

ORDINANCE NO. 3600 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

REPEALING AND REPLACING SECTIONS 9-0.1, 9-0.2, AND 9-92(a) OF CHAPTER 9 AND SECTIONS 13-0.1 AND 13-0.3 OF CHAPTER 13 OF THE MONTEREY CITY CODE, AND ADOPTING THE 2019 CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE 2019 CALIFORNIA BUILDING CODE AND APPENDICES H, I, J, 2019 CALIFORNIA HISTORIC BUILDING CODE, 2019 EXISTING BUILDING CODE, 2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA PLUMBING CODE, 2019 CALIFORNIA ELECTRICAL CODE, 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE INCLUDING APPENDIX G AND I, 2019 CALIFORNIA FIRE CODE, 2019 CALIFORNIA ENERGY CODE, AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE EXCEPT SECTIONS 102.6 AND 111

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN as follows:

SECTION 1:

WHEREAS, the City intends to adopt parts of the California Building Standards Code, including the 2019 editions of the California Building Code, Residential Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, Historic Building Code, Green Building Standards Code, Existing Building Code, Energy Code, and the edition of the 2018 International Maintenance Code, except as otherwise provided herein in Chapters 9 and 13 of the Monterey City Code;

WHEREAS, pursuant to sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City, before making modifications or changes to the California Building Standards Code, must make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions;

WHEREAS, the Monterey City Council finds that a departure from the California Building Standards Code is reasonably necessary to provide specific and greater protections to the public health, safety, and welfare than afforded by the California Building Standards Code due to local climatic, geographical, or topographical conditions;

WHEREAS, the City intends to retain all previously enacted amendments to the California Building Code (MCC, § 9-1), California Residential Code (MCC, § 9-1.1), California Plumbing Code (MCC, § 9-2), and California Fire Code (MCC, § 13-0.2) so that they are applicable to the versions of said codes herein adopted;

WHEREAS, the City does not intend to adopt sections 102.6 and 111 of the 2018 International Property Maintenance Code to protect the health, welfare, and safety of the residents of Monterey;

WHEREAS, the City of Monterey 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, or 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, adoption of State-mandated building safety codes traditionally seen as ministerial actions, 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; and

WHEREAS, the Monterey City Council hereby finds as follows:

The City has established specific amendments that are more restrictive in nature than those sections contained in the State Building Standards Code, commonly referred to as Title 24 of the California Code of Regulations. The City submits these "Findings of Fact" and incorporates them as a part of this Ordinance pursuant to Sections 18941, 17958.5 and 17958.7 of the California Health and Safety Code. Under provisions 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 Monterey:

The City of Monterey encompasses an area of 8.62 square miles of land and 3.47 square miles of water, with resident population of 28,289 as of 2018. (Source: U.S. Census Bureau.) Due to the significant visitor population to the City of Monterey, the actual population is considered by many studies to exceed 70,000 during a given daytime period. The City of Monterey borders the Cities of Pacific Grove, Seaside, Carmel-By-The-Sea, and Del Rey Oaks, as well as unincorporated Monterey County, the Monterey Peninsula Airport District, and the Pacific Ocean.

The placement of the residential and commercial development is restricted not just by political boundaries, but by geological features such as the ocean, ridges, foothills, mesas, and canyons.

Throughout the City of Monterey are major roadways and highways that create barriers. Other barriers could be considered the military facilities and federal enclaves, which include the United States Army, Presidio of Monterey, United States Naval Postgraduate School, and the United States Coast Guard Station.

Climatic I: The climate weather patterns within the City of Monterey are considered to be moderately effected by the Monterey Bay. The normal year's rainfall is approximately eighteen to nineteen (18-19) inches. Summer conditions create the mid-day fog normally associated with Monterey. This climatic fog assists the natural vegetation to grow.

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition that can cause grassland and brush land fires. While normal temperatures usually do

not exceed 75-80 degrees, during late summer and early fall (August--October) the temperatures can climb to 100 degrees plus in Monterey County. The afternoon winds can move a fire quickly in the hillsides and canyon areas into Monterey

The City of Monterey (like other California cities) has experienced water supply issues in recent years due to drought conditions. Unfortunately, the situation is more severe in Monterey due to the State of California Cease and Desist Order regarding water connections. 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 Monterey. The mountains and canyons accent one another, as they wind around the City. The forest creates a beautiful backdrop for the City. These geographical and vegetative features established the community's physical layout and created areas for roadways and building sites to be created. The unique geography also creates barriers 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 Monterey has within 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 periodically 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.

The City of Monterey has historically experienced landslides due to excessive land cuts associated with the roadway systems designed within the City. While stabilization can sometimes be provided, heavy rainfalls have caused failures. These failures have closed roadways within the City, again making accessibility impossible until properly cleared.

Mountains and hills surrounding and within the City of Monterey create slopes in excess

of 30% with an overall average of between five to ten percent throughout. The City of Monterey's elevation ranges from sea level to 600 feet above sea level. The elevation change caused by the mountains and hills creates the geographical foundation on which the City has built and will continue to build. With much of the flatlands already built upon, it can be anticipated that future growth will occur on steeper slopes and with greater contrasts in terrain.

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 jeopardize the safety of building occupants and increase the cost of structure rehabilitation. Seismic activities have shown 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: Mountains, hills, canyons, lakes, and streams dissect 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 to the public via pipes. These street mains create lift-zones where the pressure and flows are adequate at lower elevations and minimal. At higher elevations, water supply can be critical. Water supplies within the City of Monterey vary from less than 250 gallons-per-minute to flows in excess of 5,500 gallons-per-minute. This wide variation causes challenges for development, as well as fire suppression forces.

The roadway system is designed around the city's topography with respect to narrow, and steep grades. The grades on some roadway surfaces exceeds 25% and widths of less than twelve (12) feet for access are not uncommon. Due to traffic congestion on many streets, especially the commercial downtown area and New Monterey-Cannery Row, vehicles double park for loading and unloading purposes. This creates barriers that reduce response time of fire equipment.

The topography also restricts construction to the level portions of the City with higher concentrations of building in these areas. The existing structures are being removed and replaced with larger buildings. Those existing structures which remain cause concern to the Fire Department because of their lack of adequate fire protection (firewalls, fire extinguishing systems, etc.). The hazard exposure created by these structures poses a separate and significant challenge.

It is not uncommon to see a single or two-story building torn down and replaced with a two-, three- or four-story building. For practical and cost reasons, these new structures are built of wood (Type V). The potential for conflagration exists with the high build out of the various specific areas of Monterey. The concentrated commercial, as well as residential occupancies cause concern regarding the exposure elements of building-to-building and building-to-grassland areas of this City.

The topographical nature of Monterey also lends itself 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.

The encouragement of greenbelts between various subdivisions of the City has given rise to brush and grass fires for many years. The existing canyons cause natural barriers, and delay response time due to complex roadways.

The natural rocky shorelines of Monterey create a situation by which access to the building can only be made from the street. The front of the building is essentially the only accessibility point for responding firefighters. Built property-line to property-line, these structures create an element of construction of nearly nine blocks of continuous construction. Residential as well as commercial occupancies can be found along the entire shoreline of Monterey Bay.

A harbor, created by wharves (Municipal Wharf One and Municipal Wharf Two) and piers creates an interesting fire problem due to the confinement of hundreds of boats and other vessels (413) within a small area. The problems associated with firefighting within a marine environment cause concern and create interesting situations (access, water/fuel, etc.), which must be addressed as an everyday fire problem.

Lastly, while possibly not being within the “topographical” context of Findings of Fact, the City’s historical significance is a major visitor draw for visitors. 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. Forty-four to fifty historical buildings, dating back to the early 1800’s are irreplaceable.

These Findings of Fact, which identify the various “climatic, geographical, and topographical” conditions, are reasonably necessary to modify aspect of the California Building Standards Code 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.

NOW THEREFORE, the Monterey City Council declares and ordains as follows:

SECTION 2:

Section 9-0.1 of the Monterey City Code is hereby amended by deleting the current Section 9-0.1 in its entirety and replacing it to read as follows:

Sec. 9-0.1. Adoption of Codes.

Except as otherwise amended by this chapter and Chapter 13 of this 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. 2019 California Building Code and Appendices H, I, J;
2. 2019 California Historic Building Code;

3. 2019 California Existing Building Code;
4. 2019 California Residential Code;
5. 2019 California Plumbing Code;
6. 2019 California Electrical Code;
7. 2019 California Mechanical Code;
8. 2019 California Green Building Standards Code and Appendices G and I;
9. 2019 California Fire Code;
10. 2019 California Energy Code;
11. 2018 International Property Maintenance Code, except sections 102.6 and 111.

SECTION 3:

Section 9-0.2 of the Monterey City Code is hereby amended by deleting the current Section 9-0.2 in its entirety and replacing it to read as follows:

Notwithstanding Section 9-0.1, the provisions of the 2019 Editions of the California Building Code, and Appendices H, I, J, the 2019 California Historic Building Code, the 2019 the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 Existing Building Code, the 2019 Residential Code, the 2019 Plumbing Code, 2019 Electrical Code, 2019 Mechanical Code, 2019 California Green Building Standards Code and Appendices G and I, 2019 California Fire Code, 2019 California Energy Code, 2018 International Property Maintenance Code, except sections 102.6 and 111. 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, 2020. 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. (Ord. 3551 § 2, 2016)

SECTION 4:

Section 9-92(a) of the Monterey City Code is hereby amended by deleting the current Section 9-92(a) in its entirety and replacing it to read as follows:

“Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on January 1, 2020, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

SECTION 5:

Section 13-0.1 of the Monterey City Code is hereby amended by deleting the current section 13-0.1 in its entirety and replacing it to read as follows:

Sec. 13-0.1. Adoption of 2019 California Fire Code.

Except as otherwise amended by this chapter, the 2019 California Fire Code, (2018 International Fire Code), is hereby adopted and is incorporated in this Code by reference and made a part hereof as if set forth fully herein.

SECTION 6:

Section 13-0.3 of the Monterey City Code is hereby amended by deleting the current section 13-0.3 in its entirety and replacing it to read as follows:

Sec. 13-0.3. Exemption for pending applications.

1. notwithstanding Section 13-0.1, the provisions of the 2019 California Fire 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, 2020. Such building or structure shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions of this chapter in effect at the date of said application.

2. All other applications shall be processed in accordance with the provisions of the 2019 California Fire Code as adopted and amended herein. (Ord. 3551 § 4, 2016)

SECTION 7: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: The amendments to the City Code ordained in the foregoing sections of this Ordinance shall be effective on January 1, 2020.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 17th day of September, 2019, by the following vote:

AYES:	4	COUNCILMEMBERS:	Albert, Haffa, Williamson, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Smith
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

