



# Memorandum

**TO:** COMMUNITY & ECONOMIC  
DEVELOPMENT COMMITTEE

**FROM:** Robert Sapien, Jr.

**SUBJECT:** SEE BELOW

**DATE:** September 12, 2022

Approved

Date

9/14/22

**SUBJECT: APPROVAL OF AN ORDINANCE AMENDING TITLE 17 OF THE SAN JOSÉ MUNICIPAL CODE ADOPTING THE 2022 CALIFORNIA BUILDING STANDARDS, CCR TITLE 24, PARTS I, II, III, IV, V, VI, VII, AND ADOPTING CERTAIN LOCAL AMENDMENTS TO THE TECHNICAL PROVISIONS RELATING TO CERTAIN ARCHITECTURAL, FIRE ALARM, FIRE SPRINKLER AND HAZARDOUS MATERIALS REGULATIONS, AND ASSOCIATED STANDARDS**

## **RECOMMENDATION**

1. Recommend the City Council approve an ordinance to amend Title 17.12 of the San José Municipal Code (Code) to:
  - a. Adopt the 2022 California Fire Code (CFC) and the standards referenced in the 2022 CFC;
  - b. Find that the City of San José's local climatic, geological, and topographical conditions warrant additional protections in the Code; and
  - c. Adopt local amendments regarding certain architectural, fire alarm, fire sprinkler, and hazardous materials regulations, and associated standards.
2. Recommend the City Council approve an ordinance to amend Chapter 17.68 of Title 17 of the San José Municipal Code to:
  - a. Adopt local amendments regarding the design and installation requirements for hazardous materials storage and use.
3. Refer this item to the October 18, 2022 Council Agenda for action.

## **BACKGROUND**

The California Building Standards Commission publishes triennial editions of the California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code. On July 1, 2022, the California Building Standards Commission published the 2022 edition of the California Building Standards Code. The 2022 California Building Standard Codes will apply to any building or structure for which an application for a building or fire permit is made on or after January 1, 2023. The CFC is based on the 2021 international model code published by the International Code Council.

The State of California allows local municipalities to modify the state-adopted building standards to make them more restrictive (not less), provided certain express findings are made that the proposed modifications are necessary due to special local climatic, geological, or topographical conditions that can affect the health, welfare, and safety of local residents.

The related building standards codes that will be adopted in the proposed ordinance are for the 2022 California Fire Code - CCR Title 24 Part 9. Title 17.68, Hazardous Materials Storage Permit, of the Code is reviewed on a triennial base for potential amendments and removal of Code sections incorporated into the CFC. The amended Hazardous Materials Storage Permit sections will apply to any development or operational permits submitted for issuance, on or after January 1, 2023.

## **ANALYSIS**

### **Summary of Ordinance**

The following summarizes the 2022 CFC adoption:

1. Adopting Chapter 1 of the CFC with amendments regarding the scope and administration of the CFC and additional operating permits as required by other amendments to the CFC as discussed in next below in this supplemental memorandum.
2. Adopting Chapter 2 of the CFC with additional definitions to clarify the CFC, including definitions required by other amendments to the CFC.
3. Adopting Chapter 3 of the CFC with amendments regarding ceiling clearance, wood pallet separation distances, and lithium battery storage and handling.
4. Adopting Chapter 4 of the CFC with amendments regarding emergency plan and hazardous materials management plan storage requirements.
5. Adopting Chapter 5 of the CFC with amendments regarding address identification, Fire Command Center (FCC) Building Requirements, and Emergency Responder Communications Coverage (ERCC) maintenance.

6. Adopting Chapters 6 through 8 of the CFC with no additional amendments.
7. Adopting Chapter 9 of the CFC with amendments regarding fire protection and life safety systems, inspection, testing and maintenance reporting, automatic fire sprinkler system, alarm, detection, and monitoring system.
8. Adopting Chapters 10 through 38 of the CFC without amendments.
9. Adopting Chapter 39 of the CFC with amendments regarding processing and extraction facilities chapter scope, use, incorporation of definitions from Chapter 2, prohibited occupancies, egress, extraction rooms, gas detection, interlocks, sources of ignition, and ventilation.
10. Adopting Chapters 40 through 47 of the CFC without amendments.
11. Adopting Chapters 48 of the CFC without amendments.
12. Adopting Chapter 49 of the CFC with amendments regarding wildland-urban interface fire area definition and application.
13. Adopting Chapter 50 of the CFC with amendments regarding hazardous materials provisions for moderately toxic gases, spill control and secondary containment, design and construction of piping systems, National Fire Protection Association (NFPA) 704, unauthorized discharges, “H” occupancies, separation of incompatible materials, fire extinguishing systems, transportation of hazardous materials, and containment pallets.
14. Adopting Chapters 51 through 55 of the CFC without amendments.
15. Adopting Chapter 56 of the CFC with amendments regarding fireworks, bond requirements for explosive materials, and public displays of fireworks.
16. Adopting Chapter 57 of the CFC with amendments regarding above-ground tank overfill prevention, automatic filling, training, owner acceptance of liability, and sources of ignition.
17. Adopting Chapters 58 and 59 of the CFC without amendments.
18. Adopting Chapter 60 of the CFC with amendments regarding highly toxic, toxic, and moderately toxic compressed gas scope, indoor storage and use, treatment system, stationary tanks, portable tanks and cylinders, emergency power, fail-safe, fire detection, and gas detection.
19. Adopting Chapters 61 through 79 of the CFC without amendments.
20. Adopting Chapter 80 of the CFC with amendments regarding NFPA 13D sprinkler systems in one and two family dwellings, NFPA 13R sprinkler systems in low-rise

residential occupancies, NFPA 13 use of extended sprinklers, isolation valves, prohibition of sprinkler system risers in electrical rooms, sprinkler systems in light hazard areas, sprinkler systems undetermined use areas, calculation safety margins, maximum water velocity, NFPA 14 non-combined standpipe systems, NFPA 20 stationary pumps for fire protection, NFPA 24 fire hydrants not subject to FDC pressure, NFPA 72 Fire alarm for engine-driven generator, NFPA 1221 fire resistive ratings for cable routing, RF-emitting devices, and NFPA 2001 clean agent restrictions.

21. Adoption of appendices of the CFC with amendments regarding fire flow and hydrant requirements, aerial fire apparatus access, and Firefighter Air Replenishment System (FARS).

The following summarizes the adoption of Chapter 17.68 of the Code:

1. Adoption of Chapter 17.68, Hazardous Materials Storage Permit, of the Code with amendments regarding definition of unauthorized discharge, safety data sheets, temporary permits, temporary permit terms, removal of outdated carcinogen identification requirements, and inclusion of “electronic” courtesy of pending facility closure.

## **EVALUATION AND FOLLOW-UP**

The approval of this ordinance will not impact current performance measures. However, due to changes in the codes and standards, staff and design professionals will need time to adjust and become familiar with the application of these new codes and standards.

## **PUBLIC OUTREACH/INTEREST**

Free training sessions will be offered to the public in early 2023 to introduce design professionals, developers, and contractors to the significant changes between the 2019 and 2022 California Codes. Information about the new code adoption will be published on the City’s website and hard copies will be available in the Permit Center.

This memorandum will be posted on September 26, 2022, on the Community and Economic Development Committee agenda website as well as on October 25, 2022, on the City Council Agenda website.

## **COORDINATION**

This supplemental memorandum and proposed ordinance were coordinated with the City Attorney’s Office.

September 12, 2022

**Subject: Adoption of the 2022 California Building Standards with Local Amendments**

Page 5 of 5

**CEQA**

Exempt, Section 15308 – Actions by Regulatory Agencies for the Protection of the Environment,  
File No. PP19-077.

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 James Dobson, Deputy Fire Chief/Fire Marshal, at  
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