

ORDINANCE NO. 19-012

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING
CHAPTERS 18.04 AND 18.32 OF THE PACIFIC GROVE MUNICIPAL
CODE REGARDING THE ADOPTION OF BUILDING AND
RELATED INTERNATIONAL CODES**

FINDINGS OF FACT

1. The California Building Standards—comprising provisions of the International Building Code, the Plumbing Code, the Mechanical Code, the Fire Code, the, and the National Electrical Code—are revised on a multi-year cycle; and
2. In January 2019, the State adopted and approved the 2019 Edition of the Building Standards Codes, also known as the 2019 Edition of the California Codes, which become effective January 1, 2020;
3. All local jurisdictions in California are mandated to begin enforcement of these new codes and standards by January 1, 2020; and
4. 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 additional provisions of the 2019 Edition of the California Codes, to protect the health, welfare and safety of the citizens of Pacific Grove because of local climatic, geological, topographical, and environmental conditions; and
5. In 2016, the City Council adopted specific amendments more restrictive in nature than the California Codes adopted by the State of California and commonly referred to as Title 24 and Title 25 of the California Administrative Code based on the City’s climatic, geographical, or topographical conditions.
6. The City Council finds and determines that all but Section 105.5 and Section R105.5 of the 2016 amendments shall apply to the 2019 Edition of the California Codes as each of the following conditions presently exist, which either singularly or in combination causes the established amendments to be adopted; and

Profile of the City of Pacific Grove: The City encompasses an area of 4 square miles of land, with 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 of Pacific Grove has generally adopted itself to areas of least resistance, within the confines of ridges, foothills, mesas, and canyons. Other unique environmental characteristics include the flatter plains that contain the shoreline of Monterey Bay, which creates the boundaries that attract the visitor population.

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

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

a. 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 eighteen to nineteen (18-19) inches on the average yearly calendar. Summer conditions, with the prevalent Pacific High Cell create the mid-day fog normally associated with 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 and canyon areas of the City.

Because of weather patterns and population increases, 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.

b. 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.

c. Geographical I: Residents and visitors alike appreciate the scenic appeal and geographical features of the City. The mountains and canyons accent one another, as they wind around the City. The forested areas along with the lower brush lands give a feel of balance and a sort of backdrop for the City itself. These geographical features establish the roadways and building sites, as well create barriers for accessibility for fire suppression forces.

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

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

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

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

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

Mountains and hills surrounding and within the City, 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 in excess of 600 feet above sea level. The elevation change caused by the mountains and hills creates the geographical foundation on which the City has built and will continue to build. With much of the flatlands already built upon, it can be anticipated that future growth will occur on steeper slopes and with greater contrasts in terrain.

- d. **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.

- e. **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, due to the elevation changes, as well as mountains, hills, canyons, lakes, and streams that dissect 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 may cause problems to development, as well as fire suppression forces.

The roadway system is designed around the topography with respect to narrow, windy, steep grades and overhanging tree branches. The grades on the roadway surfaces exceed 25% and widths of less than twelve (12) feet for access are not uncommon. Due to traffic congestion on many streets, especially the commercial downtown area, vehicles double park for loading and unloading purposes. This creates barriers that reduce response time of fire equipment.

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

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

The topographical nature of Pacific Grove also lends itself to power failures caused when trees and tree limbs damage sections of electrical transmission lines. These power failures cause the electrical pumps to become inactive, interrupting water supplies. Vehicular accidents also have been known to

interrupt this pumping operation, due to the narrow streets, which are congested with residents and visitors.

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

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

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 Pacific Grove. 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. Forty-four to fifty historical buildings, dating back to the early 1800’s are irreplaceable.

While it is clearly understood that the adoption of these amendments 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.

7. These Findings of Fact, which identify the various “climatic, geographical, and topographical” conditions, are reasonably necessary to modify the requirements established pursuant to Health and Safety Code Section 17922 based upon local conditions.
8. The Council expressly affirms the local amendments set forth in PGMC 18.04.010(b) including the deletion of Sections 105.5 and R105.5; and
9. 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”) as it does not have the potential to cause a significant effect on the environment.

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

SECTION 1. The City Council finds each fact set forth above to be true and correct, and by this reference incorporates each as an integral part of this Ordinance pursuant to Section 17958.5 and Section 17958.7 of the California Health and Safety Code.

SECTION 2. Section 18.04.010 of the Pacific Grove Municipal Code is amended by with the text set forth in bold, underlined and italicized text below 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) 2016~~9~~ California Building Code and Appendices I and J;
- (2) 2016~~9~~ California Historic Building Code;
- (3) 2016~~9~~ California Existing Building Code;
- (4) 2016~~9~~ California Residential Code;
- (5) 2016~~9~~ California Plumbing Code;
- (6) 2016~~9~~ California Electric Code;
- (7) 2016~~9~~ California Mechanical Code;
- (8) 2016~~9~~ California Fire Code and Appendices A through J;
- (9) 2015~~9~~ International Property Maintenance Code.

(10) 2019 California Energy Code

(11) 2019 Green Building Standards Code

(b) Building Code – Amendments to the 2016~~9~~ California Building and related Codes.

Section 105.5 is hereby amended to read as follows:

~~105.5 Expiration of Permits: Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2010 California Building Code within one year of such permit.~~

~~The building official may grant a one-time permit extension of 180 days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the project has not changed in scope and further provided that the applicant submits this request in writing and pays the fee required by the City Master Fee Schedule for each requested 90-day extension.~~

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

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

Section R105.5 is hereby amended to read as follows:

~~R105.5 Expiration of Permits: Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2010 California Building Code within one year of such permit.~~

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

~~applicant pays the fee required by the City's Master Fee Schedule for each 90-day extension.~~

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

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

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. 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.

SECTION 5. This Ordinance shall take effect on January 1, 2020.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS 4th day of September, 2019, by the following vote:

AYES: Mayor Peake, Councilmembers Amelio, Garfield, Huitt, McAdams, Smith, and Tomlinson

NOES:

ABSENT:

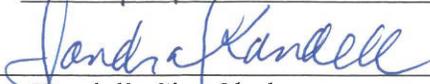
APPROVED:



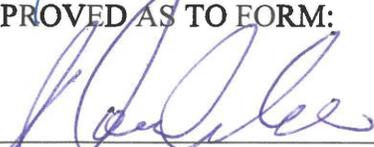
BILL PEAKE, Mayor

ATTEST:

Dated: 9/5/19


Sandra Kandell, City Clerk

APPROVED AS TO FORM:


DAVID C. LAREDO, City Attorney