

ORDINANCE NO. 16-017

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING CHAPTER
18.04 OF THE PACIFIC GROVE MUNICIPAL
CODE REGARDING THE ADOPTION OF BUILDING AND
RELATED INTERNATIONAL CODES**

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Pacific Grove ("City") may adopt the provisions of the International Building Code, the Plumbing Code, the Mechanical Code, the Fire Code, the Housing Code, and the National Electrical Code, to protect the health, welfare and safety of the citizens of Pacific Grove because of local climatic, geological, topographical, and environmental conditions; and

WHEREAS, this Ordinance is found to be categorically 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, in accordance with state law, local jurisdictions can incorporate additional regulations that address special circumstances in the community or area provided that they are at least as restrictive as the statewide codes.

WHEREAS, the Pacific Grove City Council hereby finds as follows:

(1) Specific amendments have been established by the City that 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.

(2) **Profile of the City of Pacific Grove:** The City encompasses 4 square miles of land, with a resident population of 15,295 as of the 2012 census. The physical location of the City is between the adjacent lands of the City of Monterey and the City of Carmel.

The placement of the residential and commercial development within the City has generally adopted itself to local topography. Other unique environmental characteristics include the flatter plains, dunes habitat and the shoreline of Monterey Bay, which attract the visitor population.

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

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

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition, which has caused grassland and brush land fires in recent years. While normal temperatures usually do not exceed 75-80 degrees, during late summer and early fall (August, September, October) the temperatures can climb to 85 degrees plus. The afternoon winds can move a fire quickly in the hillsides of the City.

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

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

(4) **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.

(5) **Geographical I:** Residents and visitors alike appreciate the scenic appeal and geographical features of the City. The forested areas provide a backdrop for the City itself. These geographical features create concern for accessibility for fire suppression forces.

The forested areas produce fuel. The dry vegetation, terrain, and minimal water available tend to cause concern and added fire problems.

The City is adjacent to potentially active seismic hazards with respect to the "Navy," "Berwick Canyon," "Chupines" and "Seaside" faults. While systems have been developed to study and monitor the activity of earthquakes, science has not yet been able to predict (with reliability) the potential for activity on these or any active fault.

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

The geographical layout of the forested areas creates hazardous conditions when a storm of gale-force winds causes trees to fall onto roadways used for access by Fire

Department equipment and personnel. The growing pattern and inherent nature of the Monterey Pine lends itself to being blown over easily. This is due in part to the shallow root system associated with the Monterey Pine tree.

Land movements have also been experienced within the City, due to roadway systems within and adjacent to the City. While stabilization can sometimes be provided, heavy rainfalls have caused failures. These failures have closed roadways, making accessibility impossible until properly cleared.

Mountains and hills surrounding the City of Pacific Grove create slopes in excess of 60% with an overall average of between five to ten percent throughout (if an average slope were to be accessed). The City has a start at sea level and extends to areas well above sea level.

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

(7) **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.

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 supplies within the City vary from less than 250 gallons-per-minute to flows in excess of 5,500 gallons-per-minute. This wide variation causes major problems to development, as well as fire suppression forces.

The potential for conflagration exists with the high build out of specific areas of the City. The concentrated commercial, as well as residential occupancies cause concern regarding the exposure elements of building-to-building areas of this City.

The topographical nature of the City also lends itself to power failures caused when trees and tree limbs damage sections of electrical transmission lines. These power failures cause the electrical pumps to become inactive, interrupting water supplies. Vehicular accidents also have been known to interrupt this pumping operation, due to the narrow streets, which are congested with residents and visitors.

Forested areas within the City gives rise to fires potential. In some areas, built property-line to property-line, structures create an element of continuous construction. Residential as well as commercial occupancies can be found adjacent to the shoreline of Monterey Bay.

Lastly, while possibly not being within the “topographical” context of Findings of Fact, the historical significance is a major visitor draw for the City. 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 yards, etc., many 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. Many historical buildings, dating back to the early 1800’s are irreplaceable.

These Findings of Fact, which identify the various “climatic, geographical, and topographical” conditions, are 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 requirements may serve to reduce the severity and potential loss of life and property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The City Council finds each recital set forth above to be true and correct, and by this reference incorporates each as an integral part of this Ordinance.

SECTION 2. Existing Municipal Code section 18.04.010 of Chapter 18.04, entitled “Building Codes” shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

18.04.010 Adoption of building codes.

Except as otherwise amended by this chapter and this title, the following amended model codes are hereby adopted by reference and are incorporated in this chapter as if fully set forth herein, as authorized by Government Code Section 50020 et seq. The city manager may enforce these codes in accord with the enforcement procedures and remedies set forth in Chapter 1.19 PGMC, in addition to any other provision of law.

(a) General Provisions. The following amended model codes are hereby adopted by reference as if set forth fully herein:

- (1) 20136 California Building Code and Appendices I and J;
- (2) 20136 California Historic Building Code;
- (3) 20136 California Existing Building Code;
- (4) 20136 California Residential Code;
- (5) 20136 California Plumbing Code;
- (6) 20136 California Electric Code;
- (7) 20136 California Mechanical Code;
- (8) 20136 California Fire Code and Appendices A through J;
- (9) 20125 International Property Maintenance Code.

(b) Building Code – Amendments to the 20136 California Building *and related Codes.*

SECTION 3. This Ordinance shall take effect on January 1, 2017.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS 19th day of October, 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, Miller, and Peake.

NOES: None.

ABSENT: None.

APPROVED:

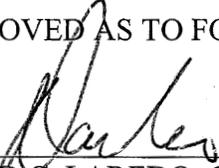

BILL KAMPE, Mayor

ATTEST:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney