



CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 • FAX (831) 394-6421

February 3, 2011

AGENDA

REGULAR DEL REY OAKS PLANNING COMMISSION MEETING
WEDNESDAY, FEBRUARY 9, 2011 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL, CITY HALL

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA:
 - A. Planning Commission Meeting Minutes, December 8, 2010
4. PUBLIC COMMENTS:

Anyone wishing to address the Commission on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered by the Commission. *There will be a time limit of not more than three minutes for each speaker. No action will be taken by the Commission on matters brought up under this item and all comments will be referred to staff.*
5. REPORTS:
 - A. Building Activity Report, January 2011
 - B. City of Del Rey Oaks Meeting Calendar 2011
6. NEW BUSINESS:
 - A. **Project Name:** Jim Maxom/Moore Design
File Number: ARC #11-01
Site Location: 947 Paloma Drive
Planning Area: APN#012-592-014
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review to add 152 square feet to rear of the existing single family dwelling.

Materials and colors to match existing residence.

Recommended Action: Analyze provided material, make appropriate findings and give direction to staff.

- B. **INFORMATION:** Adoption of the 2010 California Building Code and Related building construction codes.
- C. **INFORMATION:** Adoption of the 2010 California Fire Code with amendments thereto.

7. **ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS**

8. **NEXT MEETING:** Wednesday, March 9, 2011 at 6:00 P.M.

9. **ADJOURNMENT**

All enclosures and materials regarding this agenda are available for public review at Del Rey Oaks City Hall. Information distributed to the Planning Commission at the meeting becomes part of the public Record. A copy of written material, pictures, etc. should be provided to the Secretary for this purpose.

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING
COMMISSION WEDNESDAY, DECEMBER 8TH, 2010 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Larson, Hayworth, Thayer, Jaksha and Chairman Clarke

Absent: Commissioner Weir and Lucido

Also Present: City Manager Daniel Dawson and Deputy City Clerk Minami

CONSENT AGENDA:

The Commission considered **ITEM 2.A.**, Planning Commission Meeting Minutes, September 8, 2010

Motion by Commissioner Jaksha to approve,

seconded by Commissioner Hayworth

There were no comments received

Motion passed 5-0

PUBLIC COMMENT:

None

BUILDING REPORT:

The Commission considered **ITEM 4.A.**,
Building Activity Report, November 2010

Building report accepted.

There were no comments received.

NEW BUSINESS:

The Commission considered **ITEM 5.A.**,

Project Name: Joe Kerr/Lance Holt

File Number: ARC #10-08

Site Location: 29 Los Encinos

Planning Area: APN#012-592-014

Environmental Status: Categorically Exempt

Project Description: Requesting Architectural Review to add a 41 square foot addition to west side of the existing single family dwelling. Materials and colors to match existing residence.

Recommended Action: Analyze provided material, make appropriate findings and give direction to staff.

Joe Kerr, applicant: Addition is planned for under the driveway and the driveway is similar to a bridge. The addition is for more storage in the master bed room and an extension to the bathroom for a waterless urinal.

Commission Thayer: Congratulation on saving water, will you need a survey?

Chairman Clarke: Likes the idea. Won't need a survey.

Motion by Commissioner Thayer to approve item 5.A. 29 Los Encinos as presented, seconded by Commissioner Hayworth.

There were no comments received

Motion passed 5-0

OLD BUSINESS: None

ANNOUNCEMENTS/COMMENTS:

Chairman Clarke: Congratulations to Mayor Edelen and Councilmember Allion and Cecilio on the recent election.

Commission Jaksha and Hayworth: Won't be able to attend the Holiday Party.

NEXT MEETING: Wednesday, January 10, 2011 at 6:00 p.m.

7:15 p.m. Meeting Adjourned

Approved:

CITY OF DEL REY OAKS
 BUILDING ACTIVITY REPORT
 JANUARY
 2011

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-08-35	12/11/08	942 Angelus Way	Morgan/Owner-Builder	New Garage	R-1	Extension 1/3/11	N/A
B-10-29	09/16/10	1035 Portola	Crusan/Owner-Builder	Addition	R-1	Current	11/24/2010
B-10-32	10/11/10	820 Avalon	Bailey/Owner-Builder	Addition	R-1	Current	11/24/2010
B-10-34	11/24/10	7 Voe Place	Munoz/Owner-Builder	R&R Kitchen and Bath	R-1	Current	12/15/2010
B-11-01	01/05/11	21 Saucito	Monnes/Waynes Const.	R&R Kitchen and Bath	R-1	Current	1/27/2011
B-11-02	01/07/11	29 Los Encinos	Kerr/Lance Holt Const.	Addition	R-1	Current	1/7/2011
B-11-03	01/18/11	861 Portola	Mendez/Riperatti Roofing	Re-Roof	R-1	Current	1/31/2011
B-11-04	01/31/11	1113 Rosita	Harris/Dynamite Roofing	Re-Roof	R-1	Current	1/31/2011

2011

 - Planning Commission
 - City Council

January							February							March							April						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12	3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28	27	28	29	30	31	24	25	26	27	28	29	30	24	25	26	27	28	29	30
30	31																										

May							June							July							August						
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1	2	3	4	5	6	7	5	6	7	8	9	10	11	3	4	5	6	7	8	9	1	2	3	4	5	6	
8	9	10	11	12	13	14	12	13	14	15	16	17	18	10	11	12	13	14	15	16	7	8	9	10	11	12	13
15	16	17	18	19	20	21	19	20	21	22	23	24	25	17	18	19	20	21	22	23	14	15	16	17	18	19	20
22	23	24	25	26	27	28	26	27	28	29	30	24	25	26	27	28	29	30	21	22	23	24	25	26	27		
29	30	31												28	29	30	31										

September							October							November							December									
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S			
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10			
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17			
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24			
25	26	27	28	29	30	23	24	25	26	27	28	29	27	28	29	30	25	26	27	28	29	30	31	25	26	27	28	29	30	31

CITY OF DEL REY OAKS MEETING CALENDAR



DATE: February 9, 2011
TO: Planning Commission
FROM: Karen Minami - Deputy City Clerk
RE: Agenda Item 6.A. – 947 Paloma Drive

Project Name: Jim Maxom/Moore Design
File Number: ARC11-01
Site Location: 947 Paloma Drive
Planning Area: APN# 012-543-007
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review to add 152 square feet to the rear of existing single family dwelling. Materials and colors to match existing residence.
Recommended Action: Analyze provided material, make appropriate findings and give direction to staff.

CONFLICT OF INTEREST: Chairman Clarke owns property, within 500 feet of the project site and should step down during the consideration of this item.



RECEIVED

JAN 25 2011

DEL REY OAKS CITY CLERK

CITY OF DEL REY OAKS

APPLICATION FOR:

- USE PERMIT
- VARIANCE
- ARCHITECTURAL REVIEW
- Conditional
- Aux. Housing
- Residential
- Signage
- H.O.U.P.
- Minor
- Commercial

APPLICANT'S NAME ~~JIMMY~~ MOORE DESIGN LLC (JOHN)

OWNER'S NAME JIM MAXON

PROJECT ADDRESS 947 PALOMA DRIVE

TELEPHONE# 373 5443 APN # 012-543-007-000

LOT# 7 BLOCK # 4 SUBDIVISION

INSTRUCTIONS:

- Briefly, using as much detail as possible, describe the nature of your permit request.
- For variance request, also include in writing A, B & C of section 17.44.020., along with a detailed plot plan.

152 SF ADDITION TO EXISTING MASTER BEDROOM WHICH WILL INCLUDE A NEW HALF BATH. KITCHEN WILL ALSO BE REMODELED.

Check here if additional materials are attached.

John Moore
Applicant's Signature

I HAVE RECEIVED A COPY OF THE CITY'S FLAGGING/NETTING POLICY AND UNDERSTAND THE REQUIREMENTS THAT MUST BE MET *jm*

-FOR OFFICE USE ONLY-

APPLICATION # ARC 11-01

DATE 1/25/11

FEE \$ 100.00 CASH/CHECK # 1299

RECEIVED BY: *K Mirami*

DATE SCHEDULED FOR CONSIDERATION 2/9/11 @ 6:00

APPROVED _____ DENIED _____

**REPORT TO THE
CITY COUNCIL**
City of Del Rey Oaks, California

DATE: December 28, 2010

FROM: Christopher A. Callihan, City Attorney

SUBJECT: **2010 BUILDING CODE AND FIRE CODE ADOPTION**

RECOMMENDATION:

It is recommended that the City Council adopt an ordinance amending Chapter 15 of the Del Rey Oaks Municipal Code related to the adoption of the 2010 California Building Code and related building construction codes, appendices, amendments, and referenced standards thereto.

It is also recommended that the City Council introduce an ordinance amending Chapter 8.04 of the Del Rey Oaks Municipal Code related to the adoption of the 2010 California Fire Code with amendments thereto.

DISCUSSION:

Building Code

The California Building Standards Commission adopts various codes and standards to serve as the California Building Code and related building construction codes, appendices, and reference standards including State of California amendments that apply throughout the state. Any building standards adopted by the state can be amended locally as reasonably necessary and based on local geologic, climatic or topographic conditions as set forth in California Health and Safety Code sections 17922, 17958.5, and 17958.7.

As Council is aware, the City of Del Rey Oaks contracts with the City of Monterey to provide building services, plan check services, and inspection services. As the City of Del Rey Oaks is similarly situated to the City of Monterey with respect to local geologic, climatic, and topographic conditions, and to provide regional consistency, the proposed ordinance has incorporated the building standards codes and local amendments adopted by the City of Monterey. Additionally, in order to bring the City of Del Rey Oaks Municipal Code up to date and consistent with the proposed ordinance several existing chapters of the Municipal Code must be repealed. Those chapters are individually listed in the proposed ordinance.

Fire Code

The State of California adopts a model code to serve as the California Fire Code. The most recent version, applicable throughout the state, is the California Fire Code, 2010 edition. As with the building standards codes, the City of Del Rey Oaks is authorized by the California Health and Safety Code to make local amendments to the model code provided such amendments are justified by local geologic, climatic or topographic conditions.

As the Council is also aware, the City of Seaside provides fire protection services to the City of Del Rey Oaks pursuant to a fire protection contract. Section 3 of the fire protection contract obligates the City of Del Rey Oaks to "adopt and maintain in effect an ordinance adopting the most current Uniform Fire Code with

amendments consistent with those adopted by Seaside.” And, as the City of Del Rey Oaks is similarly situation with the City of Seaside with respect to local geologic, climatic, and topographic conditions, it is appropriate for the City of Del Rey Oaks to adopt the same fire code and local amendments as those adopted by the City of Seaside. As with the building standards codes, in order to bring the City of Del Rey Oaks Municipal Code up to date and consistent with the proposed ordinance Chapter 8.04 of the Municipal Code must be amended in its entirety.

ISSUES:

1. Shall the City Council adopt an ordinance amending Chapter 15 of the Del Rey Oaks Municipal Code related to the adoption of the 2010 California Building Code and related building construction codes, appendices, amendments, and referenced standards thereto so as to be consistent with the City of Monterey? This ordinance was introduced by the City Council at its regular meeting of November 16, 2010.
2. Shall the City Council introduce an ordinance amending Chapter 8.04 of the Del Rey Oaks Municipal Code related to the adoption of the 2010 California Fire Code with amendments thereto so as to be consistent with the City of Seaside? This ordinance must first be introduced by the City Council for adoption at a subsequent City Council meeting.

FISCAL IMPACT:

There is no direct impact to the City’s General Fund with the City Council’s introduction and adoption of the proposed ordinances.

TIME CONSIDERATIONS:

Time is of the essence as the state model codes are effective January 1, 2011, and the local amendments will not become effective until thirty (30) days following the City Council’s adoption of the ordinances implementing those local amendments.

ALTERNATIVES:

Council may choose to neither introduce nor adopt the proposed ordinances.

Distribution:
City Council
City Manager

Back Up Pages:
Proposed Ordinances

ORDINANCE NO. 271

AN ORDINANCE AMENDING CHAPTER 15 OF THE DEL REY OAKS MUNICIPAL CODE RELATED TO THE ADOPTION OF THE 2010 CALIFORNIA BUILDING CODE AND RELATED BUILDING CONSTRUCTION CODES, APPENDICES, AMENDMENTS, AND REFERENCED STANDARDS THERETO

WHEREAS, the City of Del Rey Oaks has contracted with the City of Monterey to provide building services, plan check and inspections; and

WHEREAS, the City Council of Del Rey Oaks desires to update its laws pertaining to building safety in Del Rey Oaks by adopting updated standard codes which are consistent with those standard codes implemented and enforced in the City of Monterey; and

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Del Rey Oaks may adopt local changes and modifications to the California Building Codes when the City makes findings that the local changes and modifications are reasonably necessary because of the local climatic, geographic, and topographical conditions; and

WHEREAS, the factual findings made in the past continue to be valid and relate to the amendments made to the standard codes in this adoption; and

WHEREAS, the City of Del Rey Oaks has made an environmental finding that the current City of Monterey green building program as compared to title 24, Part 11 also known as Cal Green, is determined to be more restrictive; and

WHEREAS, this Ordinance was 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, the provisions of the 2010 editions of the California Building Code and Appendices I and J, the California Historic Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, the 2006 International Property Maintenance Code, and the 2010 Existing Building Code, as adopted and amended herein, shall not apply to any building or structure for which application for a building permit was made prior to January 1, 2011. Such buildings or structures shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions of this chapter in effect at the date of said application; and

WHEREAS, all other applications not covered by the previous recital shall be processed in accordance with the provisions of the 2010 editions of the California Building Code and Appendices I and J, the California Historic Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, the 2006 International Property Maintenance Code, and the 2010 Existing Building Code, all as adopted and amended in this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF DEL REY OAKS AS FOLLOWS:

SECTION 1. Chapter 15.01 is added to the Del Rey Oaks Municipal Code to read as follows:

Sec. 15.04.010. Building Code.

Except as otherwise amended by Title 15 of this Municipal Code Code, the following model codes are hereby adopted and are incorporated in this chapter by reference and made a part hereof as if fully set forth herein:

1. 2010 CALIFORNIA BUILDING CODE AND APPENDICES I, J;
2. 2010 CALIFORNIA HISTORIC BUILDING CODE;
3. 2010 CALIFORNIA EXISTING BUILDING CODE;
4. 2010 CALIFORNIA RESIDENTIAL CODE;
5. 2010 CALIFORNIA PLUMBING CODE;
6. 2010 CALIFORNIA ELECTRIC CODE;
7. 2010 CALIFORNIA MECHANICAL CODE;
8. 2010 CALIFORNIA FIRE CODE AND APPENDICES A-J
9. 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION 2: Chapter 15.04 of the Del Rey Oaks Code is hereby deleted in its entirety and is replaced with the following which shall read as follows:

Sec. 15.04.010. Amendments to California Building Code.

(a) Section 105.3.2 is hereby amended to read as follows:

Section 105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing AND pays a fee equal to \$500.00 of the for each requested 90- day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

(b) Section 105.5 is hereby amended to read as follows:

Section 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 (one-hundred eighty) 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 (ninety) days 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 a fee of \$1,000 for each ninety (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.

(c) Section 1505.1.1 is hereby amended to read as follows:

Section 1505.1.1 Real Coverings within ALL Fire Hazard Severity Zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or class A roof.

Sec. 15.04.020. Amendments to 2010 California Residential Code.

(a) Section R105.3.2 is hereby amended to read as follows:

Section R105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing AND pays a fee equal to \$500.00 of the for each requested 90- day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

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

Section 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 (one-hundred eighty) 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 (ninety) days 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 a fee of \$1,000 for each ninety (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.

(c) Section R313.2 is hereby amended to read as follows:

Section R313.2 One-and Two-Family Dwellings Automatic Fire Systems. New one- and two-family dwellings, an automatic residential fire sprinkler system shall be installed, or to which additions, alterations, or repairs are made that involve the removal or replacement to 50 percent or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code.

Exception:

(1) One-and two-family dwelling buildings with less than 1500 square feet where an addition will not increase the total square footage to more than 1500 square feet, unless the increase involves a second story (in this case, the 50% linear wall length rule would apply to determine if the project would need an automatic fire sprinkler system).

(d) Section R403.1.3 is hereby amended to read as follows:

Section R403.1.3 Seismic Reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns, or pedestals are permitted.

(e) Section R902.1.1 is hereby amended to read as follows:

Section R902.1.1 Real Coverings within ALL Fire Hazard Severity Zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or class A roof.

SECTION 3. Chapter 15.08 of the Del Rey Oaks Municipal Code is hereby repealed in its entirety.

SECTION 4. Chapter 15.12 of the Del Rey Oaks Municipal Code is hereby repealed in its entirety.

SECTION 5. Chapter 15.16 of the Del Rey Oaks Municipal Code is hereby repealed in its entirety.

SECTION 6. Chapter 15.20 of the Del Rey Oaks Municipal Code is hereby deleted in its entirety and is replaced with the following which shall read as follows:

Sec. 15.20.010. Amendments to California Plumbing Code.

(a) Section 710.1 is hereby amended to read as follows:

Section 710.1 In every case where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet (2') above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer in any new or existing drainage system, approved types of backwater valve, relief vent and cleanout approved shall be installed in the building sewer at the point of lowest elevation of the ground surface of the building site outside of the building or at such other location as is permitted by the Building Inspector, providing that at any such location, the elevation of the ground surface is not less than two (2') below the lowest trap outlet served by the building sewer.

The installation shall consist of an approved fresh air inlet and a Y branch or combination fitting installed in sequence in the line of flow from the building. The vent from this fresh air inlet shall be piped to the ground surface and capped with a vent cap. Provision shall be made by elevation above the ground or by other means for preventing the obstruction of the vent opening or the flow of water therein. The cleanout shall be placed as close to the valve as is practical and shall be piped to within one foot (1') of the ground surface and closed with an approved cleanout plug. Every existing installation which includes a plumbing fixture trap outlet which is less than two feet (2') above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer is hereby declared to be dangerous, unsanitary and a menace to life, health and property. Whenever it shall come to the attention of the Building Inspector that such an installation exists, he or she is hereby empowered to order and require that such plumbing outlet be immediately plugged or capped, or that the equipment described in the preceding paragraph of this section be installed immediately."

SECTION 7. Chapter 15.24 of the Del Rey Oaks Municipal Code is hereby repealed in its entirety.

SECTION 8. Chapter 15.28 of the Del Rey Oaks Municipal Code is hereby repealed in its entirety.

SECTION 9: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Del Rey Oaks City

Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 11. The City Clerk of the City of Del Rey Oaks is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in _____, a newspaper of general circulation circulated in the City of Del Rey Oaks and hereby designated for that purpose by the Council of Del Rey Oaks:

Title 15 of the Del Rey Oaks Municipal Code is hereby amended with regard to updates to the Building Code, the California Historic Building Code, the California Existing Building Code, the California Residential Code, the California Plumbing Code, the California Electrical Code, the California Mechanical Code, the California International Property Maintenance Code, and the California Fire Code.

SECTION 12. This ordinance shall be in full force and effect on January 27, 2011.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF DEL REY OAKS this 28th day of December, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 272

AN ORDINANCE AMENDING CHAPTER 8.04 OF THE DEL REY OAKS MUNICIPAL CODE RELATED TO THE ADOPTION OF THE 2010 CALIFORNIA FIRE CODE WITH AMENDMENTS THERETO

WHEREAS, the City Council of the City of Del Rey Oaks desires to update its laws pertaining to fire prevention in Del Rey Oaks by adopting and amending the 2010 California Fire Code by reference in Chapter 8.04 of the Del Rey Oaks Municipal Code; and

WHEREAS, the 2010 California Fire Code becomes effective on January 1, 2011; and

WHEREAS, pursuant to California Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7 the City may adopt the provisions of the California Fire Code and related California codes with certain amendments which are reasonably necessary to protect the health, welfare, and safety of the residents of Del Rey Oaks because of local climatic, geological, and topographical conditions; and

WHEREAS, the City Council desires to make local changes and modifications and finds that such changes and modifications are reasonably necessary because of the following local geological, topographical, and climatic conditions:

1. Climatic. The climatic weather patterns within the city of Del Rey Oaks are considered to be moderately affected by the ocean bodies of the Pacific Ocean, particularly Monterey Bay, which extend the year-round growing season of vegetation. The normal year's rainfall is approximately eighteen (18) inches on the average yearly calendar. Summer conditions with the prevalent Pacific High Cell create the mid-day fog normally associated with Seaside. This climatic fog assists the natural vegetation growth.

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition which has caused grassland and brushland 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 90 degrees plus. The afternoon winds can move a fire quickly in the city limits and outlying areas that once were Fort Ord.

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.

2. Geological. Seismic activity within the city of Del Rey Oaks occurs yearly with little or no damage, although real potential for damage does exist with four local active faults. New construction may be limited by its respective distance to such faults, and replacement of existing structures could be costly. The region is located in an area of high seismic activity as indicated by the United States Geological Survey. Recent earthquake activity has indicated the lack of flexibility of materials and 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.

3. Topographical. The findings in this section are caused by the construction and design of the city of Del Rey Oaks due to elevation changes, as well as the mountains, hills, and canyons that dissect the city with the addition of a portion of the former Fort Ord military base that is now considered to be a part of Del Rey Oaks. The water supply (domestic and fire flow) is directly affected by the topographical layout.

WHEREAS, this ordinance was found to be categorically exempt from environmental review per section 15061(b)(3) of the CEQA (California Environmental Quality Act) Guidelines; and

WHEREAS, the City Council held a duly noticed public hearing on December 28, 2010, where members of the public had an opportunity to comment on the code adoption and the proposed local amendments thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF DEL REY OAKS AS FOLLOWS:

SECTION 1. Del Rey Oaks Municipal Code Chapter 8.04 is hereby amended in its entirety to read as follows:

Sec. 8.04.010. Adoption of California Fire Code.

The California Fire Code, 2010 edition, is hereby adopted by reference, and made a part hereof, as the Fire Code of the City of Del Rey Oaks.

Sec. 8.04.020. Definitions.

The following terms shall have the definitions set forth in this section, or in any other uniform codes or other nationally recognized fire safety standard, made a part of this chapter, unless otherwise apparent from the context:

- (a) "City" means the City of De Rey Oaks when it refers to a political entity, and means the incorporated area of the City of Del Rey Oaks when it refers to an area.
- (b) "City Council" means the city council of Del Rey Oaks.
- (c) "Fire Chief" means the chief of the fire department serving the City of Seaside.
- (d) "Mayor" means the mayor of the City of Del Rey Oaks.
- (e) "Municipality" means the City of Del Rey Oaks.

Sec. 8.04.030. Bureau of Fire Prevention Established.

The City of Seaside Bureau of Fire Prevention is hereby established to enforce the California Fire Code and shall be presided over by the Fire Chief or his/her designee.

Sec. 8.04.030. California Fire Code, 2010 Edition—Amendments, Additions, and Deletions.

- (a) Section 307.3. of Chapter 3 of the California Fire Code is amended by adding subsection 307.3.1 to read as follows:

Except as otherwise provided in this Section, all outdoor rubbish fires are prohibited. No waste matter shall be disposed of by burning within the City.

- (b) Section 307.4.4 is added to read as follows:

Permit Required. No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained for the purpose of preparation of food, such as in the case of a Luau or barbecue or recreational fire without a permit from the Seaside Fire Department. Other than one and two family residential dwelling units, a permit and/or clearance from the Monterey Bay Unified Air Pollution Control District is required.

- (c) Sections 903.2 through 903.2.18 of Chapter 9 of the California Fire Code are amended to read as follows:

Section 903.2 All Occupancies.

- (1) An automatic fire sprinkler system shall be installed and maintained in all new construction.

Exceptions:

- a. When fire sprinklers are considered undesirable because of the nature of the contents or in rooms or areas which are of noncombustible construction with wholly noncombustible contents and which are not exposed by other areas. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistive construction or contains electrical equipment.
- b. Temporary Buildings under 1,000 sq. ft.
- c. Airport control towers.
- d. One story detached accessory buildings to a group R-3 dwelling units.
- e. Open parking structures.
- f. Sprinklers shall not be installed when the application of water or flame and water to the contents may constitute a serious life or fire hazard, as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium powder and sodium peroxide.
- g. Existing mobile home parks within the City regulated by the Department of Housing and Community Development are exempt: Health and Safety Code, Mobile Home Parks Act, Section 18300.

- (d) Sections 903.3.1.3 of Chapter 9 of the California Fire Code are amended to read as follows:

903.3.1.3 NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one-and two-family dwellings shall be installed throughout in accordance with NFPA 13D.

903.3.1 .3.1. All fire sprinkler systems installed in one-and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for a two-hour duration.

903.3.1.3.2. Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

903.3.1.3.3. Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

(e) Section 903.6 of Chapter 9 of the California Fire Code is amended to read as follows:

903.6 Existing buildings - Repairs, Alterations, and Additions. In all buildings, except where otherwise provided herein in this Section, where the total floor area exceeds five thousand square feet (5000sf), or which are forty feet (40') or more in height, or which are three or more stories in height, they shall be made to comply with the provisions of this Section.

In all buildings where the total floor area exceeds five thousand square feet (5000sf), or which are forty feet (40') or more in height, or which are three or more stories in height, if the repairs or alterations are made exceeding twenty-five percent of the current market value of the building and property as shown in the records of the County Assessor within any three hundred sixty (360) day period shall be made to comply with the provisions of this section.

Exception:

(1) Valuation may also be determined by the replacement costs of the existing structure based upon the most recent "Building Valuation Data" contained in the "Building Standards" magazine published by the International Conference of Building Officials. The intent of this exception is to allow the use of a less restrictive application (if applicable) to determine if repair, alterations or additions are twenty-five percent (25%) or more of the value of the building.

Definitions

Repair. It is the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance.

Alteration. It is any change, addition, or modification in construction or occupancy.

Exception: Projects where the sole purpose is for seismic upgrade.

Existing Group R, Division 3 buildings to which additions, alterations, or repairs are made that involve the removal or replacement to 50 percent or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code.

(f) Appendix AE—Alternative Energy Systems—is added to read as follows:

APPENDIX AE – ALTERNATIVE ENERGY SYSTEMS

AE101.1. Scope. Applications for the installation, additions or remodel of alternative energy system, including but not limited to photovoltaic and wind generation systems, shall be subject to this appendix when conditioned by the fire code official.

AE101.2. Conflicting Sections. Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

AE102. SIGNING AND MARKING: All photovoltaic systems shall be permanently marked as specified in this section.

AE102.1. Main Service Disconnect

a. Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

b. Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

AE102.2. Direct Current (DC) Conduits, Raceways, Enclosures, Cable Assemblies, and Junction Boxes.

a. Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

b. Marking Locations. Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10'), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

c. Marking Content and Format. Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8" capital letters in a non-serif font, to read "WARNING: SOLAR CIRCUIT". Marking shall be reflective,

weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

AE102.3. Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

AE102.4. Installer Information. Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the man disconnect.

AE102.5 Inverters. No markings are required for inverters.

AE102.6 AC Photovoltaic Systems. AC Photovoltaic Systems shall be marked as specified in this section.

a. Main Panel Exterior Marking. A placard is required to be permanently affixed to the car service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

b. Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

AE103 BUILDING MOUNTED PHOTOVOLTAIC SYSTEMS.

AE103.1. All building- or roof-mounted photovoltaic systems shall be installed as specified in this section.

a. Access, Pathways, and Smoke Ventilation. Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

b. Exceptions. Exceptions to the requirements in this section shall be permitted to be granted by the fire code official where access, pathway or ventilation requirements are reduced due to any of the following circumstances:

- (1) Proximity and type of adjacent exposures.
- (2) Alternative access opportunities, as from adjoining roofs.
- (3) Ground level access to the roof.
- (4) Adequate ventilation opportunities below solar arrays.

- (5) Adequate ventilation opportunities afforded by module set back from other rooftop equipment.
- (6) Automatic ventilation devices.
- (7) New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

c. Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch.

d. Measurement Conventions. All roof dimensions shall be measured to centerlines.

e. Roof Access Points. Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

AE103.2 Household Systems (One- and Two-Family Dwellings)

a. Access and Pathways.

(1) Hip Roof Layouts. Modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules are located. The access pathway shall be located at a structurally sound location on the building, such as a bearing wall. EXCEPTION: Where adjoining roof planes provide a three foot (3') wide clear access pathway.

(2) Single Ridge Layouts. Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

(3) Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

b. Ridge Setback. The modules shall be located no higher than one and one-half feet (1-1/2') below the ridge.

AE103.3. Commercial Systems.

a. Definition. Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwelling.

b. Alternative Requirements. Where the fire code official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the fire code official shall be permitted to make a determination to apply the

requirements under Section AE103.2, above.

c. Access. There shall be a minimum six-foot (6') wide clear perimeter around the edges of the roof. EXCEPTION: If either access to the building is 250' or less, there shall be a minimum four foot (4') wide clear perimeter around the edges of the roof.

d. Pathways. Pathways shall be established as follows:

(1) Pathways shall be over structural members.
(2) Centerline axis pathways shall be provided in both axes of the roof.
(3) Centerline axis pathways shall run on structural members or Over the next closest structural member nearest to the center lines of the roof.

(4) Pathways shall be straight line not less than four feet (4') clear to skylights, ventilation hatches, and/or roof standpipes.

(5) Pathways shall provide not less than four feet (4') clear around roof access hatches with at least one not less than four foot (4') clear pathway to the parapet or roof edge.

e. Smoke Ventilation.

(1) Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis.

(2) Ventilator options between array sections shall be (a) a pathway eight feet (8') or greater in width; (b) a pathway four feet (4') or greater in width and bordering on existing roof skylights or ventilation hatches; or (c) a pathway four feet (4') or greater in width and bordering four foot by eight foot (4' X 8) "venting cutouts" every twenty feet (20') on alternating sides of the pathway.

AE104. Location of Direct Current (DC) Conductors.

a. Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

b. Conduit runs between sub-arrays and to DC combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the DC combiner box.

c. DC combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

d. DC wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building and shall be run as follows:

(1) When run perpendicular or parallel to load bearing members, a minimum ten—inch (10”) space below roof decking or sheathing shall be maintained.

(2) Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

AE105 GROUND MOUNTED PHOTOVOLTAIC SYSTEMS

AE105.1. Marking shall be in accordance with Section AE102, above.

AE105.2. Setbacks. Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. NOTE: The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures (possibly including ground-mounted photovoltaic arrays) and property lines.

AE105.3. Clearances. A clear area of ten feet (10’) around ground-mounted photovoltaic installations shall be provided.

AE105.4. Non-Combustible Base. A gravel base or other non—combustible base acceptable to the fire code official shall be installed and maintained under and around the installation.

AE105.5. Protection. Fencing, skirting, or other suitable security barrier shall be installed when required by the fire code official. NOTE: Security barriers are intended to protect individuals and animals from contact with energized conductors or other components.

AE105.6. Fire Sprinkler Protection. Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Del Rey Oaks City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. This ordinance shall be effective on February 27, 2011.

SECTION 4. The City Clerk of the City of Del Rey Oaks is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in the Herald, a newspaper of general circulation circulated in the city of Del Rey Oaks and hereby designated for that purpose by the Council of Del Rey Oaks:

"Chapter 8.04 of the Del Rey Oaks Municipal Code is hereby amended by adopting the 2010 California Fire Code and related codes and making local amendments thereto."

This ordinance was introduced and read on the 28th day of December 2010, and passed and adopted on the 25th day of January 2011, by the following vote:

AYES: Clark, Zuccaro, Cecilio, Allion and Edelen

NOES: None

ABSTAIN: None

ABSENT: None



Jerry Edelen, Mayor

ATTEST:



Daniel Dawson, City Clerk