



City of Carmel-by-the-Sea
Building Safety Division
Standard Operating Guidance
SOG 20-03 – COVID- 19 Essential/Emergency Work Determination

Background

On April 3, 2020 the Monterey County Health Officer issued a revised Shelter-in-Place order with specific guidance on allowable construction work under the Order. The City of Carmel is charged with enforcing the construction work provisions under the order. This SOG provides guidance on how the current Order is being implemented.

Citations

CA Health and Safety Code Sections 101040, 101085, and 120175
CCR Title 24, Part 2, Volume 1 CA Building Standards Code Sec. 105.6
Carmel Municipal Code Section 15.08.010 Building Code Adopted

Guidance

In general, under the Order all non-essential, non-emergency construction activities are required to cease until the SIP order is lifted. The City has been working with the construction community for the past week to allow time for current project sites to be made safe and secure prior to shutting down as stipulated in Sec. F (vi)(7) of the Order. All projects which do not involve essential or emergency work as described in the Order and City guidance documents and approved by the City are expected to be made safe and secure and substantially shut down by the close of business on Friday, April 17, 2020.

Implementation of the order was addressed in an open letter and email issued to the City's Development Community Partners by the Acting Community Planning and Building Director on April 6, 2020 (attached). That letter describes the types of construction activities that may be completed in the act of shutting down the site.

The Community Planning and Building Dept. has received numerous requests for interpretation of the requirements related to the allowed construction activities under Sec. F(vi)(7)&(8) of the Health Officers Order. These sections describe:

“7) Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and

8) Construction or repair necessary to ensure that residences and buildings containing Essential Businesses (as defined in the order) are safe, sanitary or habitable and operable, to the extent such construction or repair cannot reasonably be delayed”.

For any existing, permitted project proposing to conduct essential/emergency work the Contractor of Record for the project shall submit a letter with the current, active building permit number, and

contractor and owner contact information written, detailed description of the work proposed; a detailed description of why the proposed work is considered emergency/essential work as described in the Order; and providing a proposed time frame for completion of the emergency/essential work only. That letter must be submitted electronically to scareylang@ci.carmel.ca.us for review and approval by the building official.

While the City has ceased to issue new building permits for non-emergency/non-essential projects, permits for legitimate emergency/essential work as described in the Order are still being allowed. To potentially obtain a building permit for emergency/essential work, applicants must submit a permit application, plans, specifications, calculations and related construction documents as required for all permit applications. The applicant shall also submit a detailed scope of work describing the specific construction operations proposed; a detailed description of why the proposed work is considered emergency/essential work as described in the Order; and providing a proposed time frame for completion of the emergency/essential work only. In addition, the Contractor of Record (COR) shall submit a fully completed and signed Construction Site Pandemic Safety Plan with the application packet.

The Plan shall be submitted on the form provided by the City for that purpose (See SOG 20-02 COVID-19 Emergency Work Guidance). Upon approval of the permit the COR shall post the Plan and Infection Prevention Measures poster provided by the City with the approved permit documents; and shall provide a copy of the plan to all employees working on the site, including sub-contractors and their employees.

The COR is responsible for assuring that all employees and project personnel operating on the site are in compliance with the plan. Failure to provide a safe workplace by implementing the required pandemic mitigation measures may result in a Stop Work Order being issued for the project until the SIP order is lifted.



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April 6, 2020

Subject: Construction Activities in Carmel-By-The-Sea

Development Community Partners,

The Monterey County Public Health Officer issued an amended shelter in place order on Friday, April 3rd (attached). The amended order took effect at 11:59 PM on the 3rd. The amended order further limits construction to the following activities:

v1. Construction, but only of the types listed in this subparagraph below:

- 1) Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure;
- 2) Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations;
- 3) Affordable housing that is or will be at least partially income restricted, including multi-unit or mixed-use developments;
- 4) Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
- 5) Shelters and temporary housing, but not including hotels or motels;
- 6) Projects immediately necessary to provide critical noncommercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
- 7) Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and**
- 8) Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable and operable, to the extent such construction or repair cannot reasonably be delayed.**

At this time, active construction sites that do not meet the criteria above must begin the shutdown process and take all reasonable measures to ensure sites remain safe and secure. Examples of construction activities that may be completed in preparation for shutting down the

site include, but are not limited to,

- a) Make the building weather tight by sealing exterior openings and weather proofing the roof;
- b) Fill in, cover or fence off open trenches;
- c) Complete shoring required to stabilize adjacent properties;
- d) Ensure proper site drainage;
- e) Implement and maintain BMP's; and
- f) Work required to make electrical and plumbing systems safe and sanitary within occupied buildings.

Requests to complete other construction activities for health and safety reasons can be submitted to our office and will be evaluated on a case-by-case basis. The City will continue to review and issue permits for emergency/urgent work related to electrical, mechanical or plumbing systems or stoppage of active leaks in a building's weather protection systems.

The Carmel Police Department will be monitoring activity in the village to ensure that the public health order is adhered to.

The actions we take over the next few weeks are critical to mitigating the spread of COVID-19 in our community. While we understand the financial impacts these decisions have on businesses and individuals, we ask for your continued cooperation as we make these difficult decisions in order to protect you, your families, and our community.

Thank you,



Marnie R. Waffle, AICP
Acting Community Planning & Building Director