



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Robert Sapien, Jr.

**SUBJECT:** See Below

**DATE:** October 28, 2025

Approved

Date:

10/28/2025

## SUPPLEMENTAL

**SUBJECT: Amendment to the San José Municipal Code Adopting the 2025 California Building Standards, with Local Technical Amendments, and Repealing Superseded San José Reach Codes**

## REASON FOR SUPPLEMENTAL

This supplemental memorandum provides additional information for the City Council regarding the proposed amendments to Chapter 17.12 of Title 17 of the San José Municipal Code (newly proposed, deleted, and modified).

## BACKGROUND

The San José Fire Department continues to focus on protecting life, property, and the environment through prevention and emergency response. Since the last code adoption in 2022, several significant incidents across the state have underscored the importance of enhanced Fire and Building Code provisions. The Home Depot fire on Blossom Hill Road destroyed the building, releasing hazardous runoff and toxic smoke. While an illegal act started the fire, it was exacerbated by another unlawful act when an unidentified person shut off the sprinkler water supply. Energy Storage System fires in Moss Landing and Southern California released massive amounts of toxic smoke, threatened communities and firefighters, and caused millions of dollars in damage to the energy sector. Lastly, the Palisades and Eaton fires destroyed thousands of homes and businesses and forced over 180,000 people to evacuate as flames from the wildland environment spread into dense urban areas.

The San José Fire Department is among the most active in California in collaborating with designers, contractors, regulators, testing facilities, and legislators. Through this work, San José continues to help inform codes that balance development flexibility with safety.

## **ANALYSIS**

The 2025 Fire Code adoption focuses on incorporating long-term policies into the code and clarifying requirements for developers and designers. This approach will reduce uncertainty, minimize resubmittals, and streamline the plan review and permitting process. The proposed amendments are organized into additions, deletions, and modifications. These amendments will reduce project delays and costs while maintaining safety.

### **Proposed Amendments**

There are eight proposed amendments. Six of the proposed amendments, based on stakeholder feedback, provide clarification and incorporate current policies as code amendments. These policies are already implemented, but cause confusion because developers do not know where to cross-reference the underlying policy.

Two proposed amendments regarding alternating tread stairs and outdoor rooftop storage, use, and handling of hazardous materials are new policies.

#### *Six Proposed Amendments that Clarify Current Policies*

1. 17.12.450 (New Amendment) Section 503 - To include existing policy language for firefighter access around the structure. The current code indicates that areas shall be clean and maintained. Indicating clear access as approved by the Fire Code Official allows exceptions as provided on closed downtown streets, such as Post Street.
2. 17.12.260 (New Amendment) Section 105.6.26 – To establish a separate construction permit for Two-Way Communication Systems. Customer feedback indicates that the current process causes delays to the Certificate of Occupancy process and recommends that the sub-contractor complete the process. This amendment allows the system sub-contractor to obtain a permit directly from fire prevention rather than having a deferred submittal through building plan review, simplifying the process and preventing delays.
3. 17.12.860 (New Amendment) 4104.4 - Cooking operations, unpermitted cooking outside of sporting events, are limited by current policies restricting cooking under membrane structures. Reverting to the new model code will eliminate a tool to restrict unpermitted cooking. This codifies existing cooking operation policies under membrane structures, while creating an exception for tents equipped with automatic sprinklers, to provide flexibility for special events without added costs.

4. 17.12.640 (New Amendment) Section 905.4 - Location of Class I standpipe hose connections. The current code requires standpipes at every level within a stairwell. This policy moves the connection closer to the fire floor and reduces the amount of hose in the stairwell, thereby limiting tripping hazards and improving firefighter operations.
5. 17.12.720 (New Amendment) - Add reference to modified definitions for Large-Scale Fire Testing and Installation Level Testing to Fire Code Section 1202.1 and modify section 1207.1.7 to include criteria for Large-Scale Fire Testing. The current code requires three feet of spacing between Energy Storage Units. This amendment sets criteria for the Fire Department to approve reduced spacing as requested by designers and developers. These criteria are consistent with the proposed standardized testing criteria from nationally recognized testing labs.
6. 17.12.870 (New Amendment) - The Wildland Urban Interface (WUI) map is used to determine the WUI construction criteria. It includes moderate, high, and very high severity zones. Fire Code Section 501.1 Scope includes all hazard severity zones for State Responsibility Areas (SRA) but omits Moderate for Local Responsibility Areas (LRA). This change will align the local WUI map, SRA, and LRA construction criteria. This aligns construction criteria requirements and removes a confusing new fire code section.

Two Amendments not Associated with Current Policies:

1. 17.12.710 (New Amendment) Section 1011.12, 10.11.12.1, 1011.12.2 - To remove the allowance for alternating tread stairs in roof and elevator access stairwells. Alternating treads have caused injuries to firefighters during low-visibility operations. The change adds minimal cost but greatly improves firefighter safety.
2. 17.12.905 (New Amendment) Section 5003.13 - Outdoor rooftop storage, use, and handling. This new code section increases the ability to use and store hazardous materials and has not been adequately evaluated for implementation. Current hazardous materials threshold calculation includes rooftop quantities in the building's maximum threshold quantities. This new Fire Code section allows a 25% -100% increase in storage quantities and enables them to be regulated as outdoors. Spills, leaks, and chemical reactions for materials stored on the roof directly affect the building. Outdoor storage uses setback spacing to limit direct impacts to the building or adjacent property. Not adopting the new Fire Code section treating rooftop storage as outdoor storage allows further study of structural and safety impacts before implementation.

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Collectively, these eight proposed changes have minimal increased cost implications. Eliminating alternating tread stairs will result in a nominal cost increase compared to a full tread stair. Primarily, these amendments provide structure, reduce uncertainty, and enhance coordination between the Fire Department and the development community.

The San José Fire Department is currently collaborating with architects, designers, developers, academic scholars, testing laboratories, and other fire agencies to make recommendations on single-exit stair buildings. This state-level workgroup is tasked with developing recommendations to address fire and life safety in single-exit, single-stair apartment buildings above three stories. The group's findings will be reported to the State Fire Marshal and California Building Standards Commission by January 1, 2026. Any recommendations for developing codes to allow single-exit stair buildings up to six stories should consider incorporating these findings.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the Planning, Building, and Code Enforcement Department.

A handwritten signature in black ink, appearing to read "Robert Sapien, Jr.", with a stylized flourish at the end.

Robert Sapien, Jr.  
Fire Chief, Fire Department

For questions, please contact Robert Sapien, Jr., Fire Chief, at (408) 794-6952.

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