

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2018 - 003

**AN ORDINANCE REPEALING CHAPTERS 8.32, 8.64, AND 8.72, AND AMENDING
CHAPTER 8.56, AND TITLE 15 OF THE CARMEL MUNICIPAL CODE AND
ADOPTING THE 2016 CALIFORNIA BUILDING, RESIDENTIAL, ENERGY, FIRE,
MECHANICAL, PLUMBING, ELECTRICAL, AND GREEN BUILDING STANDARDS
CODES WITH AMENDMENTS**

Whereas, the City of Carmel-by-the-Sea has adopted the California Codes promulgated by the International Code Council related to buildings and construction and does so when the State of California adopts new or revised editions; and

Whereas, the new 2016 California Codes were adopted by the State of California under the International Code Council and the California Building Standards Commission as the new codes for this state; and

Whereas, Title 15 of the Carmel Municipal Code (see Exhibit A) has been revised to reflect the needs of our specific requirements under these codes and thereby may stand alone as the specific requirements for construction within the City of Carmel-by-the-Sea; and

Whereas, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Carmel-by-the-Sea (City) may adopt the provisions of the California Building Code, the CA Plumbing Code, the CA Mechanical Code, the CA Fire Code, and the CA Electrical Code to protect the health, welfare, and safety of the citizens of Carmel because of local climatic, geological, topographical, and environmental conditions; and

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

Whereas the City Council hereby finds as follows: Specific amendments have been established by the City which are more restrictive in nature than those sections adopted by the State of California (State Building Standards Code, and State Housing and Community Development Code) commonly referred to as Title 24 and Title 25 of the California Administrative Code. These "Findings of Fact" are submitted and made a part of this Ordinance pursuant to Section 17958.5 and Section 17958.7 of the California Health and Safety Code. Under the provisions of Section 17922.2 of the California Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these situations and shall present the local situation, which either singularly or in combination causes the established amendments to be adopted.

Profile of the City of Carmel: The City of Carmel-by-the-Sea encompasses an area of approximately 1.08 square miles of land, with a resident population of approximately 3,800 people. There is a significant seasonal and visitor population to the City of Carmel making the actual daytime population significantly higher. The physical location of the City is on the Monterey Peninsula near the City of Pacific Grove, the City of Monterey, and unincorporated Monterey County.

The placement of the residential and commercial development within the City of Carmel has been carefully laid out, and works around the confined of steep slopes, forested areas and shoreline areas. Other unique environmental characteristics include relatively small parcel sized and residential streets that are not improved to the full right-of-way width but are left in a more natural state.

Throughout the City and its vicinity are major roadways and highways that create barriers.

The following points were established as causes of concern to the City and are herein established and submitted as Findings of Fact:

Climatic I: The climate weather patterns within the City of Carmel are considered to be moderately effected by the Pacific Ocean and Monterey Bay, which create a year-round vegetation growing season. The normal year's rainfall is approximately eighteen to nineteen (18-19) inches in the average calendar year. Summer conditions, with the prevalent Pacific High Cell create the mid-day fog normally associated with Carmel. This climatic fog assists natural vegetation growth.

Later in the year, the winds and drying vegetation mix to create hazardous fuel conditions, which has been responsible for wildland fires in recent years. While normal temperatures usually do not exceed 65-75 degrees, during late summer and early fall the temperatures can periodically climb higher. Recent drought conditions and typical afternoon sea breezes can contribute to rapid fire spread in the wooded, hillside areas of the City.

Because of weather patterns and population increases, the City of Carmel (like other California cities) has experienced water rationing and water allocation. Due to storage capacities and consumption, as well as climatic conditions, limited water resources are an issue.

While sound management of water resources is possible, actual demands on an already stressed water supply can be predicted.

Climatic II: The region is within a climate zone that requires compliance with energy efficiency standards for building construction. The amendment adds up-to-date design standards that will add to energy efficiency in construction while maintaining nationally recognized health and safety standards.

Geographical I: Residents and visitors alike appreciate the scenic appeal and geographical features of the City of Carmel. The forested hills to the east and dunes and shoreline area to the west accent one another. The forested areas upslope of the coastal area give a feel of balance and a sort of backdrop for the City itself. These geographical features have influenced the siting of roadways and building sites, and can create difficulties for accessibility for firefighting forces.

The forested areas of oak and pines create windbreaks from oncoming winds, while producing fuel from fallen leaves, and dry and decaying trees and branches. The dry vegetation, steep terrain, and limited water availability contribute to concerns for wildland fires.

The City of Carmel has near its boundaries potential active seismic hazards with respect to the "Navy", "Berwick Canyon", "Chupines" and "Seaside" faults. While systems have been developed to study and monitor the activity or earthquakes, science has not yet been able to reliably predict the potential for activity on these or any active fault.

Seismic activity within the City occurs periodically with little or no damage, although a real potential for damage exists relative to these four active faults. New construction may be limited by its respective distance to such faults, and replacement of existing structures will be costly.

The geographical layout of the forested areas creates hazardous conditions when a storm of gale-force winds causes trees to fall onto structures and roadways used for egress and public safety access. The Monterey Pine, a common species in the Carmel forest has a growing pattern, shallow root system, and inherent nature that lends itself to being blown over easily contributing to concerns for severe storm hazards.

Landslides have also been experienced within limited areas in the City of Carmel., particularly during and after winter storms due to excessive soil saturation. While stabilization can sometimes be provided, heavy rainfall events have caused slope failures. Landslides and soil erosion can result in impeded roadways within the City, again making accessibility difficult until properly cleared.

The hills surrounding and within the City of Carmel, have slopes that are typically an overall average of between five to ten percent; however some areas have steeper slopes in excess of 20-30%. The City's elevation starts at sea level and extends to areas in excess of 200 feet above sea level. The elevation change and hilly areas contributes to the geographical foundation on which the City has built and will continue to build.

Geographical II: The region is located in an area of high seismic activity as indicated by the United States Geological Survey and California Geological Survey. Recent earthquake activity has indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. Activities have indicated the need for increased levels of safety in building systems, including but not limited to means of egress, wiring systems, and fire protection systems.

Topographical: The topographical element of this report is associated closely with the geographical element noted above. While the geographic features create the topographic conditions, the findings in this section are caused by the construction and design of the City of Carmel due to the elevation changes, as well as hills and drainages that are in the City.

The water supply (domestic and fire flow) system is directly affected by the topographic layout. The distribution system consists of water lines that carry the water from storage tanks and dammed areas to the public via pipes. These street mains create lift-zones where the pressure and flows are adequate at lower elevations and minimal, sometimes critical supplies at the top. Water supply flow rates within the City of Carmel vary, presenting challenges to

development, as well as fire suppression activities.

The roadway system is designed around the topography with respect to narrow, winding roads with varying grades and overhanging tree branches. The grades on some roadway surfaces exceed 20% and widths of less than twelve (12) feet for access in some areas. Due to traffic congestion on many streets, especially the commercial downtown area, vehicles double park for loading and unloading purposes. This creates barriers that reduce response time for public safety personnel.

The topography also present challenges to construction. In many cases, existing structures are being removed and replaced with larger buildings. Those existing structures which remain cause concern tot eth Fire Department because of the potential for outdated or inadequate fire protection (firewalls, fire extinguishing systems, etc.). The hazard exposure created by these structures poses a separate problem.

It is not uncommon to see existing buildings to be torn down and replaced with larger buildings. For practical and cost reasons, these new structures are often built of wood (Type V). Building lots tend to be smaller than many other communities, and smaller setbacks are required. This presents a higher potential for conflagration within certain areas of Carmel. The concentrated commercial, as well as residential occupancies cause concern regarding the exposure elements of building-to-building and building-to-forest areas of the City.

The topographical nature of Carmel and its abundance of trees also can contribute to power failures caused when trees and tree limbs damage sections of electrical transmission lines. These power failures cause the electrical pumps to become inactive, interrupting water supplies. Vehicular accidents also have been known to interrupt these pumping operations, due to the narrow streets, which are congested with residents and visitors.

Lastly, while possibly not being within the "topographical" context of Findings of Fact, the historical significance is a major visitor draw for the City of Carmel. Buildings and roadways have been preserved to create a lasting reminder of what has been.

While many of the historical structures are small and surrounded by landscaped courtyards, etc., some buildings are constructed closer than would be presently allowed under the International Building Code. Construction methods were also less restrictive than would be required today. These structures and settings create barriers, which firefighters must work around and protect from exposure. Several historical buildings dating back to the 1800's are irreplaceable.

These Findings of Fact which identify the various "climatic, geographical, and topographical" conditions, are considered reasonably necessary to modify the requirements established pursuant to Health and Safety Code Section 17922 based upon local conditions.

While it is clearly understood that the adoption of these regulations may not prevent the incidence of fire or building related accidents, implementation of these various regulations and/or requirements may serve to reduce the severity and potential loss of life and property.

THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section One. Titles 8 and 15 of the Municipal Code of the City of Carmel-by-the-Sea are amended as shown in Exhibit "A" attached hereto and incorporated herein. All previous

amendments not identified and revised in Exhibit "A" will remain in effect.

Section Two. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section Three, Severability. If any section, subsection, or part of this Ordinance is held to be invalid or unenforceable, all other sections, subsections, or parts of subsections of this ordinance shall remain valid and enforceable.

Section Four, Effective Date. This Ordinance shall be in full force after its final passage and adoption with an effective date of ~~September 4th, 2018~~. October 10, 2018

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
THIS ~~6th day of August, 2018~~ by the following roll call vote:
11th day of September, 2018**

AYES:	COUNCIL MEMBERS:	RICHARDS, HARDY, REIMERS, THEIS, DALLAS
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	
ABSTAIN:	COUNCIL MEMBERS:	

SIGNED:

Steve Dallas, by

Steve G. Dallas, MAYOR

ATTEST:


Thomas A. Graves, MMC
CITY CLERK

Exhibit "A" to City of Carmel-by-the-Sea Ordinance 2018- 003

Chapters 8 and 15 of the Carmel Municipal Code are hereby amended as follows:

1. Chapters 8.32, Fire Code; 8.64, Property Nuisances; and 8.72 Community Floodplain are hereby repealed.

2. Chapter 8.56.020, Definitions, (B) is amended as follows:

8.56.020 B. "Class B noise" includes noise created or generated within or adjacent to residential property which is necessary and normally associated with residential living property maintenance and construction. Class B noise includes, but is not limited to, noise created by power mowers, trimmers, equipment and tools ~~home~~ appliances, ~~home~~-workshops, vehicle repairs and testing, and ~~home~~ construction projects.

3. Chapter 8.56.040, Class B noise is amended as follows:

It shall be unlawful to create and emit Class B noise as defined in this chapter between the hours of ~~9:00~~ 6:30 p.m. of one day and 8:00 a.m. of the following day. (Ord. 2006-03 § 1, 2006; Ord. 80-4 § 1, 1980; Code 1975 § 699.66)

4. Title 15 is amended as follows:

Chapter 15.04 Administration of Building Codes

15.04.020 Definitions

As used in this title, unless otherwise apparent from the context, the following words and phrases shall have the stated meaning:

3. "Class B noise" includes noise created or generated within or adjacent to residential property which is necessary and normally associated with residential living property maintenance and construction. Class B noise includes, but is not limited to, noise created by power mowers, trimmers, equipment and tools, home appliances, home-workshops, vehicle repairs and testing, and home construction projects.

~~3-4.~~ "Construction codes" means those certain building construction codes adopted by the City and made a part of the municipal code.

~~4-5.~~ "Demolition" is the complete destruction and removal/takedown of all above- and/or below-ground elements of a building or structure excluding basements that are in conformance with all building and zoning standards.

~~5-6.~~ "Existing building" is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued. All additions and/or changes to any existing building shall

annual basis by the Planning Commission.

~~15.54.040 City-Owned Properties~~

~~To demonstrate a leadership position, all City building projects greater than 1,000 square feet shall exceed the standard point requirements by 15 percent.~~

~~15.54.070 Exceptions~~

~~If, due to unusual circumstances, an applicant determines that compliance with this chapter creates an unreasonable hardship, the applicant may apply for an exception with the Planning Commission Board of Appeals. The burden of proof shall be on the applicant to demonstrate that the requirements of this chapter create an unreasonable hardship.~~

~~15.54.080 Incentives~~

~~Incentives for exceeding the minimum standards of this chapter shall be established by City Council resolution.~~

Chapter 8-32 15.55 California Fire Code

Sections

- ~~8.32-15.55.010~~ 2016 California Fire Code – Adopted
- ~~8.32-15.55.020~~ Fire Code – Effective Date – Copy on File
- ~~8.32-15.55.030~~ Definitions
- ~~8.32-15.55.040~~ Establishment of Limits in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks Is Prohibited.
- ~~8.32-15.55.050~~ Establishment of Limits in Which Storage of Liquefied Petroleum Gases is Prohibited.
- ~~8.32-15.55.060~~ Establishment of Limits in Which Storage of Explosives and Blasting Agents is Prohibited.
- ~~8.32-15.55.070~~ Establishment of Limits in Which Storage of Stationary Tanks or Flammable Cryogenic Fluids is Prohibited.
- ~~8.32-15.55.080~~ Establishment of Limits in Which Storage of Hazardous Materials is Prohibited.
- ~~8.32-15.55.090~~ Fireworks Prohibited.
- ~~8.32-15.55.100~~ Amendments to the California Fire Code
- ~~8.32-15.55.110~~ Repeal of Conflicting Ordinances
- ~~8.32-15.55.120~~ Validity

*Prior legislation: Code 1975 §§720.0 – 725.0, 726.0, 726.1, 730.0 – 730.0 (o), Ords. 325 C.S., 77-2, 79-21, 82-11, 83-25, 85-21, 86-17, 87-11, 89-24, and 95-15.

For statutory provisions authorizing cities to adopt codes by reference, see Government Code §50022.1 et seq.; for provisions on fire and fire protection generally, see Health and Safety Code §13000 et seq.

8.32-15.55.010 2016 California Fire Code – Adopted

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2016 California Fire Code (~~2016~~ 2015)

d. The maximum grade change of the approach to and from any private bridge shall not exceed 8% for a minimum distance of 10 feet.

12. Section 503.2.6.2 is added to read as follows:

503.2.6.2 Private bridge certification. Every private bridge hereafter constructed shall be engineered by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. Certification that the bridge complies with the design standards required by this code and the identified standards, and that the bridge was constructed to those standards, shall be provided by the licensed engineer, in writing, to the fire code official. Every private bridge, including existing and those constructed under this code, shall be certified as to its maximum load limits every ten (10) years or whenever deemed necessary by the fire code official. Such recertification shall be by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. All fees charged for the purpose of certification or recertification of private bridges shall be at the owner's expense.

13. Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The grade of fire apparatus access roads shall be no greater than 15% unless specifically approved by the fire code official.

14. Section 503.2.7.1 is added to read as follows:

503.2.7.1 Paving. All fire apparatus access roads over eight percent (8%) shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

15. Section 503.7 is added to read as follows:

503.7 Fire apparatus access roads. All fire apparatus access road names shall be issued by the City of Carmel –by-the-Sea.

16. Section 505.1 is amended to read as follows:

505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department.

16. Section 506.1 is amended to read as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the fire code official.