

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

**DRAFT ORDINANCE**

**AN ORDINANCE AMENDING CITY OF CARMEL-BY-THE-SEA MUNICIPAL CODE SECTION  
15.55.100 REGARDING AMENDMENTS TO THE CALIFORNIA FIRE CODE**

**RECITALS**

- A. California Health & Safety Code Division 13 “Housing”, includes Part 1.5 “Regulation of Buildings Use for Human Habitation” (Section 17910 through 17998.3) and Part 2.5 “State Building Standards” (Sections 18901 through 18949.31).
- B. Health & Safety Code Section 17922 references building standards included in Division 13, Part 2.5 and other rules and regulations in Title 24 of the California Code of Regulations.
- C.. California Health and Safety Code Section 18931 provides that the duties of the California Building Standards Commission include the approval of building standards.
- D. California Health and Safety Code Section 18902 provides that all references to the State Building Standards Code, Title 24 of the California Code of Regulations shall mean the California Building Standards Code.
- E. The California Building Code set forth in the California Code of Regulations Title 24, Part 2, Section 502.1 reads as follows:

502.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.”

- F. The California Residential Code set forth in California Code of Regulations Title 24, Part 2.5, Section R319.1 reads as follows:

“SECTION R319 SITE ADDRESS

R319.1 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required

by the fire code official, address identification 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 sign or means shall be used to identify the structure. Address identification shall be maintained.”

- G. The California Fire Code set forth in the California Code of Regulations Title 24, Part 9, Section 505.1 reads as follows:

“PREMISES IDENTIFICATION

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.”

- H. Section 15.55.100 of the City of Carmel-by-the-Sea Municipal Code (“CMC”) begins as follows:

“15.55.100 Amendments to the California Fire Code.

The 2022 California Fire Code is amended and changed as follows as described in subsections (1) through (37) of this section.”

- I. Section 15.55.100 subsection (16) of the CMC reads as follows:

“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. For multi-tenant buildings, unit identifiers shall be provided as follows:

1. Multi-family dwelling units (apartments, condominiums) – shall be designated using alphabetic characters (i.e. A, B, C...). When the building contains multiple floors, the floor number shall precede the alphabetic unit designator (i.e. 1-A, 2-B, etc.)

2. Non-residential, multi-tenant buildings – individual tenant spaces shall be assigned numeric identification (i.e. 1, 2, 3, etc.) When the building contains multiple floors, the floor number shall precede the numeric unit designator and shall be separated by the number “0” (i.e. first floor units: 10x; second floor units: 20x).

3. Mixed Use buildings – Residential units shall be designated as described in 1 above. Nonresidential units shall be designated as described in 2.”

J. Health & Safety Code Section 17958 provides that California Building Standards Code (Part 2.5) and other regulations shall become effective 180 days after the publication by the California Building Standards Commission subject to the ability of a City to make amendments under certain circumstances as provided by the Health & Safety Code.

K. Health & Safety Code Section 17958.5 provides that a city may make changes or modifications to the California Building Standards Code (Part 2.5) and other regulations which are “reasonably necessary because of local climatic, geological, or topographical conditions.”

L. Health & Safety Code Section 17958.7 provides that before making changes pursuant to Section 17958.5 that the City “shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions.” These findings must be available as a public record and submitted to the California Building Standards Commission.

M. Address identification in Buildings and parcels by a description of Parcel location relative to the nearest cross-street intersection is not reasonably necessary because of local climatic, geological or topographical conditions.

N. Health and Safety Code Section 18941.5 (b) reads as follows:

“Section 18941.5. Amendments, additions, deletions to standards; effective date; publication date; more restrictive standards. . .

“(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish **more restrictive building standards**, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.” (Emphasis added)

O. Address identification in Buildings and parcels by a description of Parcel location relative to the nearest cross-street intersection is not more restrictive than the address identification requirements of the California Building Code, California Residential Code and California Fire Code as set forth in State Building Standards Law.

P. The California Building Code and Residential Code and the California Fire Code, as laws of the State of California set forth in the State Building Standards Law, preempt local laws which are in conflict with the requirements of the California Building Code, California Residential Code and California Fire Code.

Q. CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is in conflict with the address

identification requirements of the California Building Code, California Residential Code and California Fire Code set forth in State Building Standards Law.

R. CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is preempted by state law because CMC Section 15.55.100 subsection (16) is in conflict with the California Building Code, California Residential Code and California Fire Code as set forth in the State Building Standards Law.

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

**SECTION 1.** Recitals. The City Council of the City of Carmel-by-the-Sea does hereby find that the above referenced Recitals are true and correct and are hereby incorporated by this reference as though set forth in full.

**SECTION 2.** CEQA Review. As demonstrated in the staff report and other documents in the record for this matter this Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) (California Public Resources Code Section 21000, et seq.), pursuant to the Class 1 (Minor Alterations to Existing Facilities) and Class 4 (Minor Alterations to Land) categorical exemptions in CEQA Guidelines Sections 15301 and 15304, respectively, and this Ordinance is also exempt from CEQA pursuant to the common sense exemption in CEQA Guidelines Section 15061 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.(b)(3) of th

**SECTION 3.** Existing Code. The first sentence of Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code currently reads as follows:

“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.”

**SECTION 4.** Amendment. Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code is hereby amended such that the following sentence thereof shall be deleted:

“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.”

**SECTION 5.** Effective Date. This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

**SECTION 6.** Severability. If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more

sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA**  
this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Nova Romero, MMC  
City Clerk