

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



January 24, 2014

Robert A. Mullane, AICP  
Community Planning and Building Director  
City of Carmel-by-the-Sea  
Post Office Drawer G  
Carmel-by-the-Sea, CA 93921

RE: Ordinance #2013-07

Dear Mr. Mullane:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December, 19 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings

# *City of Carmel-by-the-Sea*

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G  
CARMEL-BY-THE-SEA, CA 93921  
(831) 620-2010 OFFICE  
(831) 620-2014 FAX

RECEIVED  
DEC 19 10:11:21  
COMMUNITY PLANNING  
AND BUILDING DEPARTMENT

December 11, 2013

California Building Standards Commission  
Executive Director  
2525 Natomas Park, Suite 130  
Sacramento, CA 95833

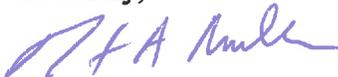
**RE: Code Adoption  
2013 California Building Codes**

To whom it may concern:

Enclosed please find City of Carmel-by-the-Sea Ordinance No. 2013-07 and associated staff report. The ordinance adopted the 2013 California Building and related codes, with local amendments. These new codes were adopted by the City on December 03, 2013.

Please contact me at (831) 620-2010 with any questions.

Sincerely,



Robert A. Mullane, AICP  
Community Planning and Building Director

enc: Ordinance No. 2013-07  
Staff Report for the City Council Meeting of December 3, 2013

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

**CITY COUNCIL**

**ORDINANCE NO. 2013-07**

**AN ORDINANCE (SECOND READING) AMENDING TITLE 8 AND TITLE 15 OF THE CARMEL MUNICIPAL CODE AND ADOPTING THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, ENERGY, FIRE, MECHANICAL, PLUMBING, ELECTRICAL, AND CALIFORNIA GREEN CODES WITH AMENDMENTS**

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

WHEREAS, the new 2013 California Codes were adopted by the State of California under the International Code Committee and the California Building Standards Commission as the new codes for this state; and

WHEREAS, Titles 8 and 15 of the Carmel Municipal Code (see Exhibit "A") have 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, the City Council conducted introduction and first reading of this ordinance on October 8, 2013, and then re-introduction of a revised ordinance on November 5, 2013; and

WHEREAS, the City Council conducted the second reading of this ordinance on December 3, 2013; 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 International Building Code, the Plumbing Code, the Mechanical Code, the Fire Code, and the National 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 encompasses an area of approximately 1.08 square mile of land, with resident population of 3,722 as of the 2010 census. There is a significant visitor population to the City of Carmel, the actual population is higher during a given daytime period. The physical location of the City is on the Monterey Peninsula near the City of Pacific Grove, the City of Monterey and unincorporated areas of Monterey County.

The placement of the residential and commercial development within the City of Carmel has been carefully laid out, and works around the confines of steeper slopes, forested areas, and shoreline areas. Other unique environmental characteristics include relatively-small parcel sizes 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 of Carmel 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 the Findings of Fact:

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

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition, which has caused grassland and brush land fires in recent years. While normal temperatures usually do not exceed 65-75 degrees, during late summer and early fall (August, September, October) the temperatures can periodically climb above that. The afternoon winds can move a fire quickly in the 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 the water resources is possible, actual demands on an already stressed water supply can most assuredly 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 fire suppression forces.

The forested areas of oak and pines create windbreaks from oncoming winds, while producing fuel from the annual fall leaves, which drop to the ground, as well as from decayed trees and branches. The dry vegetation, mountainous terrain, and minimal water available tend to cause concern and added fire problems.

The City of Carmel has near its boundaries potentially 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 of earthquakes, science has not yet been able to predict (with reliability) the potential for activity on these or any active fault.

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

The geographical layout of the forested areas creates hazardous conditions when a storm of gale-force winds causes trees to fall onto roadways used for access by Fire Department equipment and personnel. The growing pattern and inherent nature of the Monterey Pine lends itself to being blown over easily. This is due in part to the shallow root system associated with the Monterey Pine tree.

Landslides have also been experienced within limited areas in the City of Carmel, particularly during and after winter storm due to excessive soil saturation. While stabilization can sometimes be provided, heavy rainfalls have caused 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 or 30%. The City of Carmel has a start 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 United States Geological Survey and California Division of Mines and Geology. 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 buildings 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 effected 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 forces.

The roadway system is designed around the topography with respect to narrow, windy,

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 of fire equipment.

The topography also presents challenges to construction. In many cases, existing structures are being removed and replaced with larger buildings. Those existing structures which remain cause concern to the 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 torn down and replaced with a 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 this 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 this pumping operation, 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 1800s 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.

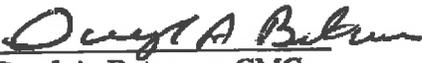
Section Three. Severability. If any section, subsection, or part of this Ordinance is held to be invalid or unenforceable, all other sections, subsections, or parts of subsections of this ordinance shall remain valid and enforceable.

Section Four. Effective Date. This Ordinance shall be in full force after its final passage and adoption with an effective date of January 2, 2014.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3<sup>rd</sup> day of December 2013, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BEACH, HILLYARD, THEIS, TALMAGE & MAYOR BURNETT
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

ATTEST:

  
Daryl A. Betancur, CMC  
Deputy City Clerk

SIGNED:

  
Jason Burnett, MAYOR

## **Exhibit "A" to City of Carmel-by-the-Sea Ordinance 2013-07**

*Chapter 15.08, § 15.08.010 of the Carmel Municipal Code is hereby amended by deleting the current Section 15.08.010 in its entirety and replacing it to read as follows:*

### **15.08.010 Adoption.**

Except as otherwise amended by this chapter and Chapter 15.04 of this City Code, the following model codes are hereby adopted and are incorporated in this chapter by reference and made a part hereof as if fully set forth herein:

1. 2013 California Building Code And Appendices H, I, J;
2. 2013 California Historic Building Code;
3. 2013 California Existing Building Code;
4. 2013 California Residential Code;
5. 2013 California Plumbing Code;
6. 2013 California Electric Code;
7. 2013 California Mechanical Code;
8. 2013 California Green Building Standards Code;
9. 2013 California Fire Code (See CMC Title 8);
10. 2012 International Property Maintenance Code

The Very High Fire Hazard Severity Zone Map, as transmitted to the City on November 18, 2008, by the Department of Forestry and Fire Protection, is also adopted as required by law.

*Chapter 15.08 of the Carmel Municipal Code is hereby amended by the addition of the following new Section 15.08.260.*

### **15.08.260 Exemption for pending applications.**

The provisions of the 2013 Editions of the California Building Code, and Appendices H, I, J, the 2013 California Historic Building Code, the 2013 California Mechanical Code, the 2013 California Plumbing Code, the 2013 California Electrical Code, the 2013 California Fire Code, the 2012 International Property Maintenance Code, and the 2012 Existing Building Code, as adopted and amended herein, shall not apply to any building or structure for which application for a building permit was made prior to January 1, 2014. Such buildings or structures shall be erected, constructed, enlarged, altered, or repaired in accordance with the provisions of this chapter in effect at the date of said application.

*Chapter 15.04, § 15.04.110 of the Carmel Municipal Code is hereby amended by deleting the current Section 15.04.110 part B. in its entirety and replacing it to read as follows:*

B. Time limitation of applications. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing AND pays a fee equal to \$500 for each requested 90-day extension and the project has not changed in scope.

Exception: If a project has been approved by the City on condition where a pending approval from an outside agency exists at time of expiration, written extensions will not be required.

Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2013 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of 90 days may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee of \$1,000 for each 90-day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

*Chapter 15.08 of the Carmel Municipal Code is hereby amended by the addition of the following new Section 15.08.270.*

**15.08.270 Amendments to the 2013 California Residential Code.** Section R403.1.3 of the 2013 California Residential Code is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2 (1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings, which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted. (Geographical II finding)

*Chapter 15.24, § 15.24.010 of the Carmel Municipal Code is hereby amended as follows:*

The ~~2010-2013~~ California Plumbing Code, copies of which are on file with the City Clerk as required by law, is adopted by reference and incorporated into this title as the plumbing code for the City, except as amended in this chapter and in Chapter 15.04 CMC.

*Chapter 15.24 of the Carmel Municipal Code is hereby amended by the addition of the following new Section 15.24.080.*

**15.24.080 Amendments to the 2013 California Plumbing Code.** Section 710.1 is hereby amended to read as follows:

710.1. In every case where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet (2') above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer in any new or existing drainage system, approved types of backwater valve, relief vent and cleanout shall be installed in the building sewer at the point of lowest elevation of the ground surface of the building site outside of the building or at such other location as is permitted by the Building Inspector, providing that at any such location, the elevation of the ground surface is not less than two (2') below the lowest trap outlet served by the building sewer.

The installation shall consist of an approved fresh air inlet and a Y branch or combination fitting installed in sequence in the line of flow from the building. The vent from this fresh air inlet shall be piped to the ground surface and capped with a vent cap. Provision shall be made by elevation above the ground or by other means for preventing the obstruction of the vent opening or the flow of water therein. The cleanout shall be placed as close to the valve as is practical and shall be piped to within one foot (1') of the ground surface and closed with an approved cleanout plug. Every existing installation which includes a plumbing fixture trap outlet which is less than two feet (2') above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer is hereby declared to be dangerous, unsanitary and a menace to life, health and property. Whenever it shall come to the attention of the Building Inspector that such an installation exists, he or she is hereby empowered to order and require that such plumbing outlet be immediately plugged or capped, or that the equipment described in the preceding paragraph of this section be installed immediately." (Topographical finding)

*Chapter 8.32, § 8.32.010 of the Carmel Municipal Code is hereby amended as follows:*

**8.32.010 International ~~2013~~ 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 ~~2010 California Fire Code~~ 2013 California Fire Code, (2012 International Fire Code), including ~~Appendix Chapter 4 and Appendices A, B, BB, C, CC, D, E, F, G, H, I, J, and AE,~~ published by the International Code Council, save and except those portions as are deleted, modified, or amended, of which code not less than three copies are now on file in the office of the City Clerk, is adopted and incorporated in the municipal code as if set out at length in this code, and the provisions thereof shall be controlling within the limits of this City.

*Chapter 8.32, § 8.32.020 of the Carmel Municipal Code is hereby amended as follows:*

**8.32.020 Fire Code – Effective Date – Copy on File.**

The effective date for the ~~2010-2013~~ California Fire Code adopted by CMC 8.32.010 within the City shall be January 1, ~~2014~~2014. The City Clerk shall maintain on file in the official records the edition of the California Fire Code currently in effect at all times.

*Chapter 8.32, § 8.32.100 of the Carmel Municipal Code is hereby amended with the following revisions:*

**8.32.100 Amendments to the California Fire Code.**

The ~~2010~~2013 California Fire Code is amended and changed as follows as described in subsections (1) through (36) of this section.

3. Section 102.1 is amended to read as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.
4. Existing structures, facilities and conditions, which, in the opinion of the fire code official, constitute a distinct hazard to life and property.
5. Existing structures to which additions, alterations or repairs are made that involve the addition, removal or replacement of fifty percent (50%) or greater of the linear length of the walls of the existing building (exterior plus interior) within a five-year period.

~~6. Existing structures to which additions, alterations or repairs are made within a five-year period that are valued at an amount of two hundred and fifty thousand dollars (\$250,000).~~

5.5. Section (A) 105.1.2 is amended to read as follows:

(A) 105.1.2 Types of permits. There are two types of permits as follows:

1. Operational permit. Any and all conditions of an operational permit will be established through a separate Resolution approved from the City Council.

2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section (A)105.1.1.

10.4 Section 304 to read as follows:

#### Section 304 – Combustible Materials

##### Storage and Accumulation of Rubbish and Vegetation

304 Rubbish within Dumpsters. In all rooms or above outside areas, adjacent to building or underneath roof overhangs or when located nearer than 10 feet to adjacent property line, used for storage of combustible waste materials in other than Group R, Division 3 occupancies shall be protected by automatic sprinkler protection. Such sprinklers may be connected to the domestic water supply, provided sufficient coverage of the area is provided and an approved accessible shutoff valve is provided for each room or area.

Exception: Trash areas adjacent to solid brick or concrete walls with no openings or eaves are not required to be protected by automatic sprinkler system(s).

10.6 Section 503.2.1 is added as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

22.5 Section 901.7 is added to read as follows:

901.7 Systems Out of Service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service.

24.5 Section 903.2.20 shall be added as follows:

903.2.20 Change of use. Automatic fire sprinklers shall be installed when the occupancy changes from a single occupancy to a mixed-use occupancy which would require the installation of an occupancy separation, or when the occupancy changes

from any type of occupancy to an Assembly use occupancy.

30.4 Section 903.6 is amended to read as follows:

903.6 Repairs, Alterations, and Additions. In all buildings, except where otherwise provided herein in this Section, where the total floor area exceeds five thousand square feet (5000sf), or which are forty feet (40') or more in height, or which are three or more stories in height, they shall be made to comply with the provisions of this Section.

In all buildings where the total floor area exceeds five thousand square feet (5000sf), or which are forty feet (40') or more in height, or which are three or more stories in height, if the repairs or alterations are made exceeding twenty-five percent of the current market value of the building and property as shown in the records of the County Assessor within any three hundred sixty (360) day period shall be made to comply with the provisions of this section.

Definitions.

Repair. It is the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance.

Alteration. It is any change, addition, or modification in construction or occupancy.

Exception: Projects where the sole purpose is for seismic upgrade.

Existing Group R, Division 3 buildings to which additions, alterations, or repairs are made that involve the removal or replacement to 50 percent or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code.

30.6 Section 904.11 is added to existing section:

904.11 Non-Conforming Restaurant Cooking Appliances and Fire Extinguishing Systems. All non-conforming restaurant cooking appliances, hood and duct systems, and fire extinguishing systems found to exist as of the effective date of this Ordinance shall be made to conform to the requirements of this Section within 90 days of notification. It shall thereafter be unlawful for any person to maintain or suffer to be maintained any non-conforming restaurant cooking appliance, hood and duct system or fire extinguishing system on any property owned or controlled by said person within the City of Carmel.

35.4 Section 907.13 is amended to read as follows:

907.13 Access. Access shall be provided to each fire alarm system component for periodic inspection, maintenance, and testing.

35.6 Section 5704.2.9.6.1 is added to read as follows:

Section 5704.2.9.6.1 Outdoor Storage of Containers and Portable Tanks. Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited

except as permitted by the Zoning Ordinance.

Exception:

1. Storage tanks of 500 gallon maximum capacity may be used only in conjunction with emergency generators as approved by the Fire Chief.

*Chapter 15.36, § 15.36.070, Part B. of the Carmel Municipal Code is hereby amended as follows:*

**15.36.070 Lighting Requirements.**

**B. Residential Buildings/Zones.**

1. All exterior lighting attached to the main building or any accessory building shall be no higher than 10 feet above the ground and not exceed 25 watts (incandescent equivalent; i.e., approximately 375 lumens) in power per fixture.

2. Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent; i.e., approximately 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used for tree, wall, fence or accent lighting of any type. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property.

3. No exterior lighting is permitted on upon City property and may not be directed toward City Property.

4. Flood-type lighting is prohibited at all times.

**EXCEPTION:** Flood-type lighting may be permitted with expressed written approval of the Planning Division and/or Building Official upon written request and used for the sole purpose of security and each fixture connected to a motion sensor. Each fixture shall be limited to 50 watts (incandescent equivalent; i.e., approximately 750 lumens) each. (Ord. 99-04 (Exh. B), 1999).



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

**Council Report**

**December 3, 2013**

**To:** Honorable Mayor and Members of the City Council

**From:** Jason Stilwell, City Administrator

**Submitted by:** Rob Mullane, AICP, Community Planning and Building Director  
John Kuehl, CBO, Contract Building Official

**Subject:** Adoption of an Ordinance (Second Reading) amending Title 8 and Title 15 of the Carmel Municipal Code and adopting the 2013 California Building, Residential, Energy, Fire, Mechanical, Plumbing, Electrical, and California Green Codes with Amendments

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**Recommendation:** Waive further reading and adopt the second reading ordinance.

**Executive Summary:** On November 5, 2013, the City Council introduced and passed onto second reading an ordinance to adopt the 2013 California Building and Related Codes along with local amendments. Staff is bringing back the ordinance for second reading and adoption. Staff has made minor, non-substantive edits to the ordinance as noted at the November 5, 2013 meeting.

**Environmental Determination:**

The City determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, and because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the

environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

**Fiscal Impact:**

There are no direct costs with adopting the new codes. The associated code books and training costs are included in the annual Community Planning and Building Department budget.

**Alternatives to the Recommendation:**

1. The City Council may make changes to the draft Ordinance and associated Exhibit prior to adoption. Minor, non-substantive changes would not require re-introducing the ordinance. Substantive changes would require the re-introduction of the ordinance at this meeting and would prompt the need to bring the item back for second reading and adoption at a subsequent Council meeting. Should the ordinance not be adopted and in force before January 1, 2014, the 2013 California Building and Related Codes would still be in effect by operation of law, but none of the City's local amendments would be in place until the ordinance is adopted and effective (30 days from adoption).
2. Council could adopt the 2013 California Building and Related Codes without local amendments. Staff would not recommend this action because it would not take into account our local conditions.

**Previous Council**

**Action/Decision History:**

The City Council conducted introduction and first reading of the draft ordinance on October 8, 2013, and then re-introduced the ordinance on November 5, 2013, to allow for a discussion of the changes made to the ordinance between the October 8 and November 5, 2013 hearings. The City Council adopted previous updates of the California Building and Related Codes in 2008 and 2010. In 2008, the City Council adopted the 2007 update to the California Building and Related Codes with local amendments. In 2010, the City Council adopted the 2010 update to the California Building and Related Codes with local amendments.

**Attachment:**

- **Attachment A – Draft Ordinance**

<b>Reviewed by:</b>					
City Administrator	<input checked="" type="checkbox"/>	City Attorney	<input checked="" type="checkbox"/>	Administrative Services	<input type="checkbox"/>
Asst. City Admin.	<input type="checkbox"/>	Dir of CPB	<input checked="" type="checkbox"/>	Dir of Public Svcs	<input type="checkbox"/>
Public Safety Dir	<input type="checkbox"/>	Library Dir	<input type="checkbox"/>	Other _____	<input type="checkbox"/>