino Municipal Code is hereby repealed and readopted to read as follows:

#### **CHAPTER 16.06 RESIDENTIAL CODE**

##### **16.06.010 Code Adoption.**

The provisions of the 2013 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, and is by such reference adopted.

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 (d) (1) and are made available for public inspection.

##### **16.06.015 Adoption of Appendix Chapters.**

The following Appendix Chapters from the 2013 California Residential Code are hereby adopted:

- Appendix A: Sizing and Capacities of Gas Piping;
- Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;
- Appendix G: Swimming Pools, Spas and Hot Tubs;
- Appendix H: Patio Covers;
- Appendix J: Existing Building and Structures;

Appendix K: Sound Transmission;

**16.06.050 Automatic Fire Sprinkler Systems.**

Amend Section R313.1 of the 2013 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 not total more than 1000 square feet of building area.

Amend Section R313.2 of the 2013 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 as follows:

1. In all new one- and two-family dwellings 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 do not total more than 1000 square feet of building area.

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 Materials and Construction Methods for Exterior Wildfire Exposure.**

Amend Section R327.7.8 of the 2013 California Residential Code to read as follows:

**R327.7.8 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.

**Exception:** Heavy timber structural columns and beams do not require protection.

Amend Section R327.10.3 of the 2013 California Residential Code to read as follows:

**R327.10.3. Where required.** Accessory structures shall comply with the requirements of this section.

**R327.10.3.1.** Attached accessory structures shall comply with the requirements of this section.

Amend Section R327.10.4 of the 2013 California Residential Code to read as follows:

**R327.10.4. Requirements.** Accessory structures shall be constructed on noncombustible or ignition-resistant materials.

#### **16.06.070 Footings.**

Amend Section R403.1 of the 2013 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.

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
<b>Conventional light-frame construction</b>				
1-story	12	12	12	12
2-story	15	12	12	12
3-story	23	17	12	12
<b>4-inch brick veneer over light frame or 8-inch hollow concrete masonry</b>				
1-story	12	12	12	12
2-story	21	16	12	12
3-story	32	24	16	12
<b>8-inch solid or fully grouted masonry</b>				
1-story	16	12	12	12
2-story	29	21	14	12
3-story	42	32	21	16

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

- a. Where minimum footing width is 12 inches, use of a single wythe of solid or fully grouted 12-inch nominal concrete masonry units is permitted.

Amend Section R403.1.1 of the 2013 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 and Figure 403.1(1). 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:

**16.06.080 Roof Covering Classification.**

Amend Section R902.1.3 of the 2013 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 2013 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 R327.5.

**16.06.085 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 2013 California Residential Code Section R1003.9.2.

**16.06.090 Seismic Reinforcing.**

Amend Section R403.1.3 of the 2013 California Residential Code to read as follows:

**R403.1.3 Seismic reinforcing.** Concrete footings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> masonry stem walls without solid grout and vertical reinforcing are not permitted.

**Exception:**

In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

**16.06.100 Intermittent Brace Wall Panel Construction Methods.**

Amend CRC Section R602.10.4, to add a new footnote "e" to the end of CRC Table R602.10.3(3), to read as follows:

e. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the "e" footnote notation in the title of Table R602.10.1.3(3) to read as follows:

TABLE R602.10.3(3)<sup>e</sup>

Add a new subsection R602.10.4.4, to read as follows:

**R602.10.4.4 Limits on methods GB and PCP.** In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is 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.

**SECTION 4.** Chapter 16.12 of Title 16 of the Cupertino Municipal Code is hereby repealed and readopted to read as follows:

#### **CHAPTER 16.12 SOILS AND FOUNDATIONS - SUBDIVISIONS**

##### **16.12.010 Code Adoption.**

The ordinance codified in this chapter is enacted pursuant to the provisions of Section 17953 through 17957 of the Health and Safety Code, relating to housing, and reaffirms the requirements of an approved soils report as a condition to the issuance of a building permit.

##### **16.12.020 Required.**

A. A soils report, as described in Section 17953 of the California Health and Safety Code, shall be required of every subdivision as defined in the Subdivision Map Act of the State of California (commencing at Section 66401 of the California Government Code) and shall also be required as a condition precedent to the issuance of any building permit for any structure to be built on any lot or subdivision.

B. Said soils report may be waived by the Building Official or if the Public Works Director determines that due to the knowledge such department has as to the soil qualities of the soil of the subdivision or lot, no analysis is necessary.

C. No building permit shall be issued for the construction of any building or structure on any lot or subdivision subject to this chapter unless or until an approved preliminary soil report has been filed first with the Building Official and City Engineer; or said report has been waived pursuant to the provisions of this chapter or, the corrective action, if any, has been assured.

**16.12.030 Report Requirements.**

The report shall be comprehensive and shall include an analysis of:

- A. Stability of all slopes, within the lot (subdivision) or slopes above, below or adjacent to the area under investigation;
- B. The classification of all soils for expansion potential;
- C. The classification of the soils according to the Unified Soils Classification System;
- D. The establishment of design bearing values and anticipated maximum settlements;
- E. Soil profiles including relevant data to depths which reflect the nature and magnitude of the future loading;
- F. The presence of rocks or liquids containing deleterious chemicals, which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate.

**16.12.040 Preparation.**

The soils report shall be prepared by a civil engineer who is registered by the state and shall be based upon adequate test borings, excavations, or in the case of the letter of review, field observations.

**16.12.050 Approval of Report.**

The preliminary soil report shall be filed with and approved by the City Engineer.

**16.12.060 Conditions for Building Permit.**

No building permit shall be issued for the construction of any structure on any lot or subdivision subject to this chapter unless or until an approved preliminary soil report has been filed first with the City Engineer; or said report has been waived pursuant to the provisions of this chapter or, the corrective action, if any, has been assured.

**SECTION 5.** Chapter 16.16 of Title 16 of the Cupertino Municipal Code is hereby repealed and readopted to read as follows:

**CHAPTER 16.16: ELECTRICAL CODE**

**16.16.010 Code Adoption.**

The provisions of the 2013 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, and is by such reference adopted.

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 (d) (1) and are made available for public inspection.

**16.16.015 Adoption of Appendix Chapters.**

No Appendix Chapters from the 2013 California Electrical Code have been adopted.

**16.16.020 Article 100 Amended-Definitions.**

Article 100 as amended by adding thereto the following:

- A. **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.

- B. 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.
- C. 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.

#### 16.16.025 Electrical Work.

Electrical work shall be done only by:

- a. Owner/occupant;
- 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. General Building Contractor with current B-1 license in conjunction with building permit only;
- d. Maintenance electrician.

#### 16.16.030 Electrical Fee Schedule.

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

#### 16.16.040 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.

**16.16.050 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.

**SECTION 6.** Chapter 16.20 of Title 16 of the Cupertino Municipal Code is hereby repealed and readopted to read as follows:

**CHAPTER 16.20: PLUMBING CODE**

**16.20.010 Code Adoption.**

The provisions of the 2013 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, and is by such reference adopted.

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 (d) (1) and are made available for public inspection.

**16.20.015 Adoption of Appendix Chapters.**

The following Appendix Chapters from the 2013 California Plumbing Code are hereby adopted:

Appendix A: 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;

**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.

**16.20.080 Condensate Disposals.**

Amend Section 807.2 of the 2013 California Plumbing Code to read as follows:

**807.2 Condensate Waste.** Condensate from air-cooling coils and comfort cooling equipment not intended to be used for the storage or holding of food or drinks shall be collected and discharged to an approved point of disposal acceptable by the Building Official.

Termination of such drains shall be made by an air break. Condensate drain lines in sizes 1 1/4" and larger shall be assembled using approved drainage pipe and fittings. Condensate waste water shall not drain over or upon a public way, sidewalk, pedestrian ramp or the like. The waste pipe shall have a slope of not less than 1/8 inch per foot and shall be of approved corrosion-resistant material not smaller than the outlet size as required below for air-cooling coils or condensing fuel-burning appliances, respectfully.

Condensate wastes pipes from air-cooling coils shall be sized in accordance with equipment capacity as follows:

<b>EQUIPMENT CAPACITY</b>	<b>CONDENSATE PIPE DIAMETER</b>
Up to 20 tons of refrigeration	3/4 inch
21 to 40 tons of refrigeration	1 inch
41 to 90 tons of refrigeration	1-1/4 inch

91 to 125 tons of refrigeration	1-1/2 inch
126 to 250 tons of refrigeration	2 inch

The size of condensate waste pipes may be for one unit or a combination of units, or as recommended by the manufacturer. The capacity of waste pipes assumes a 1/8 inch-per-foot slope, with the pipe running three-quarters full.

Condensate drain sizing for other slopes or other conditions shall be approved by the Building Official.

### Findings

The waste water treatment facilities serving many silicon valley cities are operating at or near maximum capacity. The discharge of treated waste water into San Francisco Bay is detrimental to its sensitive ecosystem.

Cooling coil and comfort cooling equipment condensate waste discharge does not contain pollutants which require treatment before being discharged into sanitary sewers or the ground.

**SECTION 7.** Chapter 16.24 of Title 16 of the Cupertino Municipal Code is hereby repealed and readopted to read as follows:

### CHAPTER 16.24: MECHANICAL CODE

#### 16.24.010 Code Adoption.

The provisions of the 2013 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, and is by such reference adopted.

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 (d) (1) and are made available for public inspection.

#### 16.24.015 Adoption of Appendix Chapters.

No Appendix Chapters from the 2013 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.

**16.24.030 Condensate Wastes.**

Amend Section 312.1 of the 2013 California Mechanical Code to read as follows:

**312.1 Condensate Disposal.** Condensate from air cooling coils and comfort cooling equipment not intended to be used for the storage or holding of food or drinks shall be collected and discharged to an approved point of disposal acceptable to the Building Official.

Termination of such drains shall be made by an air break. Condensate drain lines in sizes 1- 1/4" and larger shall be assembled using approved drainage pipe and fittings. Condensate waste water shall not drain over or upon a public way, sidewalk, pedestrian ramp or the like.

**Findings**

The waste water treatment facilities serving many Silicon Valley cities are operating at or near maximum capacity. The discharge of treated waste water into San Francisco Bay is detrimental to its sensitive ecosystems.

Cooling coil and comfort cooling equipment condensate waste discharge does not contain pollutants which require treatment before being discharged into sanitary sewers or the ground.

**SECTION 8.** Chapter 16.32 of Title 16 of the Cupertino Municipal Code is hereby repealed.

**SECTION 9.** The Title of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**CHAPTER 16.36: RELOCATION OF BUILDINGS**

**SECTION 10.** Section 16.36.010 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.36.010 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 or designee;
- C. "City" means the City of Cupertino;
- D. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

**SECTION 11.** Section 16.36.020 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.36.020 Permit-Required.**

No person shall move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the Building Department.

**SECTION 12.** Section 16.36.030 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.36.030 Permit-Application.**

A person seeking issuance of a permit hereunder shall file an application for such permit with the Building Department:

A. Form. The application shall be made in writing, upon forms provided by the Building Department, and shall be filed in the office of the Building Official;

B. Contents. The application shall set forth:

1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior,

2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city,

3. A legal description of the lot to which it is proposed such building be removed, giving lot, block and tract number, if located in the city,

4. The portion of the lot to be occupied by the building when moved,

5. The highways, streets and alleys over, along or across which the building is proposed to be moved,

6. Proposed moving date and hours,

7. Any additional information which the Building ~~Inspector~~ Official shall find necessary to a fair determination of whether a permit should issue;

C. Accompanying Papers.

1. Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any City charges against the same are paid in full,

2. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.

**SECTION 13.** Section 16.36.040 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.36.040 Moving Notice.**

Upon receiving an application to move an old or previously occupied building, the Building Official shall cause a notice to be posted on the front and rear of the proposed location and on the front of the building proposed to be moved.

Such notice shall have a title in letters not less than one inch in height, "MOVING NOTICE"; shall give the location of the house by street and number and the name and address of the applicant desiring a permit to move such building.

**SECTION 14.** Section 16.36.050 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.36.050 Permit-Issuance-Hearing.**

After the above described notices have been in place seventy-two hours, excluding Sundays and holidays, and no written protests have been received, the Building Official shall issue the permit subject to all the provisions of this chapter. If any written protests are filed with the Building Department, a time shall be set for a hearing before the City Council, said time to be not sooner than three days nor later than twenty days from the date of the filing of the protest. The Building Official shall notify the City Council and the other interested parties of the hour set for such hearing. No permit shall issue unless the City Council shall deny the protest.

**SECTION 15.** Provisions of Section 16.36.055 and 16.36.060 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code remain unchanged.

**SECTION 16.** Section 16.36.070 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.36.070 Permit-Conditions.**

Any permit issued under this chapter shall be subject to the following conditions:

A. Certificates. No permit shall be issued unless there is first filed a certificate of inspection signed by the Building Official certifying that he examined the building and that it is structurally strong; and unless there is also filed a certificate certifying that the

removal of said building on the route proposed will not result in damage of or destruction to trees;

B. Locations Outside City. No permit shall be issued to move a building through the city from one location outside the city to another location outside the city unless the proposed route to be followed within the city shall be approved by the Building Official;

C. Location Within City from Outside. No permit shall be issued to move a building from a location outside the city to a location inside the city unless the building has been inspected and approved, and the route to be followed has been approved by the Building Official. Inspection fees shall be paid by the applicant in accordance with the requirements of City ordinances regulating building, electrical, plumbing and gas installations. The lot upon which such building is to be moved shall be posted as required for buildings to be moved within the city;

D. Accessory Building. An accessory building, not over four hundred square feet in area, may be moved in conjunction with the moving of a residence from the same location to the same location without paying an additional fee.

**SECTION 17.** Sections 16.36.080, 16.36.090, 16.36.100, and 16.36.110 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code remain unchanged.

**SECTION 18.** Section 16.36.120 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.36.120 Person in Charge-Duties.**

Every person in charge of the moving of any building on or over the streets of the city shall:

A. Notify the Fire Department within one-half hour after sunset of the location of the building and the route over which the building is to be moved during the night;

B. Give twenty-four hours written notice to any person responsible for trimming trees, removing wires or the doing of other things necessary to permit the moving of the building over the route designated;

C. Maintain red lights at each corner of the building from one-half hour after sunset till one-half hour before sunrise;

D. Carry insurance to cover accidents or damage to persons and property or furnish bond therefor satisfactory to the Building Official;

E. Notify the Sheriff's office of the time of moving and the route over which the building is to be moved.

**SECTION 19.** Section 16.36.130 of Chapter 16.36 of Title 16 of the Cupertino Municipal Code is hereby repealed:

**SECTION 20.** 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 in its entirety:

**CHAPTER 16.40: FIRE CODE**

**16.40.010 Code Adoption.**

The provisions of the 2013 California Fire 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.

One (1) copy 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 (d) (1) and are made available for public inspection.

**16.40.015 Adoption of Appendix Chapters.**

The following Appendix Chapters from the 2013 California Fire Code are hereby adopted.

Appendix B: Flow Requirement for Buildings;

Appendix C: Fire Hydrant Locations and Distribution;

Appendix K: Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

**16.40.020 Administration.**

Add Section 101.3.1 to the 2013 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.

#### **16.40.065 Permits.**

Add Section [A] 105.1.4 to the 2013 California Fire Code to read as follows:

**[A] 105.1.4 Construction permit fees.** Construction permit fees and plan review fees for fire hydrant systems, fire extinguishing systems and fire alarm systems shall be paid to the Santa Clara County Fire Department in accordance with the following table based on valuation. The valuation shall be limited to the value of the system for which the permit is being issued. Plan review fees are 65% of the Permit Fee amount. For the purposes of determining the total fee amount for each permit, the plan review fee shall be added to the Permit Fee.

TOTAL VALUATIONS	PERMIT FEE
\$1.00 TO \$500.00	\$23.50
\$501.00 TO \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2001.00 TO \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Additional re-inspections, in connection with the permits above, are to be paid at \$50.00 for each occurrence at the discretion of the fire code official.	

Add Section [A] 105.1.5 the 2013 California Fire Code to read as follows:

[A] 105.1.5 **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 105.6.43).	\$85.00 – Each occurrence

Amend Section [A] 105.6.8 of the 2013 California Fire Code to read as follows:

[A] 105.6.8 **Compressed gases.** An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

**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 105.6.8.

Amend Table 105.6.8 of the 2013 California Fire Code to read as follows:

**TABLE 105.6.8  
PERMIT AMOUNTS FOR COMPRESSED GASES <sup>1</sup>**

TYPE OF GAS	AMOUNT cubic feet at NTP <sup>2</sup>
Corrosive	200
Flammable (except cryogenic and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Irritant	200
Moderately toxic	20
Other health hazards	650
Oxidizing (including oxygen)	504

Pyrophoric	Any amount
Radioactive	Any amount
Sensitizer	200
Toxic	Any Amount
Unstable (reactive)	Any amount

<sup>1</sup> Refer to Chapters 27, 30, 32, 35, 37, 40 and 41 for additional requirements and exceptions.

<sup>2</sup> Cubic feet measured at normal Temperature and pressure.

Amend Section 105.6.10 of the 2013 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	10 pounds
Combustible liquids	See Section 105.6.16
Corrosive materials:	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	500 pounds
Cryogens	See Section 105.6.10
Explosive materials	See Section 105.6.14
Flammable materials:	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	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 Solids: Class V	Any Amount No Permit Required Any Amount 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.

Add Section [A] 105.6.48 to the 2013 California Fire Code to read as follows:

**[A] 105.6.48 Day care facility.** An operational permit is required to operate a business as a day care facility for more than 6 people.

Add Section [A] 105.6.49 to the 2013 California Fire Code to read as follows:

**[A] 105.6.49: 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 [A] 105.6.50 to the 2013 California Fire Code to read as follows:

**[A] 105.6.50 Radioactives.** To store or handle at any installation more than one microcurie (37,000 becquerel) of radioactive material not contained in a sealed source or sources, or any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission.

Amend Section [A] 105.7.3 of the 2013 California Fire Code to read as follows:

**[A] 105.7.3 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 [A] 105.7.4 of the 2013 California Fire Code to read as follows:

[A] 105.7.4 **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 [A] 106.5 to the 2013 California Fire Code to read as follows:

[A] 106.5 **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 Definitions.

The following definitions are added/amended:

**CARCINOGEN** is a substance that causes the development of cancerous growths in living tissue. A chemical is considered a carcinogen if:

1. It has been evaluated by the International Agency for Research on Cancer and found to be a carcinogen or potential carcinogen, or
2. It is listed as a carcinogen or potential carcinogen in the latest edition of the Annual Report on Carcinogens published by the National Toxicology program, or
3. It is regulated by OSHA as a carcinogen.

**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.

**DEVICE.** Device is an appliance or piece of equipment that plays an active part in the proper functioning of the regulated systems. Examples include, but are not limited to the following: smoke detectors, heat detectors, flame detectors, manual pull stations, horns, alarms, bells, warning lights, hydrants, risers, FDCs, standpipes, strobes, control panels, transponders, and other such equipment used to detect, transmit, initiate, annunciate, alarm, or respond according to the system design criteria.

**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.

**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. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC50 (ppm)} \times 2 \text{ lb.}$$

For gas mixtures containing one or more toxic, highly toxic or moderately toxic components, LC50 shall be calculated using CGA Standards P-20 and P-23 as referenced in Appendix E, Section E103.1.3.1

**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).

**SENSITIZER** is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

**WORKSTATION** is a defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

#### **16.40.080 General precautions against fire.**

Amend Section 311.1 of the 2013 California Fire Code to read as follows:

**311.1 General.** Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.4.

Section 311.5 of the 2013 California Fire Code is not adopted.

#### **16.40.120 Fire apparatus access roads.**

Amend Section 503.1 of the 2013 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 503.1.2 and as per Fire Department access road Standards.

Amend Section 503.2.1 of the 2013 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), 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.

#### **16.40.130 Access to buildings and roofs.**

Add Section 504.5 to the 2013 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 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 department.

Access control devices shall also comply with Chapter 10 Egress.

#### **16.40.140 Hazards to firefighters.**

Add Section 504.6 to the 2013 California Fire Code to read as follows:

**504.6 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.

#### **16.40.150 Emergency Responder Radio Coverage.**

Add Section 510.1.1 to the 2013 California Fire Code to read as follows:

**510.1.1 Obstruction by new buildings.** When determined that a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

**16.40.180 Electrical equipment, wiring and hazards.**

Add Section 605.11 to the 2013 California Fire Code to read as follows:

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

**16.40.190 Stationary storage battery systems.**

Add Section 608.6.4 to the 2013 California Fire Code to read as follows:

**608.6.4 Failure of Ventilation System.** Failure of the ventilation system shall automatically disengage the charging system.

**16.40.195 Decorative Vegetation in New and Existing Buildings.**

Amend Section 806.1.1 of the 2013 California Fire Code to read as follows:

**Display inside buildings.** The display of Christmas 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.

**Exceptions:**

1. Trees located in areas protected by an approved automatic sprinkler system in accordance Section 903.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.
2. Trees shall be allowed within dwelling units in Group R-2 occupancies.

**16.40.210 Automatic sprinkler systems.**

Amend Section 903.2 of the 2013 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 used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. In other than residential buildings which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an 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 do 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 combustibile storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustibile materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

Amend Section 903.3.1.1 of the 2013 California Fire Code to read as follows:

**903.3.1.1 NFPA 13 sprinkler systems.** Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and local standards.

For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.

**16.40.225 Precautions against fire.**

Add Section 3304.8 to the 2013 California Fire Code to read as follows:

**3304.8 Fire Walls.** When firewalls are required, 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 2013 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.).

Add Section 3311.1.1 to the 2013 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.

#### **16.40.280 General Requirements – Lumberyards and Woodworking Facilities.**

Add Section 2803.8 to the 2013 California Fire Code to read as follows:

**2803.8 Fire Protection Water Supply System.** An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

**16.40.300 Definitions – Wildland Urban Interface Fire Areas.**

Amend definition of Wildland-Urban Interface Fire Area as follows:

**Wildland-Urban Interface Fire Area** 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 2013 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 2013 California Fire Code to read as follows:

**4907.1 General.** Defensible space will be maintained around all buildings and structures in Sate 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.

Defensible space shall also be provided around water tank structures, water supply pumps and pump houses.

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. Remove flammable vegetation a minimum of 30 feet around liquefied petroleum gas tanks/containers.
7. 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.

8. 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 greengrass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

Add Section 4907.2 to the 2013 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.**

**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.**

Add Section 4909 to the 2013 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.** Stationary water supply facilities within the wildland-urban interface area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. 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.**

**4910.1 Fireworks.** Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

**16.40.355 General - Hazardous Materials.**

Amend Section 5001.2.2.2 of the 2013 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.

**16.40.360 General requirements - Hazardous Materials.**

Add Section 5003.1.3.1 to the 2013 California Fire Code to read as follows:

**5003.1.3.1 Toxic, Highly Toxic, Moderately Toxic Gases and Similarly Used or Handled Materials.** The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 6004.2 or 6004.3 shall be in accordance with this chapter and Chapter 60. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

Add Section 5003.1.5 to the 2013 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 2013 California Fire Code to read as follows:

**5003.1.6 Spill Control and Secondary Containment Requirements.** A containment system shall be required for all hazardous materials, which 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. Construction shall be substantial, capable of safely and securely containing a sudden release without discharge. Design criteria shall be performance oriented and constructed of physically and chemically compatible materials to resist degradation and provide structural and functional integrity for a period of time reasonably necessary to ensure detection, mitigation, and repair of the primary system. Regardless of quantities, spill control and secondary containment shall also comply with Section 5004.2.

Amend Section 5003.2.2.1 of the 2013 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 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 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:

- a. The point of use.
- b. 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 when 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, emergency shutoff and 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.

**Exception:**

- a. Piping for inlet connections designed to prevent backflow.
- b. Piping for pressure relief devices.

7. Secondary containment or equivalent protection from spills 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 and 6004.3. Secondary containment includes, but is not limited to double walled piping.

**Exception:**

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 2013 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 415.10.6.4 of the California Building Code as required for Group H, Division 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 2013 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.

Add Section 5003.5.2 to the 2013 California Fire Code to read as follows:

**5003.5.2 Ventilation Ducting.** Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

Add Section 5003.5.3 to the 2013 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.

Add Sec. 5003.9.11 of the 2013 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.

#### **16.40.365 Storage - Hazardous Materials.**

Amend Section 5004.2.1 of the 2013 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 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 locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
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 of the 2013 California Fire Code to read as follows:

**5004.2.2 Secondary Containment for Hazardous Material Liquids and Solids.** Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section.

Delete Table: 5004.2.2 REQUIRED SECONDARY CONTAINMENT FOR HAZARDOUS MATERIAL SOLIDS AND LIQUIDS STORAGE

Amend Section 5004.2.2.2 of the 2013 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.

#### **16.40.370 General – Explosives and Fireworks.**

Amend Section 5601.1 of the 2013 California Fire Code to read as follows:

**5601.1 Scope.** For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10 and Section 5601.2 of this Chapter. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6 and Section 5601.3 of this Chapter. For small arms ammunition, see Section 5601.5 of this chapter.

**Exception:**

1. The armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
4. Items preempted by federal regulations.

Add Section 5601.2 to the 2013 California Fire Code to read as follows:

**5601.2 Explosives.** The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.

Add Section 5601.3 to the 2013 California Fire Code to read as follows:

**5601.3 Fireworks.** The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

**Exception:**

1. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions and when in accordance with Title 19 of the California Code of Regulations.

2. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions when in accordance with Title 19 of the California Code of Regulations and when in buildings equipped throughout with an approved fire sprinkler system.

Add Section 5601.4 to the 2013 California Fire Code to read as follows:

**5601.4 Rocketry.** The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire Code Official.

Add Sections 5601.5 through 5601.5.3.2.3 to the 2013 California Fire Code to read as follows:

**5601.5 Small Arms Ammunition-General.** Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 5601.5.1 through 5601.5.4.2.3.

**5601.5.1 Packages.** Smokeless propellants shall be stored in approved shipping containers conforming to DOTn 49 CFR, Part 173.

**5601.5.1.1 Repackaging.** The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.

**5601.5.1.2 Damaged packages.** Damaged containers shall not be repackaged.

**Exception:** Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.

**5601.5.2 Storage in Group R occupancies.** The storage of small arms ammunition in Group R occupancies shall comply with Sections 5601.5.2.1 through 5601.5.2.3.

**5601.5.2.1 Smokeless propellants.** Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

**5601.5.2.2 Black powder.** Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness

**5601.5.2.3 Small arms primers.** No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.

**5601.5.3 Display and storage in Group M occupancies.** The display and storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1 through 5601.5.3.2.3.

**5601.5.3.1 Display.** The display of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.1.1 through 3301.5.3.1.3.

**5601.5.3.1.1 Smokeless propellant.** No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.

**5601.5.3.1.2 Black powder.** No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.

**5601.5.3.1.3 Small arms primers.** No more than 10,000 small arms primers shall be displayed in Group M occupancies.

**5601.5.3.2 Storage.** The storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.2.1 through 5601.5.3.2.3.

**5601.5.3.2.1 Storage of Smokeless propellant.** Commercial stocks of smokeless propellants not on display shall not exceed 100 pounds (45 kg). Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.

**5601.5.3.2.2 Black powder.** Commercial stocks of black powder not on display shall not exceed 50 pounds (23 kg) and shall be stored in a type 4 indoor magazine. When black powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.

**5601.5.3.2.3 Small arms primers.** Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4572 mm) apart.

**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.

**16.40.385 Storage – Flammable and Combustible Liquids.**

Amend section 5704.2.7.5.8 of the 2013 California Fire Code to read as follows:

**5704.2.7.5.8 Overfill Prevention.** An approved means or method in accordance with Section 5704.2.9.6.6 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.

An approved means or method in accordance with Section 5704.2.9.7.6 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

Exception Deleted

Add section 5704.2.7.5.9 to the 2013 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.

**16.40.390 Establishment of limits of districts in which storage of Class I and II liquids in outside aboveground tanks is prohibited.**

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.

**16.40.400 Establishment of limits of districts in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited.**

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.

**16.40.410 General – Highly toxic and toxic materials.**

Add Sec. 6001.3 of the 2013 California Fire Code to read as follows:

**6001.3 Moderately Toxic Gases With a LC<sub>50</sub> Equal To Or Less Than 3000 Parts Per Million.** Notwithstanding the hazard class definition in Section 6002, moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million shall additionally comply with the requirements for toxic gases in Section 6004 of this code.

**16.40.430 Highly toxic, toxic and moderately toxic gases including those used as refrigerants.**

Add Section 6004.1.4 to the 2013 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 2013 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.

Add Section 6004.1.6 to the 2013 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

Add Section 6004.1.7 to the 2013 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.

Add Section 6004.1.8 to the 2013 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.

Add Section 6004.1.9 to the 2013 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.

Add Section 6004.1.10 to the 2013 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.

Add Section 6004.1.11 to the 2013 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.

Add Section 6004.1.12 to the 2013 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.

Add Section 6004.1.13 to the 2013 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.

Add Section 6004.1.14 to the 2013 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 2013 California Fire Code to read as follows:

**6004.2 Indoor Storage and Use.** The indoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.2.10.3.3. The threshold quantity for highly toxic, toxic and moderately toxic gases for indoor storage and use are set forth in Table 6004.2.

Add Table 6004.2 to the 2013 California Fire Code to read as follows:

<b>Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use</b>	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

Amend Section 6004.2.1 of the 2013 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 6004.2.1.3.

Amend Sec. 6004.2.1.1 of the 2013 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 exceeding the maximum allowable quantity per control area set forth in Table 6004.2 shall be in accordance with Sections 5001, 5003, 6001, 6004.1 and 6004.2.

Amend Sec. 6004.2.2 of the 2013 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 6004.2.2.10.3.

Moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.10.3.

All other moderately toxic gases exceeding the threshold quantity shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.7.

Amend Sec. 6004.2.2.7 of the 2013 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 Section 510 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 2013 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 2013 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 threshold quantity for highly toxic, toxic and moderately toxic gases for outdoor storage and use are set forth in Table 6004.3.

Add Table 6004.3 of the 2013 California Fire Code to read as follows:

<b>Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Outdoor Storage and Use</b>	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

Amend Section 6004.3.1 of the 2013 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 6004.3.1.3.

Amend Section 6004.3.1.1 of the 2013 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 threshold quantity per control area set forth in Table 6004.3 shall be in accordance with Sections 5001, 5003, 6001, 6004.1, and 6004.3.

Moderately toxic gases with an LC50 less than 3000 parts per million in amounts exceeding the threshold quantity in Table 6004.3 shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.

Moderately toxic gases in amounts exceeding the threshold quantity in Table 6004.3 shall comply with the requirements for toxic gases in Sections, 5003, 6001, 6004.1 and 6004.3.2.1 through 6004.3.2.5.

Amend Section 6004.3.3 of the 2013 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.

**16.40.435 Establishment of limits in which storage of liquefied petroleum gases is prohibited.**

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.

**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.

**16.40.440 Use - Silane Distribution systems automatic shutdown.**

Add Section 6405.3.1 to the 2013 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.

**SECTION 20.** The Title of Chapter 16.54 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**CHAPTER 16.54: ENERGY CODE**

**SECTION 21.** Section 16.54.010 of Chapter 16.54 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.54.010 Code Adoption.**

The provisions of the 2013 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.

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 (d) (1) and are made available for public inspection.

**SECTION 22.** All other provisions of Chapter 16.54 of Title 16 of the Cupertino Municipal Code remain unchanged.

**SECTION 23.** The Title of Chapter 16.58 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**CHAPTER 16.58: GREEN BUILDING STANDARDS CODE ADOPTED**

**SECTION 24.** Section 16.58.010 of Chapter 16.58 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.58.010 Code Adoption.**

The provisions of the 2013 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.

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(d)(1) and is made available for public inspection.

**SECTION 25.** Section 16.58.015 of Chapter 16.58 of Title 16 of the Cupertino Municipal Code is hereby amended to read as follows:

**16.58.015 Adoption of Appendix Chapters.**

No Appendix Chapters from the 2013 California Green Building Standards Code have been adopted.

**SECTION 26.** Section 16.58.040 of Chapter 16.58 of Title 16 of the Cupertino Municipal Code is hereby amended 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 2013 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.

**SECTION 27.** Section 16.58.100 of Chapter 16.58 of Title 16 of the Cupertino Municipal Code is hereby amended 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 2013 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.

**SECTION 28.** All other provisions of Chapter 16.58 of Title 16 of the Cupertino Municipal Code remain unchanged.

**INTRODUCED** at a regular meeting of the Cupertino City Council the 4th day of November 2013 and **ENACTED** at a regular meeting of the Cupertino City Council on this 19th of November 2013 by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Mahoney, Wong, Chang, Santoro, Sinks
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

Grace Schmidt 11-22-13  
Grace Schmidt,  
City Clerk

APPROVED

Orrin Mahoney  
Orrin Mahoney  
Mayor, City of Cupertino

STATE OF CALIFORNIA )

COUNTY OF SANTA CLARA )

CITY OF CUPERTINO )

I, GRACE SCHMIDT, City Clerk and ex-officio Clerk of the City Council of the City of Cupertino, California; do hereby certify the attached to be a true and correct copy of Ordinance No. 13-2115, which was enacted on November 19, 2013, and that it has been published or posted pursuant to law (G.C. 40806).

IN WITNESS WHEREOF, I have hereunto set my hand and seal  
this 20th day of November, 2013.



GRACE SCHMIDT; City Clerk and Ex-officio Clerk  
of the City Council of the City of Cupertino, California

**RESOLUTION NO. 13-095**

**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 2013 CALIFORNIA STATE 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 2013 editions of the California Building Code, Plumbing Code, Mechanical code, Electrical Code, Fire Code; the 1997 Uniform Housing 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 memorandum of 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 BY THE COUNCIL OF THE CITY OF CUPERTINO THAT:**

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. 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 Codes to establish more restrictive conditions to improve structural integrity of the buildings in the event of a seismic incident and provide other protections to protect against the increased risk of fire.
2. The City Council hereby finds the following facts from prior exceptions to the Code to continue to be true:
- A. The waste water treatment facilities serving Silicon Valley cities are operating at or near maximum capacity. The discharge of treated waste water into San Francisco Bay is detrimental to its sensitive ecosystem; and
  - B. Cooling coil and comfort cooling equipment condensate waste discharge does not contain pollutants which require treatment before being discharged into sanitary sewers or the ground.

- 3. 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 Codes 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, and protect the San Francisco Bay 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".
  
- 4. Based on the above finding, the City Council determines that it is necessary to make local amendments to the California Codes based upon the local conditions.

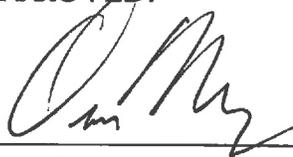
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 4th day of November, 2013 by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Mahoney, Chang, Santoro, Sinks
NOES:	None
ABSENT:	Wong
ABSTAIN:	None

ATTEST:

APPROVED:

  
 \_\_\_\_\_  
 Grace Schmidt  
 City Clerk      11-7-13

  
 \_\_\_\_\_  
 Orrin Mahoney  
 Mayor, City of Cupertino

**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
Chap 16.02	New Chapter to consolidate all Administrative requirements adopted.	X			
16.04.010	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2013 California Building Code.			X	
16.04.015	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 2013 California Electrical Code. The 2013 California Referenced Standards Code is also included in this adoption cycle.			X	
16.04.020 & 16.04.030	These sections were moved to the new Administrative Chapter (16.02) of the Municipal Code.			X	
16.04.050	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	A
16.04.060	This section primarily applies to one- and two-family dwellings and, therefore, was relocated to the Residential Code under 16.06.085.			X	
16.04.070	Regulations previously existed in the Municipal Code. Per City Attorney's request, the actual code language is added into the Municipal Code.			X	
16.04.080	A reference change to the 2013 Code is made.			X	
16.04.110	This section is omitted in new ordinance because these regulations can now be found in the referenced ASCE standards. ASCE 7-05 is adopted by reference throughout Chapter 16 of the CBC.	ADOPTED PER CODE			
16.04.130 & 16.04.160	These sections were moved to the new Administrative Chapter (16.02) of the Municipal Code.	X			
16.04.340	The reference change to the 2013 Code is made. Also, per City Attorney's request, the actual code language is added into the Municipal Code.	X			
16.04.350	This section is omitted in new ordinance because these regulations can now be found in the referenced ASCE standards. ASCE 7-05 is adopted by reference throughout	ADOPTED PER CODE			

	Chapter 16 of the CBC.				
16.04.360	The reference change to the 2013 Code is made. Also, the code section and the Table number is changed due to its change in the 2013 CBC.			X	
16.04.370	No change to the requirements of this section, however, the CBC referenced sections were changed due to the change in the new code.			X	
16.04.400	The swimming pool regulations in CBC Section 3109 is adopted to be consistent with the State Code and to be more uniform with surrounding jurisdictions. Chapter 16.32 is now omitted from the Municipal Code, however, certain sections of the chapter that are not addressed in the CBC are placed in this new section. These additional Swimming Pool regulations are moved to 16.04.400.	X			
16.06.010	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2013 California Residential 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 2013 California Residential Code.			X	
16.06.050	No change other than minor reference changes were made to be consistent with the 2013 California 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 section in the 2013 CRC Code. Also, per City Attorney's request, the actual code language is added into the Municipal Code.			X	
16.06.070 & 16.06.080	No change other than minor reference changes were made to be consistent with the 2013 California Code.			X	
16.06.085	This section regulating spark arrestors was originally in the Cupertino Municipal Code in Section 16.04.060. This section was relocated to the Residential Code without any changes to the language of the text.	X			
16.06.090	There is no change to this section, however, the findings for this amendment, introduced in the last code cycle, is included here for reference.  This proposed amendment to the CRC is made to be consistent with TUCC amendment which that modifies the plain concrete provisions in CBC Section 1905.1.8 and ACI 318 Section 22.10.1.			X	B
16.06.100	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 2013 CRC Code. The amendment modifies the CBC and CRC to limit the use of gypsum wallboard and Portland cement or stucco as shearwalls.			X	B

Chap 16.12	Because this chapter specifically relates to subdivisions, the term "SUBDIVISIONS" is added to the title for clarity. <u>Appeals section of Chapter 16.12 is now referenced in the Administration Chapter in 16.02.</u>	X				
Chap 16.16	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2013 California Electrical Code.  This section also modifies the California Electrical Code by adopting specific appendix chapters in the code.				X	
16.20.010	<u>Appeals section of Chapter 16.16 is now referenced in the Administration Chapter in 16.02.</u> This section previously existed in the Municipal Code. Only a reference change is made to reference the 2013 California Plumbing Code.				X	A
16.20.015	This section previously existed in the Municipal Code. This section modifies the CBC by adopting specific appendix chapters in the code. A reference change is made to reference the 2013 California Plumbing Code. Also, Alternate Plumbing Systems Appendix is moved to Appendix C and Private Sewage Disposal Systems is moved to Appendix H to be consistent with the new code. The appendix for Graywater Systems was removed from the code.				X	
16.20.020	Minor reference change and clarification is made.				X	
16.20.080	This section currently exists in the Municipal Code. Only a reference change and minor clarifications are made to reference the 2013 California Plumbing Code.				X	C
16.20.100, 16.20.110, & 16.20.120	These sections were moved to the new Administrative Chapter (16.02) of the Municipal Code.				X	
16.24.010	This section previously existed in the Municipal Code. Only a reference change is made to reference the 2013 California Mechanical Code.				X	A
16.24.015	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 2013 California Mechanical Code.				X	
16.24.020	Minor reference change and clarification is made.				X	
16.24.030	This section currently exists in the Municipal Code. Only a reference change and minor clarifications are made to reference the 2013 California Mechanical Code.				X	C
16.24.060, 16.24.070, & 16.24.080	These sections were moved to the new Administrative Chapter (16.02) of the Municipal Code.				X	A

Chap 16.32	Chapter is removed in its entirety. The Swimming Pool requirement section is added to Section 16.04.400 of the Municipal code and referenced to adopt Section 3109 of the 2013 California Building Code.		X		
16.36.010	Definition of 'Building' is revised to be consistent with the 2013 California Building Code.			X	
16.36.020	Minor clarification is made.			X	
16.36.030, 16.36.040, & 16.36.050	Minor change to clarify procedure.			X	
16.36.055 & 16.36.060	No Change.				X
16.36.070	Minor change to clarify procedure.				X
16.36.080, 16.36.090, 16.36.100, & 16.36.110	No Change.				
16.36.120	Minor change to clarify procedure.			X	
16.36.130	This section was moved to the new Administrative Chapter (16.02) of the Municipal Code.				X
Chap 16.40	Due to the extensive code section changes to the 2013 California Fire Code, the entire Chapter (Chapter 16.40) is being repealed and replaced in its entirety.				
16.40.010	This section previously existed in the Municipal Code, however, the wording was revised to be more consistent with the remainder of the code.			X	
16.40.015	This section previously existed in the Municipal Code. This section modifies the CBC by adopting specific appendix chapters in the code. A reference change is made to reference the 2013 California Fire Code. The new Appendix K in the Fire Code is adopted.  Fire agencies in Santa Clara County wrote this standard several years ago and have been enforcing this. The International Fire Code took this standard and placed it in the code. We are adopting the new Appendix, but again have used this as regulations for several years.				X
16.40.020	The reference change to the 2013 Code is made.				X
16.40.065	Section 105 Permits: "Added" construction permits for compressed gases and	X			

	<p>cryogenic fluids. In previous edition adoption, the construction permit requirements were imbedded in the "operational permits." This is not new, but relocated.</p> <p>Also, added operational permit for radioactives. This was missed in the transition from the UFC to IFC adoption process. It is part of the Cupertino's Hazardous Materials Storage Ordinance.</p>				
16.40.070	Definitions: Nothing new here, except the 2012/2013 codes relocated all definitions in this section. This means all of our previous amended/added definitions are now located in Chapter 2.				X
16.40.080	The reference change to the 2013 Code is made. Fire Code Section 311.5 was not adopted by the Fire Prevention Officers.				X
16.40.090 & 16.40.100	Chapter 4 of the CFC was not adopted by the Fire Prevention Officers.				X
16.40.110	This section was just a title reference and omitted from new ordinance.				
16.40.120	Remove amendment to Section 503.1.1 to be consistent with code language as recommended by Fire Prevention Officers. Also, Traffic Calming Devices were removed as an amendment because it was added to the Fire Code (CFC 503.4.1).				
16.40.130 & 16.40.140	Reference changes were made to be consistent with the 2013 California Fire Code.				X
16.40.150	Remove the amendment regarding Emergency responder radio coverage in buildings to be consistent with code language as recommended by Fire Prevention Officers.				X
16.40.160	This section was just a title reference and omitted from new ordinance.				
16.40.180, & 16.40.190	No changes made.				
16.40.195	Exceptions were removed from previous Municipal Code and added back in this code cycle per the recommendation from the Fire Prevention Officers.				No changes made.
16.40.210	The Fire Marshals throughout the county are trying to be as consistent as possible to the public at large. Item #1 has been reworded to specifically reflect residential buildings will be sprinklered in accordance with the Residential Code. Also, an exemption has been added for certain types of non-combustible parking garages.				X
16.40.220	This section was just a title reference and omitted from new ordinance.				
16.40.225 & 16.40.230	Reference changes were made to be consistent with the 2013 California Fire Code.				X

16.40.240 & 16.40.250	Definitions are moved to section 16.40.070 (Chap 2) to follow consistency of code.				X
16.40.260, 16.40.270	Remove amendments per recommendations by the Fire Prevention Officers.				X
16.40.280	New requirements for Lumberyards and Woodworking Facilities were added as recommended by the Fire Prevention Officers.				X
16.40.290	This section was just a title reference and omitted from new ordinance.				
16.40.300, 16.40.310, 16.40.320, 16.40.330	The Hazardous Materials sections 16.40.300 through 16.40.330 was moved to 16.40.355 through 16.40.365.  And replaced with the requirements for Wildland-Urban Interface Fire Areas of Sections 16.40.300 through 16.40.350. There is nothing new in the Wildland Urban Interface Fire Area section other than items were removed that are covered in other sections of the 2013 California Fire Code.				X
16.40.340 through 16.40.430	Reference changes were made to be consistent with the 2013 California Fire Code.				X
16.40.460 Through 16.40.650	The Wildland Urban Interface section was relocated to Municipal Code Sections 16.40.300 through 16.40.350 to organize the Municipal Code in a sequential order.				
Chap 16.54 & Chap 16.58	Reference changes were made to be consistent with the 2013 California Energy Code and Green Building Standards Code				X

**KEY TO JUSTIFICATIONS FOR AMENDMENTS TO TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS**

A	<p>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.</p>
B	<p>This 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 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>
C	<p>The waste water treatment facilities serving many silicon valley cities are operating at or near maximum capacity. The discharge of treated waste water into San Francisco Bay is detrimental to its sensitive ecosystem.</p> <p>Cooling coil and comfort cooling equipment condensate waste discharge does not contain pollutants which require treatment before being discharged into sanitary sewers or the ground.</p>