



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

September 10, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Emily Garay, Administrative Analyst
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Staff presents overview for proposed street address system implementation plan and a community engagement plan; City Attorney will provide a legal analysis for street address identification discussing State and City codes, a draft Ordinance, public vote and City options, and related matters, for City Council consideration and direction.

RECOMMENDATION:

Receive staff presentation for an overview of the proposed street address system implementation plan, a community engagement plan, and the City Attorney's legal analysis on the subject of address identification, to include a discussion of the following: California Health & Safety Code, Title 24 of the California Code of Regulations, the City Municipal Code, a draft Ordinance, public voting and City options, for City Council's consideration and provide staff with direction.

BACKGROUND/SUMMARY:

On July 9, 2024, the City Council received a staff presentation explaining research, findings, communication with the USPS, review of the State Fire and Building Code, and critical elements considered during the street address exploration phase.

The street address exploration phase included communicating to residents and community members:

- The City's intentions in exploring street addresses while not compelling at-home mail delivery and its intention on keeping the downtown USPS Post Office operational.
- Researching and defining at-home mail delivery and street address assignment as two separate issues.
- Street addresses/address assignments will not compel at-home mail delivery; curbside mail boxes or Cluster Box Units (CBU's) will not be installed.
- Staff's research into the USPS established processes for mail delivery to PO Boxes (centralized delivery); confirmation from USPS that delivery to PO Boxes will continue to be the delivery method/system for Carmel-by-the-Sea (**Attachment 1**).
- Continued mail service through the established system of PO Box mail delivery means that USPS mail delivery vehicles will not be deployed into neighborhoods for at-home mail delivery, operation of USPS vehicles will remain in the established routes of regular operation for PO Box delivery to the 5th Ave. USPS Post Office.
- Ad Hoc Committee and staff's direct communication with USPS representatives.
- Questions and concerns received from residents.
- Overview of inconveniences reported by residents caused by the absence of the standard street addresses, including difficulties with financial institutions, government agencies, package delivery failures, frustration and confusion attempting to activate essential utilities.
- Research and review of the California Fire Code and Building Code compliance requirements.
- Interdepartmental review and discussion of the absence of standard street addresses, including the Fire Chief, Police Chief, Planning Director/Assistant City Administrator, City Administrator, City Attorney, and Administration staff.
- Public Safety concerns and recommendation from Fire Chief Miller and Police Chief Tomasi.

The extensive research during the exploration phase aligned with the City's Council direction to research the standard street address assignment system, explore other addressing/GPS systems, and engage with the USPS Growth Manager and USPS Address Management Systems Manager for direct information on how the USPS's systems and processes would apply to Carmel-by-the-Sea, should the City move forward implementation. Staff's research and breadth of considerations incorporated community input and questions from City Council Meetings, Strategic Priority Meetings, emails, letters, and phone calls to staff.

City Council Direction to Staff

On July 9, 2024, staff and the Ad Hoc Committee asked the City Council to provide direction on whether to maintain the status quo and conclude its research and/or consider the Ad Hoc Committee's recommendation to move forward with the assignment of street addresses in the City of Carmel-by-the-Sea and direct staff to create an implementation plan and return to City Council no later than September 2024. The City Council directed staff to return on September 10, 2024 with an implementation plan, community engagement plan, and for the City Attorney to return in September with an Ordinance to amend the municipal code removing the provision allowing directional addresses.

August 6, 2024 following City Attorney announcements, City Council directed staff to return in September with a discussion on whether street addresses should be put to the voters to decide on, and provide an analysis on the process to do so, in addition to the direction to staff that was given during the July 9, 2024 meeting.

The proposed implementation plan and community engagement plans work in synchrony to encourage community involvement and input as the process moves along. The goal of the proposed plans is to promote community participation, community education on the implementation and development of the street address system program, and City Council's guidance and direction throughout the process. The street address system program development is based in producing a street address identification system that adheres to CA Fire Code, CA Residential Code, and CA Building Code; "approved address identification". Approved Address Identification for CA Fire Code, CA Residential Code, and CA Building Code are defined as "acceptable to the fire code official," "acceptable to the chief of the fire authority or building official of the city" and "acceptable to the building official or enforcing agency", respectively.

The process begins with an introduction to the City staff that will work with community members through a series of workshops, community meetings, surveys, farmers market booth, and website resources and updates. Staff will explain the benchmarks for street address assignments by the Carmel-by-the-Sea Planning and Building Department, and how staff plans to reach those benchmarks with community input and City Council guidance to develop and implement a street address system program that meets standard street address identification requirements and the meets the community's expectations of a system representative of the City of Carmel-by-the-Sea.

Staff's presentation to City Council will include an overview of the multi-phased approach for an implementation plan (**Attachment 2**) and community engagement plan (**Attachment 3**), should the City Council decide to implement a standard street addressing system in the City of Carmel-by-the-Sea, following the City Attorney's explanation of his legal analysis.

City Attorney's Legal Analysis

A. OVERVIEW

In this portion of the Staff Report, the City Attorney provides a legal analysis with regard to the subject of address identification which includes a discussion of the following: California Health & Safety Code (B); Title 24 of the California Code of Regulations (C); History Regarding Section 502.1 Address Identification (D); Amendments to the California Code of Regulations (E); City Municipal Code (F); Draft Ordinance (G); Public Vote (H); Limitations on Initiative and Referendum (I); Cost and Timing of Election on an Advisory Vote Ballot Measure (J); Public Comment on the Building Standards Commission's Current Rulemaking Cycle for Title 24 (K) and City Options (L).

The City Options discussion (Section K) provides the City Council with options that are available in regard to the subject of address identification. The options include direction on a proposed Ordinance and public vote options (Initiative, Referendum and Advisory Vote).

The Health and Safety Code directs the California Building Standards Commission to adopt, revise, and maintain Title 24, which provides for statewide building standards ("California Building Standards Code"). Three different parts of Title 24, the Building Code (Part 2), the Residential Code (Part 2.5) and the Fire Code (Part 9) all include identical requirements for address identification for new and existing buildings which are numbered here for reference:

- (1) The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.
- (2) Address identification characters shall contrast with their background.
- (3) Address numbers shall be Arabic numbers or alphabetical letters.
- (4) 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).
- (5) Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
- (6) 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.

(7) Address identification shall be maintained.

The current City Municipal Code (Section 15.55.100 (16) provides in the first sentence the following amendment to the California Fire Code: "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."

B. CALIFORNIA HEALTH & SAFETY CODE

There are many sections in the California Health & Safety Code which cover the subject of building standards including sections found in Division 13 "Housing", Part 1.5 "Regulation of Buildings Use for Human Habitation" and Part 2.5 "State Building Standards".

Health & Safety Code Section 17922 references building standards included in Part 2.5 and other rules and regulations in Title 24 of the California Code of Regulations.

Health & Safety Code Section 17958 provides that the provisions of the 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.

C. CALIFORNIA CODE OF REGULATIONS – TITLE 24

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.

California Health and Safety Code Section 18931 provides that the duties of the California Building Standards Commission include the approval of building standards.

The International Code Council (ICC) is an organization that proposes model building standards codes. Every 3 years, the California Building Standards Commission reviews the ICC's codes, undertakes a rulemaking process to amend the ICC's model code for California-specific issues, and adopts the amended ICC model codes, which are Title 24 in the California Code of Regulations.

There are three locations in California Code of Regulations which relate to the requirement for address identification: California Building Code, California Residential Code and the California Fire Code.

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."

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."

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."

D. HISTORY REGARDING SECTION 502.1 – ADDRESS IDENTIFICATION

There is the following 2018 Version and Commentary on the International Building Code regarding the history of Section 502.1 on address identification:

"International Building Code (IBC)
2018 Version and Commentary

2018 Version and Commentary

SECTION 502
BUILDING ADDRESS

[F] 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 a minimum of 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 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 identification shall be maintained.

- The ability of fire, police and other emergency response personnel to identify both new and existing buildings is greatly aided by the proper placement of address identification. The size and color criteria are intended to aid visibility from the street. Where several structures are remotely located on a site or set back into a property, or at locations where multiple addresses are provided (e.g., strip malls) and the address is not readily visible from the public way, an approved method of identification will also be required, which will have characters posted in a location that will help in an emergency. The fire code official has the authority to require that address numbers be placed in all locations deemed necessary to properly identify the building by street address. The primary concern is for emergency personnel to find the building without going through a lengthy search procedure. In the case of a strip mall, identification could be provided for the backs of buildings that face alleys or roads since the emergency response unit may often be directed to the back entrance. The address numbers must be maintained in a readily visible condition to provide for continuous identification. This would include the repainting of faded numbers or the trimming of trees or other vegetation that may be obscuring visibility of the address.

2018 Notes
Code Change Details

2018 International Building Code (IBC)

[F] 502.1 Address identification.

Comprehensive background on each change including the original proposal, committee action, and final action documentation. Serves to simplify researching the history of a new, revised or deleted code section between cycles by showing approved changes in legislative format helping the understanding, interpretation and intent of the I-Code provisions."

E. AMENDMENTS TO CALIFORNIA BUILDING CODES

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."

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.

In addition to the changes or modifications referenced in Health & Safety Code Section 17958.5, there is Health & Safety Code Section 18941.5 (located in Part 2.5) which reads as follows:

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

"(a)(1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7,

together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(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.”

Thus, there are two Sections in the Health and Safety Code which make reference to the ability for a city to make changes or modifications to the Standard Building Code and regulations. Section 17958.7 refers to findings that the changes or modifications are “reasonably necessary because of local climatic, geological or topographical conditions.” Section 18941.5 refers to “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.”

According to the Preface to the 2022 California Building Code (California Code of Regulations, Title 24, Volume 1 of Part 2 July 2022), the California Legislature delegated authority to the various state agencies, boards, commissions and departments to create building regulations to implement the State’s statutes and these building regulations have the same force of law. The Preface also states that a city “may establish a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions. “

An example of a city which adopted an amendment to the California Building Code is the City of Fremont which adopted Ordinance Nos. 2339 and 2344 on June 22, 1999 to require that apartment buildings of a certain size be retrofitted with automatic fire sprinklers. In the case of California Apartments Association v. City of Fremont (2002) 97 Cal. App. 4th 693, 697, the Court states:

“In enacting the fire sprinkler ordinances, the City made express findings that more stringent fire protection measures were required because of local conditions, such as the City’s proximity to the active Hayward earthquake fault, the high fire hazard exposure, and certain topographic features of the City.”

F. CITY MUNICIPAL CODE

Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code 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.” (Emphasis added)

The underlined text from City Municipal Code Section 15.55.100 subsection (16) is a codification of the portion of Ordinance No. 2018-003. Pertinent pages of this 69 page Ordinance are **Attachment “4”** which includes the Recitals and the text of the change to Section 505.1 of the California Fire Code.

The Recitals in Ordinance No. 2018-003 include this statement at the bottom of page 1: “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.” However, it should be noted that:

(1) None of the “Findings of Fact” appear to relate to the amendment to the California Fire Code to replace address identification as described in the Fire Code Section 505.1 with the identification by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department;

(2) It is not clear how the change to the California Fire Code in Ordinance No. 2018-003 is a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions; and

(3) Ordinance No. 2018-003 is limited to a proposed amendment to the Fire Code and does not appear to amend the address identification requirements in the Building Code or the Residential Code. (See Municipal Code § 15.08.010(A) and (D) [adopting California Building and Residential Codes, unless amended by Chapter 15.04]; § 15.10.010 [adopting the 2022 California Residential Code].)

(4) Ordinance No. 2018-003 was emailed by the City to the California Building Standards Commission on October 29, 2018. However, the California Building Standards Commission has no record of receiving Ordinance No. 2018-003. Amendments to the California Building Standards Code are not effective until they have been filed with the California Building Standards Commission.

G. DRAFT ORDINANCE

If the City Council direction is for the City to use address identification as described in the California Building Standards Code, then the City would need to adopt an ordinance to amend Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code delete the first sentence which reads: "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."

By removing this sentence from Section 15.55.100 subsection (16) the City would then be governed by the provisions of the California Building Standards Code in regard to address identification.

Attachment "5" is a draft Ordinance which, if adopted, would remove the referenced sentence from the City Municipal Code regarding a description of Parcel location relative to the nearest cross-street intersection and then the address identification provisions of California Fire Code Section 505.1, and elsewhere in the California Building Standards Code, would apply to the City.

H. PUBLIC VOTE

There are three types of public votes which are noted here: Initiative, Referendum and Advisory Vote. The following is a summary of some, but not all, of the laws pertaining to initiative, referendum and advisory votes.

This summary is not intended to provide legal advice to the public. If any voter is considering pursuing an initiative or referendum, then it is recommended that the voter seek legal advice from an attorney of their choice.

1. INITIATIVE

Initiative is "the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." California Constitution Article II, Section 8 (a).

The statutory procedures for city initiatives are found in Sections 9200–9226 (Attachment 6) which include filing a notice of intent to circulate a petition, circulation of petition for signatures and filing the petition with the City with the required number of voter signatures.

The following are some, but not all, of the Sections in the Elections Code regarding initiatives.

Elections Code Section 9215. Petition signatures equal to 10 percent of vote; adoption of ordinance; submission to voters

"If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, the legislative body shall do one of the following:

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) Submit the ordinance, without alteration, to the voters pursuant to Section 1405.
- (c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b)."

Elections Code Section 1405. County, municipal or district initiatives

"(a) Except as provided in subdivision (b), the election for a county initiative that qualifies pursuant to Section 9118 shall be held at the next statewide election occurring not less than 88 days after the date of the order of election. The election for a municipal or district initiative that qualifies pursuant to Section 9215 or 9310 shall be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election.

(b) The governing body of a county, city, or district may call a special election for the purpose of submitting an initiative measure to the voters before the date on which the initiative measure would appear on the ballot pursuant to subdivision (a). If the

governing body calls a special election pursuant to this subdivision, the election shall be held not less than 88 days nor more than 103 days after the order of the election.”

Elections Code Section 9222. Submission of proposition without petition

“The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution. The election shall be held not less than 88 days after the date of the order of election.”

2. REFERENDUM

Referendum is “the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.” California Constitution Article II, Section 9 (a).

The statutory procedures for city initiatives are found in Sections 9235 to 9247 (**Attachment 7**) which include circulation of petition for signatures and filing the petition with the City with the required number of voter signatures.

The following are some, but not all, of the Sections in the Elections Code regarding referendum.

Elections Code Section 9237. Petition signed by 10 percent of voters

“If a petition protesting the adoption of an ordinance, and circulated by a person who meets the requirements of Section 102, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.”

Elections Code Section 9241. Submission to voters; time for holding election; effect of adverse vote

“If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.”

Elections Code Section 9242. Circulation time limit

“Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, within 30 days from the date of the adoption of the ordinance to which it relates. Petitions and sections thereof shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted. Petitions which are not filed within the time permitted by this section shall be void for all purposes.”

3. ADVISORY VOTE

Elections Code Section 9603 authorizes the City to set an election on by use of an advisory vote.

Elections Code Section 9603. Advisory elections; local legislative bodies; advisory vote; indication and description on ballot; elections in territories outside local entity's jurisdiction; conditions; consolidation with other elections

“(a) Each city, county, school district, community college district, county board of education, and special district may hold, at its discretion, an advisory election on any date on which that jurisdiction is currently permitted to hold a regular or special election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal.

(b) An advisory vote will be indicated as a ballot heading, above the ballot proposal, and by only the following description: “Advisory Vote Only.”

(c) As used in this section, “advisory vote” means an indication of general voter opinion regarding the ballot proposal. The results of the advisory vote will in no manner be controlling on the sponsoring legislative body.

(d) An advisory election may be held in territory outside of the jurisdiction of the local entity calling the advisory election if the ballot proposal affects the residents of the territory. The sponsoring legislative body shall determine the territory in which the advisory election shall be held. However, the conduct of an advisory election in territory outside of the jurisdiction of the local entity shall only be held if all of the following conditions are met:

- (1) A regular election or special election is to be held in that territory.
- (2) The advisory election can be consolidated with it.
- (3) The board of supervisors of the county in which the outside territory is located approves the consolidation.

(e) An advisory election shall not be consolidated with an election if the ballot's capacity will be exceeded because of the addition of the advisory election."

I. LIMITATIONS ON USE OF INITIATIVE AND REFERENDUM

There are several limitations on the use of an initiative and referendum. One of those limitations is that the subject of the initiative and referendum cannot regulate matters preempted by state law.

As noted in the above-mentioned Preface to the 2022 California Building Standards Code (California Code of Regulations, Title 24, Volume 1 of Part 2 July 2022), and Health and Safety Code section 18941.5(b), a city may establish a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions.

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 the California Building Standards Code.

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) in conflict with the California Building Code, California Residential Code and California Fire Code as set forth in the California Building Standards Code. California Constitution Article 11, Section 7 provides: "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws."

Due to the issue of preemption by state law, and the law on amendments to the California Building Standards Code, the use of either an Initiative or a referendum raises legal issues. However, the use of an advisory vote as described below under City Options would not necessarily present these same legal issues.

J. COST AND TIMING OF ELECTION ON ADVISORY VOTE BALLOT MEASURE

City Clerk Nova Romero has checked with the County of Monterey for estimates on the cost of a special election on an advisory vote ballot measure. The cost for adding an advisory vote ballot measure to the ballot for a general regular election is estimated at \$8000. The cost for putting an advisory vote ballot measure on a ballot for special election is estimated to be \$39,000 to \$59,000.

In regard to timing for an election on an advisory vote, the next general regular election is scheduled for November 3, 2026. City Clerk Nova Romero checked with the County of Monterey and was informed that earliest date that a special election can be held for an advisory vote is March 4, 2025 if the City the City Council adopts a Resolution at the October 1, 2024 Council meeting to call for an election to be held March 4, 2025 for an advisory ballot measure and request the that the County provide the elections services. Then, there will be enough time for the City to request the County Board of Supervisors to add to their October 22, 2024 agenda to adopt a Resolution authorizing the County to call a special election in Carmel for March 4, 2025 and provide the services for a standalone election for an advisory vote.

Elections Code Section 1500 allows for the use of a mailed ballot election. However, this option is only available if there are no more than 1,000 registered voters eligible to participate in the election. The City of Carmel has 2,472 registered voters so the mailed ballot election is not an option.

K. PUBLIC COMMENT ON THE BUILDING STANDARDS COMMISSION'S CURRENT RULEMAKING CYCLE FOR TITLE 24.

The California Building Standards Commission is currently in the rulemaking process for the 2025 version of Title 24. The State Fire Marshal, the agency responsible for reviewing and updating the address identification requirements, has not proposed any amendments to the numerical address identification requirements in the Building Code, the Residential Code, and the Fire Code. Thus, the current address identification requirements will be carried over into the 2025 version of Title 24 unless, in response to public comments, the Fire Marshal to propose amendments to the address identification sections for the Building Standards Commissions' final approval and adoption.

The public comment period for Parts 2, 2.5, and 9 begins on September 6, 2024 and ends on October 24, 2024. There is no requirement that the Building Standards Commission or the Fire Marshal take any action (or even respond to) any public comments.

Additional information regarding the method and manner of submitting public comment will be found at the following link on September 6, 2024 when the public comment period opens: .

L. CITY OPTIONS

Based upon the discussion above, the City options include the following:

1. Ordinance.

Direct the City Administrator to return to the City Council with an Ordinance for a First Reading (Introduction) that would delete the first sentence in CMC Section 15.55.100 (16). This would mean that the City would be required to comply with the address identification requirements of the California Fire Code and other State Codes. A copy of a Draft Ordinance to delete the first sentence in CMC Section 15.55.100 (16) is **Attachment "5"**.

If the City Council gives direction to return to the Council with an ordinance to delete the first sentence in CMC Section 15.55.100 (16), then the Staff Report at that time will provide a discussion in regard to the California Environmental Quality Act.

2. Initiative Petition.

There could be an initiative petition by the voters who are opposed to the California Fire Code address identification requirements that would present an ordinance to the City Council for consideration. However, it is not clear how such an ordinance would read since the current CMC Section 15.55.100 (16) already amends the California Fire Code. Further, as noted, there is the issue of state preemption that would raise legal issues with such an initiative.

3. Referendum.

If the City Council votes to approve the Draft Ordinance, then voters could seek to challenge that Ordinance by a Referendum Petition. However, as with an Initiative, there is the issue of state preemption that would raise legal issues regarding a referendum petition.

4. Advisory Ballot Measure

As mentioned, Election Code Section 9603 allows for an advisory vote to obtain an indication of general voter opinion regarding the ballot proposal. A possible ballot proposal could read something like or following or whatever other wording the City Council may choose:

Should the City Council of the City of Carmel-by-the-Sea adopt an Ordinance for address identification as described in the California Fire Code?

The vote on an advisory measure is not binding on the City Council. The advisory measure could be placed on the ballot by a Resolution adopted by the City Council and would include the opportunity for arguments for and against the ballot measure to be submitted. The following could be the next steps in this process:

(1) Yes. If a majority vote on the ballot proposal is yes, then the City Council can then adopt an Ordinance (such as the Draft Ordinance) for address identification as required in the California Fire Code and other State Building Codes.

(2) No. If the majority vote on the ballot proposal is no, then there could be submitted to the City's State Assembly Member and/or State Senator a request to sponsor legislation to provide an exception for the City of Carmel-by-the-Sea in regard to the address identification requirements in the California Building Standards Code and to allow buildings and parcels to be identified by a description of Parcel location relative to the nearest cross-street intersection.

(a) Approved. If the Legislature amends State law to exempt Carmel-by-the-Sea from the address identification requirement within the California Building Standards Code, then the City would be in compliance with California law by the provisions of the current language in CMC Section 15.55.100 (16).

(b) Not Approved. If the state legislature does not change State law to exempt the City from the address requirement in the California Building Standards Code, then the City Council can consider at that time the Draft Ordinance for address identification as described in the California Fire Code.

Note: There is a procedure to request an amendment to the California Building Standards Code from the California Building Commission. However, one of the requirements is that the amendment be based on a statewide concern. See **Attachment "8"** for Petition to the California Building Standards Commission (DGS BSC-30).

5. Other Action.

The City Council can provide other direction to the City Administrator regarding the subject of street addresses.

FISCAL IMPACT:

None at this point.

PRIOR CITY COUNCIL ACTION:

On October 4, 2022, Council gave direction to staff to continue to do research on the topic and confirm if implementing a street address system will require mail delivery service.

On November 7, 2023, Council received a presentation on staff's research and the Ad Hoc Committee for street address exploration was formed.

On July 9, 2024 Council directed staff to return with an implementation plan and community engagement plan no later than September 2024.

August 6, 2024 following City Attorney announcements, City Council directed staff to return in September with a discussion on whether street addresses should be put to the voters to decide on, and provide an analysis on the process to do so, in addition to the direction to staff that was given during the July 9th meeting.

ATTACHMENTS:

[Attachment 1\) USPS Letter to the City \(Confirmation that delivery to PO Boxes will continue to be the delivery method\)](#)

[Attachment 2\) Draft Implementation Plan](#)

[Attachment 3\) Draft Community Engagement Plan](#)

[Attachment 4\) Ordinance No. 2018-003 Excerpts](#)

[Attachment 5\) Draft Ordinance](#)

[Attachment 6\) Elections Code Sections 9200 to 9226 regarding Initiative](#)

[Attachment 7\) Elections Code Sections 9235 to 9247 regarding Referendum](#)

[Attachment 8\) Petition to the California Building Standards Commission \(DGS BSC-30\)](#)