



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

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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

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“(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)



February 21, 2024

Karen Ferlito
PO Box CC
Carmel by the Sea, CA 93921

Dear Karen Ferlito,

I am writing to you as the Address Management System Manager for California 3, in response to the questions you recently raised concerning the implementation of street addressing by USPS for the City of Carmel-by-the-Sea. I am pleased to inform you that I have analyzed your queries and prepared responses to address them.

Please be assured that my team and I have conducted a thorough review of the matter, and our findings are as follows:

- Will the local Post Office be required to close and /or will the City's mail delivery system change?
-Local Post Office will not close; mail delivery system will remain as is.
- Is USPS the deciding authority for street address system incorporation into street address management systems that are used for government address verification purpose.
-Yes, USPS is the authority for street address systems. Other entities and mailers use our mailing products to determine valid addresses.
- If Carmel-by-the-Sea develops and implements a street address system approved by the USPS, will USPS be the authority that relays that new address system for GPS findability, address verification databases, and address databases, and address databases most widely used for legal "physical addresses"?
-USPS does not relay the new address for GPS findability as we do not have any products with that data linked. We are the authority for address verification.

The USPS offers address verification through Address Information System (AIS) products. Before an address can be certified as deliverable (CASS™ certified), it must first be standardized. Address correction software fixes spelling errors, corrects abbreviations, and standardizes capitalization so each address in a mailer/government list complies with the USPS® official format. The USPS definition of a standardized address is "one that is fully spelled out, abbreviated using the

- 2 -

Postal Service™ standard abbreviations . . . or as shown in the current Postal Service ZIP+4 file."

The Postal Service is committed to excellence in everything we do. Using all the correct elements in addressing, especially the **STE/APT/UNIT** number will help us continue to provide the outstanding service that is relied on each day.

I hope that these responses address your concerns satisfactorily.

Sincerely,

A handwritten signature in black ink that reads "Denise Moreno". The signature is written in a cursive style with a large, stylized "D" and "M".

Denise Moreno
Address Management System Manager
California 3

	Process Sequence	Anticipated Benchmarks/Timeline
1.	Address System Development	Implementation Team and Engagement Team consisting of Planning and Building staff will develop an address system/map that meets the requirements of an approved and established standard addressing system 3-6 months (development timeline runs with Public Engagement Phase)
<i>Post-Public Engagement Phase</i>		
2.	Public Mailer Notice	Mailed to PO Boxes: Notice of City Council Decision for Address System Program Implementation Specifying: Implementation of Assigned Street Address Numbers and Posting/Display Requirements only; no implementation of at-home mail delivery, and no implementation or erection of cluster boxes (or “gang mailboxes) in the City. Continued operation of the 5 th Ave. US Post Office with Centralized Delivery Mode of delivery to PO Boxes already assigned/in-use will continue as status quo Within 1 month of City Council’s Decision
3.	Community Meeting	Meeting at Carpenter Hall – 60 Minutes <ul style="list-style-type: none"> • Presentation to the community of approved Address System Program • Final Address Numbers System/Map reviewed • Explanation of acceptable locations on property to display assigned address numbers • Explain “Next Steps”, or what to expect as the implementation process moves forward • Steps the City will take • Steps residents/property owners can expect to take during the implementation phase 1-2 months after Public Mailer Notice
4.	Submission of Finalized Street Address System to USPS	Carmel-by-the-Sea’s Planning and Building Department submits the finalized street address system to the USPS Address Management Systems Manager for review Dependent on Implementation’s Team’s work capacity for any required administrative or technical updates, in any 1-4 months, depending on USPS review and required technical changes, if any
5.	Post-Address System Approval by USPS (Community Meeting)	Community Meeting – 60 Minutes Staff Presentation/Review of Approved Address System <ul style="list-style-type: none"> • Explanation of City’s process to provide property owners with notice of their assigned address number • Next Steps for Residents: <ul style="list-style-type: none"> ➤ Process to fill out and submit USPS Form 32N (attached)
6.	Notice of Assigned Address Number	Notice to property owners by the Planning and Building Department of assigned street address number identification
7.	FAQ’s and Public Information for Transition	Ongoing Posted to Website as a Resource Friday Vlog Recurring in Friday Letter



No-Fee (Group E) Post Office Box Renewal Notice /Annual Verification

Dear Box Customer:

The United States Postal Service® has made no-fee Post Office™ box service available to many customers who are ineligible for carrier street delivery. Each year we must verify the information provided on PS Form 1093, *Application for Post Office Box*, and confirm the continued eligibility of each box customer for no-fee Post Office box service. Please assist us by providing the information requested below.

1. Current Address Information. Complete the required information below by indicating your name and business/organization name (if applicable), current residence or business/organization physical address, telephone number, and email address. No-fee Post Office box service will not be renewed until the applicant's identity and current permanent physical street address where he or she resides or conducts business is verified. At the time of renewal, applicants must present two items of valid current identification; one item must contain a photograph of the applicant. This form must be presented to the Postal Service™ and cannot be mailed.

Name (Last, First, MI. *(include title if representing a business/organization)*)

Business/Organization Name *(if applicable)*

Address *(Number, Street, Suite)*

City

State

ZIP+4

Telephone Number *(include area code)*

Email Address

2. Sign and date this form. I certify that the information I have provided above is true and complete to the best of my knowledge. I understand that anyone who furnishes false and misleading information on this notice or who fails to provide information requested on this notice may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including multiple damages and civil penalties). I have read the **Privacy Act Statement** reprinted below and understand that I may remove the statement from this form and keep it for my records.

Signature

Date

Thank you very much for your cooperation.

Notice 32-N, September 2018
PSN 7610-04-000-5093

Note: *If you would like to keep this copy of the Privacy Act Statement for your records, cut along the dotted line.*

Privacy Act Statement

Privacy Act Statement: Your information will be used to provide Post Office™ box service. Collection is authorized by 39 U.S.C. 401, 403, and 404.

Providing the information is voluntary, but if not provided, we will be unable to provide this service to you. We do not disclose your information to third parties without your consent, except to facilitate the transaction, to act on your behalf or request, or as legally required. This includes the following limited circumstances: to a congressional office on your behalf; to financial entities regarding financial transaction issues; to a U.S. Postal Service auditor; to entities, including law enforcement, as required by law or in legal proceedings;

to contractors and other entities aiding us to fulfill the service (service providers); to process servers; to domestic government agencies if needed as part of their duties; and to a foreign government agency for violations and alleged violations of law. Information concerning an individual box customer who has filed a protective court order with the postmaster will not be disclosed except pursuant to court order. For more information regarding our privacy policies visit www.usps.com/privacyoffice.

Draft Public Engagement Plan

1. Public Engagement Phase

Event/Engagement Type	Description
<p>Community Informational Mailer</p>	<p>Mailed out to PO Boxes at downtown US Post Office Limited amount available at City Hall This document will also be available online Informs the community on “Next Steps” after Ordinance adoption and anticipated timeline</p>
<p>City Website Page: Community Information</p>	<p>https://ci.carmel.ca.us/street-addresses</p>
<p>Informal Community Survey (opt-in)</p>	<p>The community has the opportunity to get involved</p> <ol style="list-style-type: none"> 1. “Jump Off Point” Survey: <ul style="list-style-type: none"> • Questions will be developed to guide the Engagement & Implementation Team 2. “Preferred Address System” Survey: <ul style="list-style-type: none"> • Public input on which system developed to move forward with • Survey will feature examples and overview of each system
<p>Address System Program Development</p>	<p>The City Planning and Building Department and additional designated staff will design a numbering/addressing system that meets public safety and standard addressing requirements</p> <ul style="list-style-type: none"> • Previously gathered public input will be incorporated into preliminary address system design(s)
<p>Farmers Market Booth</p>	<p>Community input on map/addressing system proposal</p> <ul style="list-style-type: none"> • Team will have a predetermined number of preliminary addressing systems/maps on display for public comments, suggestions, questions, etc.
<p>Community Meetings (5 Total)</p>	<p>----- Three Community Meetings/Workshops during Engagement Phase Two Community Meetings during Implementation Phase ----- Carpenter Hall, Recorded for Community Reference Day/Time will be noticed in the Pine Cone ----- Meeting 1: Introduction to Engagement & Implementation Team, Background - 1 Hour</p> <ul style="list-style-type: none"> • Background, Process: “How We Got Here” • Admin Analyst: Emily Garay • Building Official: Jermel Laurie • Assigned Planner: _____ • Fire Chief Miller (or designated representative) • Police Chief Tomasi (or designated representative) • Presentation of requirements and regulations for a standard addressing system <p>Meeting 2: Team/Staff Presentation of developed plan/system options to the community</p> <ul style="list-style-type: none"> • What works? Which system(s) best represent the community’s expectations? • Interactive Workshop – 90 Minutes • 5-10 minutes - introduction/format/agenda/process for questions submissions • 30 minutes - PowerPoint presentation of preliminary addressing systems designs • 10 minute break- for written questions, suggestions, comments gathering by staff • 45 minutes – staff answers written questions, accepts additional questions as time allows

	<p>Meeting 3: Design Workshop - Post 1st City Council meeting</p> <ul style="list-style-type: none"> • Address system program updated with City Council’s Direction • 5-10 minutes - Introduction to Team/Format/Process of collecting public input • 30 minutes – Team presentation of guiding design standards for display of assigned street address numbers, including proposed examples of numbers and acceptable locations for posting on property • The Engagement & Implementation Team’s design proposals will be based on the established standards and regulations of standard street addressing system program • 45-60 minutes – Public input and preferences for acceptable designs
<p>City Council Meetings</p>	<p>City Council Meeting 1: Presentation to City Council of proposed address system program developed through public engagement</p> <ul style="list-style-type: none"> • Introduction to Engagement & Implementation Team • Overview of Process/Public Engagement leading up to Council Meeting • Results of Community Engagement Analysis • Team presentation of preferred address system(s) developed through the public engagement process • City Council considers proposed system, provides staff with direction <p>City Council Meeting 2: Result of design standards presented to City Council for consideration, discussion, and direction to staff:</p> <ul style="list-style-type: none"> • (1) return to City Council with changes; (2) or move forward to Implementation Phase
<p>Planning Commission</p>	<p>Presentation of proposed street address numbers designs developed through public engagement, if needed</p>
<p>Outreach</p>	<p>Noticing, Advertising The Carmel Pine Cone City’s Friday Letter “Sign-Me Up” Email Updates Friday Vlog Updates to City website – Subpage: Street Addresses</p>

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

ORDINANCE NO. 2018 - 003

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

development, as well as fire suppression activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGNED:

Steve G. Dallas, by

 Steve G. Dallas, MAYOR

ATTEST:

[Signature]

 Thomas A. Graves, MMC
 CITY CLERK

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

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

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

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

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

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

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

4. Title 15 is amended as follows:

Chapter 15.04 Administration of Building Codes

15.04.020 Definitions

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

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

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

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

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

annual basis by the Planning Commission.

~~15.54.040 City-Owned Properties~~

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

~~15.54.070 Exceptions~~

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

~~15.54.080 Incentives~~

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

Chapter 8-32 15.55 California Fire Code

Sections

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

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

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

8.32-15.55.010 2016 California Fire Code – Adopted

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

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

12. Section 503.2.6.2 is added to read as follows:

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

13. Section 503.2.7 is amended to read as follows:

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

14. Section 503.2.7.1 is added to read as follows:

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

15. Section 503.7 is added to read as follows:

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

16. Section 505.1 is amended to read as follows:

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

16. Section 506.1 is amended to read as follows:

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

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

DRAFT ORDINANCE

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

RECITALS

- A. California Health & Safety Code Division 13 “Housing”, includes Part 1.5 “Regulation of Buildings Use for Human Habitation” (Section 17910 through 17998.3) and Part 2.5 “State Building Standards” (Sections 18901 through 18949.31).
- B. Health & Safety Code Section 17922 references building standards included in Division 13, Part 2.5 and other rules and regulations in Title 24 of the California Code of Regulations.
- C.. California Health and Safety Code Section 18931 provides that the duties of the California Building Standards Commission include the approval of building standards.
- D. California Health and Safety Code Section 18902 provides that all references to the State Building Standards Code, Title 24 of the California Code of Regulations shall mean the California Building Standards Code.
- E. The California Building Code set forth in the California Code of Regulations Title 24, Part 2, Section 502.1 reads as follows:
- 502.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.”
- F. The California Residential Code set forth in California Code of Regulations Title 24, Part 2.5, Section R319.1 reads as follows:

“SECTION R319 SITE ADDRESS

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

by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.”

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

“PREMISES IDENTIFICATION

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

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

“15.55.100 Amendments to the California Fire Code.

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

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

“16. Section 505.1 is amended to read as follows:

505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department. For multi-tenant buildings, unit identifiers shall be provided as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

CALIFORNIA ELECTIONS CODE SECTIONS 9200 TO 9226

INITIATIVES

§ 9200. Ordinances

Ordinances may be enacted by and for any incorporated city pursuant to this article.

§ 9201. Petition

Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the elections official of the legislative body, in the manner hereinafter prescribed, after being signed by not less than the number of voters specified in this article. The petition may be in separate sections, providing that the petition complies with this article. The first page of each section shall contain the title of the petition and the text of the measure. The petition sections shall be designated in the manner set forth in Section 9020.

§ 9202. Notice of intent to circulate petition; signatures; publication; form; fee

(a) Before circulating an initiative petition in any city, the proponents of the matter shall file with the elections official a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(b) Any person filing a notice of intent with the elections official shall pay a fee to be established by the legislative body not to exceed two hundred dollars (\$200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the elections official certifies the sufficiency of the petition.

§ 9202.5. Initiative petitions; documents kept on file by elections official; public copies

From the time materials pertaining to an initiative petition are filed pursuant to Section 9202 until the day after the elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the legislative body of the city after being submitted to the legislative body of the city pursuant to Section 9201, as applicable, the elections official shall do both of the following:

(a) Keep on file at his or her office the notice of intention, written text of the initiative, and written statement setting forth the reasons for the proposed petition, if any, that the proponents of the initiative measure filed with the elections official pursuant to Section 9202.

(b) Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the elections official in providing the copies.

§ 9203. Request for ballot title and summary; preparation by city counsel; use of ballot title on petition

(a) Any person who is interested in any proposed measure shall file a copy of the proposed measure with the elections official with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The elections official shall immediately transmit a copy of the proposed measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney shall provide and return to the city elections official a ballot title for and summary of the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less

the purpose of the proposed measure. In providing the ballot title, the city attorney shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The elections official shall furnish a copy of the ballot title and summary to the person filing the proposed measure. The person proposing the measure shall, prior to its circulation, place upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman type not smaller than 11 point, the ballot title prepared by the city attorney. The text of the measure shall be printed in type not smaller than 8 point. The heading of the proposed measure shall be in a boldface type in substantially the following form:

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the city attorney. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

§ 9204. Writ of mandate to amend ballot title or summary

Any elector of the city may seek a writ of mandate requiring the ballot title or summary prepared by the city attorney to be amended. The court shall expedite hearing on the writ. A peremptory writ of mandate shall be issued only upon clear and convincing proof that the ballot title or summary is false, misleading, or inconsistent with the requirements of Section 9203

§ 9205. Publication; posting

A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows:

(a) If there is a newspaper of general circulation, as described in Chapter 1 (commencing with Section 6000) of Division 7 of Title 1 of the Government Code, adjudicated as such, the notice, title, and summary shall be published therein at least once.

(b) If the petition is to be circulated in a city in which there is no adjudicated

newspaper of general circulation, the notice, title, and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code.

(c) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the notice, title, and summary shall be posted in the manner described in subdivision (b).

This section does not require the publication or posting of the text of the proposed measure.

§ 9206. Proof of publication or posting; filing

Within 10 days after the date of publication or posting, or both, of the notice of intention and title and summary, the proponents shall file a copy of the notice and title and summary as published or posted together with an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the city, certifying to the fact of publication or posting.

If the notice and title and summary are both published and posted pursuant to subdivision (b) of Section 9205, the proponents shall file affidavits as required by this section made by a representative of the newspaper in which the notice was published certifying to the fact that the notice was published and by a voter of the city certifying to the fact that the notice was posted.

These affidavits, together with a copy of the notice of intention and title and summary, 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.

§ 9207. Circulation of petition; petition contents

The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication or posting, or both, as required by Section 9205, of the title and summary prepared by the city attorney. Each section of the petition shall bear a copy of the notice of intention and the title and summary prepared by the city attorney.

§ 9208. Time limit; validity

Signatures upon petitions and sections of petitions shall be secured, and the petition, together with all sections of the petition, shall be filed within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. Petitions and sections thereof shall be filed in the office of the elections official during normal office hours as posted. If the petitions are not filed within the time permitted by this section, the petitions shall be void for all purposes.

§ 9209. Declaration

Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022.

§ 9210. Filing; amendment; examination

The petition shall be filed by the proponents or by a person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, a petition section shall not be amended except by order of a court of competent jurisdiction.

When the petition is presented for filing, the elections official shall do all of the following:

(a) Ascertain the number of registered voters of the city last reported 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.

(b) Determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, he or she shall accept the petition for filing. The petition shall be deemed as filed on that date. If, from this examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the official shall not take further action.

§ 9211. Examination of petition; signatures

After the petition has been filed, as herein provided, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

§ 9212. Report from city agencies on effect of proposed initiative measure

(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9215, the legislative body may refer the proposed initiative measure to a city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

§ 9213. Report on number of proposed initiatives

On or before April 1 of each odd-numbered year, the elections official of each legislative body shall file a report with the Secretary of State containing the following information:

(a) The number of municipal initiative petitions circulated during the preceding two calendar years which did not qualify for the ballot, and the number of these proposed initiatives for which reports were prepared pursuant to Section 9212.

(b) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

(c) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were not approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

§ 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).

§ 9215.5. Withdrawal of initiative

The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

§ 9216. Veto

In cities having a mayor, or like officer, with the veto power, when the passage of an ordinance petitioned for by the voters is vetoed, the failure of the legislative body to pass the ordinance over the veto shall be deemed a refusal of the legislative body to pass the ordinance within the meaning of this article.

§ 9217. Adoption of ordinance; effective date, repeal and amendment

If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.

§ 9218. Number of ordinances; special elections

Any number of proposed ordinances may be voted upon at the same election, but the same subject matter shall not be voted upon twice within any 12-month period at a special election under the provisions of this article.

§ 9221. Conflicting ordinances adopted at same election

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

§ 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.

§ 9223. Proposed ordinance or measure; printing; availability of copies on request

Whenever any ordinance or measure is required by this article to be submitted to the voters of a city at any election, the elections official of the legislative body shall cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request.

§ 9224. Enacting clause

The enacting clause of an ordinance submitted to the voters of a city shall be substantially in the following form:

“The people of the City of _____ do ordain as follows:”.

§ 9226. Statewide initiative measures

This article does not apply to any statewide initiative measure.

CALIFORNIA ELECTIONS CODE SECTION 9235 TO 9247

REFERENDUM

§ 9235. Effective date of ordinances

No ordinance shall become effective until 30 days from and after the date of its final passage, except:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An ordinance for the immediate preservation of the public peace, health, or safety that contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the city council.
- (c) Ordinances relating to street improvement proceedings.
- (d) Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

§ 9236. Revenue bonds; joint powers entity; effective date of ordinances; petitions; ballot wording

- (a) Notwithstanding Section 9235, ordinances authorizing the issuance of revenue bonds by a city as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days.
- (b) When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the city described in subdivision (a) exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election. When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the city is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election.

(c) For the purpose of submitting the question to the voters pursuant to subdivision (b), the ballot wording shall approximate the following:

“Shall the _____ (city name), as a member of the _____ (joint powers entity name), authorize the issuance of revenue bonds by the joint powers entity in the amount of \$_____ pursuant to ordinance number _____, dated _____, the bonds to be used for the following purposes and to be redeemed in the following manner: _____?”

§ 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.

§ 9237.2. Withdrawal of referendum by proponent; timing

The proponent of a referendum may withdraw the referendum at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

§ 9237.5. Petition procedure and submission of ordinance to voters to be governed by this code

The provisions of this code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections shall govern the petition procedure and submission of the ordinance to the voters.

§ 9238. Petition; declaration

(a) Across the top of each page of the referendum petition there shall be printed the following:

“Referendum Against an Ordinance Passed by the City Council”

(b) Each section of the referendum petition shall contain all of the following:

(1) The identifying number or title of the ordinance.

(2) Either of the following:

(A) The text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(B) An impartial summary of the referendum not to exceed 5,000 words prepared pursuant to the following procedure:

(i) Within three business days of the final passage of the ordinance, the referendum’s proponents shall file a copy of the proposed summary with the local elections official, who shall immediately transmit a copy of the proposed summary to the city attorney.

(ii) Within 10 business days the city attorney shall issue an approved summary to the local elections official and the referendum’s proponents for circulation. The city attorney may edit the summary prior to approval. All edits made to the summary shall be true and impartial and shall not contain argument or any matter likely to cause prejudice for or against the referendum. The city attorney may add the full text of the ordinance, or the portion of the ordinance that is the subject of the referendum, to the summary if doing so would not exceed the 5,000-word limit.

(iii) The summary shall include a link to a public website containing the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(iv) The 5,000 word limit imposed by this subparagraph shall include all attachments, exhibits, and other supplements to the summary.

(v) If the city attorney fails to issue an approved summary within 10 business days, the proposed summary submitted by the proponents shall be considered approved.

(vi) Notwithstanding Section 9235, proponents who circulate a referendum petition pursuant to this subparagraph shall have 30 days from the date the summary is

approved to submit a petition with the required number of signatures to the local elections official. The ordinance subject to the referendum petition shall not become effective until this period has expired.

(C) After the proponents begin circulating a referendum petition prepared pursuant to subparagraph (A) or (B), the proponents shall not circulate another version of the referendum petition prepared using the other method.

(c) The petition sections shall be designed in the same form as specified in Section 9020.

(d) Each section of the referendum petition shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022.

§ 9239. Determination of number of signatures; filing

Petitions shall be accepted for filing by the elections official and the determination of the number of signatures thereon shall be made by the elections official in accordance with Section 9210. Petitions 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.

§ 9240. Examination of signatures

After the petition has been filed as herein provided, the elections official shall examine the petition and certify the results in the same manner as are county petitions in Sections 9114 and 9115 except that, for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

§ 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.

§ 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.

§ 9243. Initiative provisions; application

Elections pursuant to this article shall be held in accordance with Sections 9217 to 9225, inclusive.

§ 9244. Veto

Whenever the legislative body of a city has voted in favor of the repeal of an ordinance protested against by the voters, as provided in this article, and the mayor, or like officer, has vetoed the repeal, the failure of the legislative body to pass the repeal over the veto shall be deemed a refusal to repeal the ordinance.

§ 9245. Date of final passage

If approval of an ordinance by the mayor or like officer is necessary, the date of approval shall be deemed the date of its final passage by the legislative body within the meaning of this article.

If an ordinance becomes law when the time for approval or veto has expired, and no action has been taken, the date of the expiration of that time shall be deemed the date of its final passage by the legislative body within the meaning of this article.

§ 9246. Election duties

Any duty imposed in this chapter upon the legislative body of a city with regard to calling a municipal election, or in connection with an election called pursuant to

this chapter, is likewise imposed upon any officer having any duty to perform connected with the election, so far as may be necessary to carry out this chapter.

§ 9247. Scope of chapter

Article 1 (commencing with Section 9200) and this article do not apply to cities having a charter adopted under Section 3 of Article XI of the California Constitution, and having in their charters any provision for the direct initiation of ordinances by the voters; nor to proceedings had for the improvement of streets in or rights-of-way owned by cities, the opening or closing of streets, the changing of grades or the doing of other work, the cost of which, or any portion of the cost which is to be borne by special assessments upon real property.

Petition to the California Building Standards Commission

Regarding Building Standards in Title 24, California Code of Regulations

Instructions

1. Use this form to petition the California Building Standards Commission (CBSC) for the repeal, amendment or creation of a building standard pursuant to the repeal provisions in Title 24, Part 1, Article 3, California Administrative Code, detailed on page two of this form.
2. Attach additional sheets if necessary.
3. Mail completed form and all attachments to CBSC, 2525 Natomas Park Dr., Suite 130, Sacramento, CA, 95833-2936.

Note: This form is NOT to be used to comment on proposed building standards.

Petitioner Information

Last Name		First Name	
Representing			
Mailing Address		City, State	Zip Code
Email Address			Phone Number

Purpose of Petition (check as appropriate)

Repeal Existing Building Standard Amend Existing Building Standard Create New Building Standard

If this petition proposes the repeal or amendment of existing building standards in Title 24, identify the part number(s) and section number(s).

Part	Section	Part	Section
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Justification for Petition

1. Explain the problem and rationale for this petition. See page two Section 1-315(b).
2. Explain how the problem has statewide significance. See page two Section 1-315(a).
3. Is the problem giving cause for emergency action because of an imminent danger to public health, safety or welfare? See Section 1-317 on page two. Yes No If yes, explain:

Petition History

Have you previously petitioned CBSC or another state or local agency regarding this matter?
 Yes No If yes, explain below and attach a copy of the previous petition(s) and a copy of all related correspondence and decisions rendered.

Attachments

If this petition has attachments, enter the number of pages attached:

Regulatory References

A response to your petition will be provided in accordance with the petition provisions in the California Code of Regulations (CCR), Title 24, Part 1, California Administrative Code, Chapter 1, Article 3.

To assist in completing the petition, some applicable provisions have been provided below. However, the submitting petitioner(s) should review the full text of current regulations available online at the [commission's website www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc).

Section 1-313. Petitions

(a) Any local governmental agency, firm or member of the public may petition either the Commission or the authoritative agency for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24 of the California Code of Regulations.

(d) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the adopted building standard or for the subject of the proposed building standard as proposed by the petitioner. A state agency receiving a petition referred by the Commission shall process the petition as required by this Article, including the reporting of actions and decisions by the agency to the Commission.

(e) Petitions are not to be used to address matters relating to currently proposed buildings standards. Any concerns relating to currently proposed building standards should be brought forward during the public comment period designated for the proposed building standard.

Section 1-315. Criteria for Petition A petition for the adoption, amendment or repeal of a building standard must meet the following criteria:

(a) The subject issue must have statewide significance and must have implications for a whole category of projects or a broad range of project types, and:

(b) The rationale for the petition must take the form of at least one of the following criteria:

1. A current building standard conflicts with pertinent statute(s) and/or regulation(s). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s) and/or regulation(s), and provide a clear written description of why the two are inconsistent.
2. Compliance with a current building standard is routinely impossible or onerous. To substantiate this criterion, the petitioner must cite the current building standard, present written or photographic evidence of the difficulty in complying with it, and clearly show that the problem is common or potentially common to many different projects or project types in many different circumstances. This criterion shall not be used to justify a petition for the repeal or amendment of a current building standard that poses difficulty to a single project.
3. A current building standard is inefficient or ineffective. To substantiate this criterion, the petitioner must cite the subject building standard, provide clear and concise written or photographic evidence of its ineffectiveness or inefficiency, describe a proposed alternative, and provide clear and convincing written or photographic evidence that it is more efficient or effective.
4. A current building standard is obsolete. To substantiate this criterion, the petitioner must show at least one of the following facts:
 - A. A material or product specified in the building standards is not available, or
 - B. There is no statute authorizing the subject building standard, or
 - C. Significant developments in procedures, materials or other issues subject to the building standard have created a need for amendment or deletion of the building standard; that current state statutes permit amendment or deletion of the building standard; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of building standards.
5. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain why it is necessary, and cite the statute(s) that require or authorize the new building standard.

Section 1-317. Emergency Petition

(a) A petitioner may assert that the petition requires immediate action because there is imminent danger to the public health, safety or welfare. To substantiate the existence of a potential danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.

(b) If the emergency petition is approved by the Commission and if the petition is accepted pursuant to this article, the proposing agency or adopting agency shall develop and/or adopt new or amended building standards necessary to satisfy the cause for the petition. The new or amended building standards shall be proposed and adopted as emergency building standards as permitted by Health and Safety Code Sections 18934.8 and 18937, and as provided for in section 1-419 of this chapter.

Authority & Reference: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6. These provisions may be accessed at the [California Legislative Information website](http://leginfo.ca.gov/faces/home.xhtml): <http://leginfo.ca.gov/faces/home.xhtml>.