



CITY OF CARMEL-BY-THE-SEA BUILDING CODE BOARD OF APPEALS AGENDA

Board Members Carolyn Bjorklund, Ron Brown, Adam Jeselnick, Chris Tescher

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

Regular Meeting
Thursday, January 15, 2026

Tour - 11:00 AM
Meeting - 11:00 AM

HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

<https://ci-carmel-ca-us.zoom.us/j/83642318218>

Webinar ID: 836 4231 8218

Passcode: 881133

Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or use the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to nromero@ci.carmel.ca.us. Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

CALL TO ORDER AND ROLL CALL - TOUR (11:00 AM)

TOUR OF INSPECTION

The Board will meet and convene at the first location listed below on the Tour of Inspection at 11:00 a.m. The intent of the Tour of Inspection is to provide a visual sense of the topic matter on the agenda. Discussion is limited to a question-answer format. Members of the public may attend the Tour and may respond to questions for clarification purposes. Following completion

of the tour, the Board will recess and return to the Council Chambers to reconvene the public hearing at 11:30 a.m, or as soon thereafter as possible.

Ocean Avenue 2 Southwest of Camino Real, Carmel-by-the-Sea
(Pasavento)

CALL TO ORDER AND ROLL CALL - CHAMBERS

PLEDGE OF ALLEGIANCE

PUBLIC APPEARANCES

PUBLIC HEARINGS

- 1) APPEAL 25-0597 (Pasavento): Consideration of an Appeal (AP 25-0597, Pasavento) filed by Matthew DeMars appealing the denial of a request to install a fixed exterior fire sprinkler system on top of a single family dwelling at the subject property located at Ocean Avenue, 2 Southwest of Camino Real (Lots 1 and 3, Block M), APN 010-266-014-000

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage (<http://www.ci.carmel.ca.us>) in accordance with applicable legal requirements.

CORRESPONDENCE AND SUPPLEMENTAL MATERIALS

Any correspondence or supplemental materials related to items on this agenda that are received after the agenda has been posted will be distributed to the Building Code Board of Appeals and made available for public review at City Hall (Monte Verde Street between Ocean and Seventh Avenues) during regular business hours, and will be posted online with the related agenda at: <https://carmelbytheseaca.portal.civicclerk.com/>.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA Building Code Board of Appeals Staff Report

January 15, 2026
PUBLIC HEARINGS

TO: Building Code Board of Appeals Members

SUBMITTED BY: Brandon Swanson, Acting City Administrator

SUBJECT: APPEAL 25-0597 (Pasavento): Consideration of an Appeal (AP 25-0597, Pasavento) filed by Matthew DeMars appealing the denial of a request to install a fixed exterior fire sprinkler system on top of a single family dwelling at the subject property located at Ocean Avenue, 2 Southwest of Camino Real (Lots 1 and 3, Block M), APN 010-266-014-000

Application:	AP 250597	Applicant:	Matthew DeMars
APN:	010-266-014-000	Owner:	Robert Pesavento
Block & Lot:	Lots 1 & 3, Block M		
Location:	Ocean Avenue 2 SW of Camino Real		

Recommendation:

Staff recommends the Board of Appeals adopt a resolution (**Attachment 1**):

1. Denying the appeal filed by Matthew DeMars (AP 250597 Pasavento); and
2. Upholding the City's decision to deny the request to install exterior fire sprinklers on top of a single family dwelling at the subject property located at Ocean Avenue, 2 Southwest of Camino Real (Lots 1 and 3, Block M), APN 010-266-014-000. The denial is consistent with the California Fire Code, the Carmel Municipal Code, and the professional determinations of the City's Fire Official, as documented in the materials provided to the Board.

Summary and Background:

Background

The appellant, Matthew DeMars, submitted a request to install exterior fire sprinklers on the roof of a single-family residence. Upon review, City staff and the Fire Department evaluated the request for compliance with applicable codes and for potential impacts on public safety and municipal infrastructure. Following this review, the City denied the request.

The appellant has filed a timely appeal of this decision, which is now before the Building Appeals Board (see **Attachment 3**).

Applicable Regulations and Standards

A. California Fire Code

The California Fire Code establishes minimum standards for fire protection systems to ensure life safety, property protection, and system reliability. As outlined in the supporting documents provided to the Board in **Attachment 2**, exterior fire sprinkler systems are not contemplated as a standard or approved alternative under the applicable Fire Code provisions. The Fire Code requires that fire protection systems be designed, installed, and maintained in a manner that does not compromise system performance, water supply, or overall fire protection objectives.

The City's review, which included input from the City's Fire Official, determined that the proposed exterior fire sprinkler installation does not meet these standards and raises concerns regarding system effectiveness and potential unintended consequences.

B. Carmel Municipal Code

The Carmel Municipal Code adopts and enforces the California Fire Code as part of the City's Building Code and grants the "Fire Official" authority to administer, interpret, and enforce its provisions to protect public health and safety. The Municipal Code further requires that any alternative materials or methods demonstrate equivalency to prescribed code requirements and not create adverse impacts to public infrastructure or emergency response capabilities. See Exhibit B in Attachment 2.

C. California Contractors State Licensing Board (CSLB) Requirements

The appeal record includes an email from the California Contractors State Licensing Board (CSLB) addressing licensing requirements for the installation of fire sprinkler systems (see Exhibit F in Attachment 2). The CSLB cites California Government Code Section 7026.12, which defines fire protection contracting and requires that the installation of fire sprinkler systems be performed by a contractor holding a valid C-16 Fire Protection contractor license.

Government Code Section 7026.12 establishes that fire sprinkler installation is a regulated specialty trade requiring specific qualifications, training, and licensure to ensure public safety and proper system performance. Any proposed exterior fire sprinkler installation would therefore be subject not only to Fire Code and Municipal Code requirements, but also to state contractor licensing laws.

The City's review appropriately considers these licensing requirements as part of its evaluation of whether a proposed fire protection system can be legally and safely installed. Compliance with CSLB licensing laws is a prerequisite to permit approval and further supports the City's position that exterior fire sprinkler installations cannot be approved absent full compliance with all applicable regulatory standards.

D. Fire Official Authority Under California Fire Code Section 104.1

Section 104.1 of the California Fire Code, incorporated by reference as Exhibit A in Attachment 2, grants the Fire Code Official the authority to interpret and enforce the provisions of the Fire Code in order to secure the intent of the code and ensure public safety. This section authorizes the Fire Official to render interpretations, adopt policies and procedures consistent with the code, and make determinations necessary to address conditions that are not explicitly prescribed by the code.

Pursuant to this authority, the Fire Code Official for the City—Chief Justin Cooper of Monterey Fire—has the professional discretion to evaluate proposed alternative methods or systems, including exterior fire sprinkler installations, and to determine whether such proposals meet the intent of the Fire Code and provide an equivalent level of safety.

In this case, Chief Cooper exercised the authority granted under Section 104.1 to interpret the Fire Code as it applies to exterior fire sprinkler systems. Based on his professional judgment, technical expertise, and evaluation of local conditions, water system limitations, and fire behavior risks, the Fire Official determined that the proposed exterior sprinkler installation does not meet the intent of the Fire Code and could adversely affect overall fire protection and public safety.

Based on these concerns and the authority vested in the Fire Official by Section 104.1, the Fire Official concluded that the proposed installation could adversely affect public safety and is not supportable under current standards.

Staff Analysis:

Fire Department Review and Determination

The City's Fire Official, Justin Cooper, reviewed the proposal and provided a written determination, included in the appeal packet. Key concerns were identified by the Fire Official. These concerns were not sufficiently responded to or mitigated by the

applicant. These concerns include:

- **Water Supply and Pressure Impacts:** Exterior fire sprinkler systems have the potential to negatively impact overall water pressure within the City's water distribution system, potentially reducing available fire flow for other properties and emergency response needs.
- **System Reliability and Effectiveness:** Exterior sprinklers may not perform as intended under actual fire conditions, particularly in wind-driven fire scenarios, and could provide a false sense of security.
- **Operational and Maintenance Concerns:** Exterior systems introduce additional maintenance, testing, and operational challenges that are not adequately addressed under current codes.
- **Lack of State-Level Recognition:** The California Board of Forestry and Fire Protection does not recognize exterior fire sprinkler systems as an approved or effective wildfire mitigation measure under its regulations or guidance. As a result, such systems are not supported by established state-level wildfire protection standards.

Basis for Denial

The City's denial of the request to install exterior fire sprinklers is based on the following findings:

1. The proposal is not supported by the California Fire Code as an approved or equivalent fire protection system.
2. The proposal does not meet the requirements of the Carmel Municipal Code for alternative materials or methods.
3. The Fire Department, and the City's Fire Official, have identified unresolved concerns related to water pressure, system performance, and public safety.
4. Approval of the request could set a precedent that conflicts with established fire protection standards and infrastructure limitations.

City Position Going Forward

The City acknowledges the appellant's interest in enhanced fire protection measures and remains committed to evaluating emerging technologies and alternative fire protection strategies. The City will continue to explore options for exterior fire sprinkler installations in the future. However, until it can be clearly demonstrated that such systems will not negatively impact the City's water pressure and that the Fire Department's identified concerns can be fully mitigated, the City and the Fire Department cannot support exterior fire sprinkler installations.

Appeals Board Authority and Finality

The Building Code Board of Appeals has the authority to hear and decide this appeal in accordance with applicable law and municipal regulations. The decision of the Board on this matter shall be final pursuant to section 15.04.220 of the Carmel Municipal Code.

Conclusion

For the reasons outlined above and supported by the attached documentation, staff recommends that the Building Appeals Board deny the appeal filed by Matthew DeMars (AP 250597 Pasavento), and uphold the City's decision to deny the request to install exterior fire sprinklers on top of a single family dwelling at the subject property located at Ocean Avenue, 2 Southwest of Camino Real (Lots 1 and 3, Block M), APN 010-266-014-000. The denial is consistent with the California Fire Code, the Carmel Municipal Code, and the professional determinations of the City's Fire Official, as documented in the materials provided to the Board.

Other Components:

Attachments:

1. Draft Resolution (Pasavento)
2. Exterior Fire Sprinklers -10-3-25 meeting documents (Exhibits A-G)
3. Appeal 250597 - DeMars 10-16-2025_Redacted

**CITY OF CARMEL-BY-THE-SEA
BUILDING CODE BOARD OF APPEALS**

BUILDING CODE BOARD OF APPEALS RESOLUTION NO. 2026-___ BCB

A RESOLUTION OF THE BUILDING CODE BOARD OF APPEALS OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE DENIAL OF AN APPEAL IS NOT SUBJECT TO ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15378.a.3; DENYING THE APPEAL FILED BY MATTHEW DEMARS (AP 250597); AND UPHOLDING THE CITY’S DENIAL OF A REQUEST TO INSTALL AN EXTERIOR FIRE SPRINKLER SYSTEM AT THE SUBJECT PROPERTY LOCATED AT OCEAN AVENUE, 2 SOUTHWEST OF CAMINO REAL (PASAVENTO)

WHEREAS, Matthew DeMars submitted an application requesting approval to install a fixed exterior fire sprinkler system on the roof of a single-family dwelling located at Ocean Avenue, 2 Southwest of Camino Real (Lots 1 and 3, Block M), APN 010-266-014-000, owned by Robert Pesavento; and

WHEREAS, upon review, City staff and the Fire Department evaluated the request for compliance with the California Fire Code, the Carmel Municipal Code, and applicable public safety standards, and determined that exterior fire sprinkler systems are not an approved or equivalent fire protection method under the adopted codes; and

WHEREAS, the City’s Fire Official reviewed the proposed exterior fire sprinkler system and identified unresolved concerns related to water supply and pressure impacts, system reliability and effectiveness, operational and maintenance challenges, and the lack of recognition of such systems under established state-level fire protection standards; and

WHEREAS, based on this review, the City denied the request to install exterior fire sprinklers, finding the proposal inconsistent with the California Fire Code, the Carmel Municipal Code, and professional fire safety determinations; and

WHEREAS, Matthew DeMars filed a timely appeal of the City’s denial, which was scheduled for public hearing before the City of Carmel-by-the-Sea Building Code Board of Appeals; and

WHEREAS, on January 15, 2026, the Pasavento appeal (APP 25-0597) came on for public hearing before the Building Code Board of Appeals; and

WHEREAS, having considered all written and documentary evidence, the administrative record, staff report, oral testimony, and other evidence presented, the Building Code Board of Appeals finds that the appellant’s contentions lack merit; and

WHEREAS, the determinations made by the City and the Fire Official were within their authority under the California Fire Code and Carmel Municipal Code and were necessary to protect public health and safety; and

WHEREAS, the Building Code Board of Appeals did hear and consider all reports, attachments, recommendations, and testimony and exercised its independent judgment in evaluating the appeal; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) require environmental review only for projects as defined therein; and

WHEREAS, the Building Code Board of Appeals finds that action on this appeal is not a project subject to environmental review pursuant to CEQA Guidelines Section 15378(a)(3); and

WHEREAS, the facts set forth in the recitals above are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that based on the above findings and evidence, the Building Code Board of Appeals of the City of Carmel-by-the-Sea does hereby:

1. Find that the denial of the appeal is not subject to environmental review pursuant to CEQA Guidelines Section 15378.a.3; and
2. Deny the appeal filed by Matthew DeMars (AP 25-0597 Pasavento); and
3. Uphold the City’s decision to deny the request to install an exterior fire sprinkler system on a single-family dwelling at the subject property located at Ocean Avenue, 2 Southwest of Camino Real (Lots 1 and 3, Block M), APN 010-266-014-000.

PASSED AND ADOPTED BY THE BUILDING CODE BOARD OF APPEALS OF THE CITY OF CARMEL-BY-THE-SEA, this 15th day of January 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Building Code Board of Appeals Chair

Nova Romero, MMC, Board Clerk

Exterior Fire Sprinklers

Supporting Documents List

October 3, 2025 – Meeting at City Hall

Attendees: Matt DeMars, Brandon Swanson, Hans Buder, Duane Dauphinee

Supporting documents presented in order at the meeting, with relevant sections or content:

- **Exhibit A** – Page from 2022 California Fire Code
 - a) Section 102.5 – Permit Required for Exterior Sprinklers
 - b) Section 104.1 – Duties and Powers of “Fire Code Official”
- **Exhibit B** – Pages from Carmel Municipal Code (CMC) Chapter 15.55
 - a) Section 15.55.030 – Definition of term “Fire Code Official”
- **Exhibit C** – Pages from 2022 California Fire Code
 - a) Section 105.6 – Fire Code Official authorization
 - b) Section 105.6.1 – Permit required for automatic sprinklers
- **Exhibit D** – September 25, 2025 letter from Chief Justin Cooper
 - a) Statement: “Cannot Support” until Board of Forestry reviews and approves
- **Exhibit E** – October 3, 2025 letter from Chief Justin Cooper
 - a) Clarified Statement: “shall not be installed or approved” until Board of Forestry reviews and approves
- **Exhibit F** - Email from Contractors State Licensing Board
 - a) C16 Contractors license required to install fire protection system
 - b) Section 7026.12 of California Business and Professions Code – Contactor requirements for fire protection system installation
- **Exhibit G** – Pages from CMC Chapter 15.04
 - a) Section 15.04.190 and 15.04.200 – Board of Appeals

DIVISION II SCOPE AND ADMINISTRATION

use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

[A] 102.4 Application of building code. The design and construction of new structures shall comply with the California Building Code, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the California Building Code, shall be made in accordance therewith.

[A] 102.5 Application of residential code. Where structures are designed and constructed in accordance with the California Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

[A] 102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an approved fire protection plan as required in Section 1103.1.1.

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated by Sections 102.7.1 and 102.7.2.

[A] 102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.

[A] 102.9 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the fire code official.

[A] 102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] 102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[A] 102.12 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 CODE COMPLIANCE AGENCY

[A] 103.1 Creation of agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

[A] 103.2 Appointment. The fire code official shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the fire code official.

SECTION 104 DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

[A] 104.1 General. The fire code official is hereby authorized to enforce the provisions of this code. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this

Chapter 15.55 CALIFORNIA FIRE CODE

Sections:

15.55.010 2022 California Fire Code – Adopted.

15.55.020 Fire Code – Effective Date – Copy on File.

15.55.030 Definitions.

15.55.040 Establishment of Limits in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks Is Prohibited.

15.55.050 Establishment of Limits in Which Storage of Liquefied Petroleum Gases Is Prohibited.

15.55.060 Establishment of Limits in Which Storage of Explosives and Blasting Agents Is Prohibited.

15.55.070 Establishment of Limits in Which Storage of Stationary Tanks of Flammable Cryogenic Fluids Is Prohibited.

15.55.080 Establishment of Limits in Which the Storage of Hazardous Materials Is Prohibited.

15.55.090 Fireworks Prohibited.

15.55.100 Amendments to the California Fire Code.

15.55.010 2022 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 2022 California Fire Code, published by the International Code Council, save and except those portions as are deleted, modified, or amended, of which code not less than one copy is now on file in the office of the City Clerk, is adopted and incorporated in the municipal code as if set out at length in this code, and the provisions thereof shall be controlling within the limits of this City. (Ord. 2022-04 § 2, 2022; Ord. 2020-01 § 1, 2020; Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.020 Fire Code – Effective Date – Copy on File.

The effective date for the 2022 California Fire Code adopted by CMC 15.55.010 within the City shall be January 1, 2023. The City Clerk shall maintain on file in the official records the edition of the California Fire Code currently in effect at all times. (Ord. 2022-04 § 2, 2022; Ord. 2020-01 § 1, 2020; Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.030 Definitions.

Whenever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of Carmel-by-the-Sea. Whenever the term "fire code official" is used in the California Fire Code, it shall be held to mean the Fire Chief of the City of Carmel-by-the-Sea Fire Department. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.040 Establishment of Limits in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks Is Prohibited.

The limits referred to in Chapter 34 of the California Fire Code in which storage of flammable or combustible liquids is restricted is hereby established as within the City limits, except as approved by the Fire Code Official. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.050 Establishment of Limits in Which Storage of Liquefied Petroleum Gases Is Prohibited.

The limits referred to in Chapter 38 of the California Fire Code in which storage of liquefied petroleum gas is restricted is hereby established as within the City limits, except as approved by the Fire Code Official. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.060 Establishment of Limits in Which Storage of Explosives and Blasting Agents Is Prohibited.

The limits referred to in Chapter 33 of the California Fire Code and in California Code of Regulations Title 19, Chapter 10, in which storage of explosives and blasting agents is restricted is hereby established as within the City limits, except as approved by the Fire Code Official. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.070 Establishment of Limits in Which Storage of Stationary Tanks of Flammable Cryogenic Fluids Is Prohibited.

The limits referred to in Chapter 32 of the California Fire Code in which storage of flammable cryogenic fluids in stationary tanks is restricted is hereby established as within the City limits, except as approved by the Fire Code Official. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.080 Establishment of Limits in Which the Storage of Hazardous Materials Is Prohibited.

The limits referred to in Chapter 27 of the California Fire Code in which storage of hazardous materials is restricted is hereby established as within the City limits, except as approved by the Fire Code Official. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.090 Fireworks Prohibited.

It shall be unlawful to sell, possess, trade or discharge any fireworks, including "Safe and Sane" fireworks, anywhere within the City limits, except by duly issued permit for fireworks displays. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

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.

1. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Carmel-by-the-Sea, hereinafter referred to as "this code."

2. Section 101.2.1 is amended to read as follows:

101.2.1 Appendices. Provisions in Appendix Chapter 4 and Appendices B, BB, C, CC, D, H, and I are hereby adopted in their entirety and shall apply.

3. Section 102.1 is amended to read as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.
4. Existing structures, facilities and conditions, which, in the opinion of the fire code official, constitute a distinct hazard to life and property.
5. Existing residential and commercial structures to which additions, alterations or repairs are made that involve the addition, removal or replacement of fifty percent (50%) or greater of the linear length of the walls of the existing building (exterior plus interior) within a five-year period.

4. Repealed by Ord. 2020-01.

5. Section (A) 105.1.2 is amended to read as follows:

(A) 105.1.2 Types of permits. There are two types of permits as follows:

1. Operational permit. Any and all conditions of an operational permit will be established through a separate Resolution approved by the City Council.

2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section (A)105.7.

6. Section 105.5.0 is added to read as follows:

105.5.0 Agricultural Explosive Devices. An operational permit is required for storage or use of any agricultural explosive device including "bird bombs".

7. Section 105.6.6 is amended to read as follows:

105.6.6 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related systems, including systems installed in Group R-3 occupancies (one- and two-family homes). Maintenance performed in accordance with this code is not considered a modification and may not require a permit as determined by the fire code official.

8. Section 112.4 is amended to read as follows:

112.4 Violation penalties. Persons who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

9. Section 112.4 is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an infraction as specified in Section 109.3 of this code.

9.5. Section 202 is amended to include the following definitions:

"Escape Room" means a room in which patrons or participants are confined or enclosed in a room or space in which the means of egress and exit doors are intentionally obscured requiring the occupants to find a means of escape (the means of egress) by discovering hidden clues and solving a series of riddles, puzzles or problems.

Special Amusement Building. A special amusement building is any temporary or permanent building or portion thereof that is occupied for amusement, entertainment or educational purposes and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily available because of the nature of the attraction or mode of conveyance through the building or structure.

The term "Special Amusement Building" shall include spaces or areas used as "Escape Rooms."

10. Section 202 is amended to add the following definitions:

ALL WEATHER SURFACE. A road surface constructed to the minimum standards adopted by the jurisdiction.

BRIDGE. A structure to carry a roadway over a depression or obstacle.

ATTACHMENT 2

10.4. Section 304.3.5 is added to read as follows:

304.3.5 Rubbish within Dumpsters. In all rooms or aboveground outside areas, adjacent to a building or underneath roof overhangs or when located nearer than 10 feet to an adjacent property line, containers used for storage of combustible waste materials in other than Group R, Division 3 occupancies shall be protected by automatic sprinkler protection. Such sprinklers may be connected to the domestic water supply, provided sufficient coverage of the area is provided and an approved accessible shutoff valve is provided for each room or area.

Exception: Trash areas adjacent to solid brick or concrete walls with no openings or eaves and a minimum of ten feet (10') separation distance between the dumpster and adjacent property line are not required to be protected by automatic sprinkler system(s).

11. Section 503.2.6.1 is added to read as follows:

503.2.6.1 Private bridge engineering. Every private bridge hereafter constructed shall meet the following engineering requirements:

- a. The weight shall be designed for a minimum of HS-20 loading as prescribed by the AASHTO.
- b. The unobstructed vertical clearance shall be not less than 15 feet clear.
- c. The width shall be a minimum of 20 feet clear. The fire code official may require additional width when the traffic flow may be restricted or reduce the width to a minimum of 12 feet for Occupancy Group U or R-3 occupancies.
- 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. 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.

17. Section 507.5.2 is amended to read as follows:

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. When required by the fire code official, hydrants shall be painted in accordance with the most current edition of NFPA 291.

18. Section 605.3.1 is added to read as follows:

605.3.1 Spark arresters. An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks, solid-fuel burning fire pits, or similar devices where the burning of solid fuel conveys smoke, embers and hot gases to the outer air.

19. Reserved.

20. Reserved.

21. Section 901.4.6 is amended to read as follows:

901.4.6 Appearance of Equipment. Any device that has the physical appearance of life safety or fire protection equipment but that does not perform that life safety or fire protection function shall be prohibited. Any non-required fire protection equipment that is no longer in service shall be removed.

22. Reserved.

23. Section 901.6.4 is added to read as follows:

901.6.4 Qualifications of Inspection, Testing and Maintenance Personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance is performed by an outside service company, the company shall be appropriately licensed in accordance with the California Business & Professions Code or by the California State Fire Marshal.

24. Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. This section supersedes the square footage limitations of all subsections within Section 903.2.

Exceptions:

- (1) Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.
- (2) Detached agricultural buildings, as defined by this code, located at least one hundred feet (100') from any other structure or the property line, whichever is closer.
- (3) Accessory structures associated with existing non-sprinklered R-3 occupancies (one or two family dwellings) and less than 1500 square feet in total fire area.
- (4) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection.

25. Section 903.2.8 is amended to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all buildings with a Group R fire area, including, but not limited to, one- and two-family dwellings, townhomes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

26. Section 903.3.1.2 is amended to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 47 of this Code.

903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of fourteen (14) inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

903.3.1.2.3 Attics. Where NFPA 13R sprinkler systems are installed, all attic areas shall be provided with sprinkler protection in accordance with NFPA 13.

903.3.1.2.4 Sprinkler control valves. Where NFPA 13R sprinkler systems are installed, sprinkler system control valves shall be installed in accordance with NFPA 13.

903.3.1.2.5 Bathrooms. Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

903.3.1.2.6 Accessible storage areas. Automatic sprinklers shall be installed in all accessible storage areas.

903.3.1.2.7 Under-stair spaces. Automatic sprinklers shall be installed in all under-stair spaces including all under-stair closets.

27. Section 903.3.1.3 is 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 off of a single water meter. 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 Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

903.3.1.3.4 Automatic sprinklers shall be installed in all attached garages and structures.

903.3.1.3.5 Automatic sprinklers shall be installed in all accessible storage areas.

903.3.1.3.5.1 Automatic sprinklers shall be installed in all under-stair spaces including all closets.

903.3.1.3.6 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.

903.3.1.3.7 Automatic fire sprinklers shall be installed to protect all furnaces and heating system appliances.

28. Section 903.4.1 is amended to read as follows:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved UL-listed central station as defined in NFPA 72-2010, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system and shall be documented as a UL-certificated central station service system.

(Exceptions remain unchanged.)

29. Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. One exterior approved audible device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

30. Section 903.4.2.1 is added to read as follows:

903.4.2.1 Where an automatic fire sprinkler system is installed in a building with more than one tenant or with over 100 sprinkler heads, audible and visible notification appliances shall be installed throughout the building as follows:

- a. Audible notification appliances shall be installed so as to be audible at 15 dBA above average sound pressure level throughout the building.
- b. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.
- c. Visible notification appliances can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

EXCEPTION: The requirements of this section do not apply to Group R-3 Occupancies.

31. Section 903.4.3 is amended to read as follows:

903.4.3 Floor control valves. Approved indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in all buildings over one story in height, and shall be individually annunciated as approved by the fire code official.

31.4. Section 903.6 is amended to read as follows:

903.6 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 (5000 sf), 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 (5000 sf), 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 five (365) day period shall be made to comply with the provisions of this section.

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

31.6. Section 904.13.6 is added to existing section:

904.13.6 Non-Conforming Restaurant Cooking Appliances and Fire Extinguishing Systems. All non-conforming restaurant cooking appliances, hood and duct systems, and fire extinguishing systems found to exist as of the effective date of this Ordinance shall be made to conform to the requirements of this Section within 90 days of notification. It shall thereafter be unlawful for any person to maintain or suffer to be maintained any non-conforming restaurant cooking appliance, hood and duct system or fire extinguishing system on any property owned or controlled by said person within the City of Carmel.

32. Section 907.1.6 is added to read as follows:

907.1.6 Multiple Fire Alarm Systems. Multiple fire alarm systems within a single protected premises are not permitted, unless specifically authorized by the fire code official.

33. Section 907.6.6.5 is added to read as follows:

907.6.6.5 Zone transmittal. Where required by the fire code official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

34. Section 907.6.6 is amended to read as follows:

907.6.6 Monitoring. Fire alarm systems required by this chapter, by the California Building Code, or installed voluntarily shall be monitored by a UL-listed central station and shall be documented as UL-certificated central station service systems in accordance with NFPA 72-2010 and this section.

35. Section 907.7.2 is amended to read as follows:

907.7.2 Record of completion. A record of completion in accordance with NFPA 72 verifying that the system has been installed and tested in accordance with the approved plans and specifications shall be provided. The following documentation shall be included in the record of completion:

1. A record of completion in accordance with NFPA 72.
2. A contractor's statement verifying that the system has been installed in accordance with the approved plans and specifications, and has been 100% tested in accordance with NFPA 72.
3. A contractor's affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the fire code official.

35.4. Section 907.8.4 is amended to read as follows:

907.8.4 Inspection, testing and maintenance. The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Access shall be provided to each fire alarm system component for periodic inspection, maintenance and testing. Service personnel shall meet the qualification requirements of NFPA 72 for inspection, testing and maintenance of such systems. Records of inspection, testing and maintenance shall be maintained.

35.6. Section 5704.2.9.6.1 is added to read as follows:

Section 5704.2.9.6.1 Outdoor Storage of Containers and Portable Tanks. Storage of Class I and Class II aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited except as permitted by the Zoning Ordinance.

Exception:

1. Storage tanks of 500 gallon maximum capacity may be used only in conjunction with emergency generators as approved by the fire chief.

36. Alternative energy systems shall be installed in accordance with the California Building, Fire and Electrical Codes as adopted by the City of Carmel-by-the-Sea.

37. Section 4907.1.1 is added to read as follows:

4907.1.1 Standard Defensible Space Requirements: Remove combustible vegetation from within a minimum of 100 feet or to the property line from structures, whichever is closer. Vegetation shall be no taller than four inches (4") high. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional or alternate fire protection approved by the fire code official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the fire code official and other jurisdictional authorities.

(Ord. 2022-04 § 2, 2022; Ord. 2020-01 § 1, 2020; Ord. 2018-03 § 1 (Exh. A § 4), 2018).

The Carmel-by-the-Sea Municipal Code is current through Ordinance 2025-01, passed March 31, 2025.

Disclaimer: The city clerk's office has the official version of the Carmel-by-the-Sea Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://ci.carmel.ca.us/>

City Telephone: (831) 620-2000

Codification services provided by [General Code](#)

Exhibit C

[A] 105.6 Required Construction Permits

The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.24.

[A] 105.6.1 Automatic Fire-Extinguishing Systems

A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.2 Compressed Gases

Where the compressed gases in use or storage exceed the amounts listed in Table 105.5.9, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.6.3 Cryogenic Fluids

A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.5.11. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.

[A] 105.6.4 Emergency Responder Communication Coverage System

A construction permit is required for installation of or modification to in-building, two-way emergency responder communication coverage systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.6.5 Energy Storage Systems

A construction permit is required to install energy storage systems regulated by Section 1207.

[A] 105.6.6 Fire Alarm and Detection Systems and Related Equipment

A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.6.7 Fire Pumps and Related Equipment

A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.6.8 Flammable and Combustible Liquids

A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

[A] 105.6.9 Fuel Cell Power Systems

A construction permit is required to install stationary fuel cell power systems.

[A] 105.6.10 Gas Detection Systems

A construction permit is required for the installation of or modification to gas detection systems. Maintenance performed in accordance with this code is not considered a modification and shall not require a permit.

[A] 105.6.11 Gates and Barricades Across Fire Apparatus Access Roads

A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.

[A] 105.6.12 Hazardous Materials

A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 where the hazardous materials in use or storage exceed the amounts listed in Table 105.5.22.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.6.13 High-Piled Combustible Storage

A construction permit is required for the installation of or modification to a structure with more than 500 square feet (46 m²), including aisles, of high-piled combustible storage. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.6.14 Industrial Ovens

A construction permit is required for installation of industrial ovens regulated by Chapter 30.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.6.15 LP-Gas

A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.16 Motor Vehicle Repair Rooms and Booths

A construction permit is required to install or modify a motor vehicle repair room or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.17 Plant Extraction Systems

A construction permit is required for installation of or modification to plant extraction systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.18 Private Fire Hydrants

A construction permit is required for the installation or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.19 Smoke Control or Smoke Exhaust Systems

- Construction permits are required for installation of or alteration to smoke control or smoke exhaust systems. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a permit.

[A] 105.6.20 Solar Photovoltaic Power Systems

A construction permit is required to install or modify solar photovoltaic power systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.21 Special Event Structure

A single construction permit is required to erect and take down a temporary special event structure.

[A] 105.6.22 Spraying or Dipping

A construction permit is required to install or modify a spray room, dip tank or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.23 Standpipe Systems

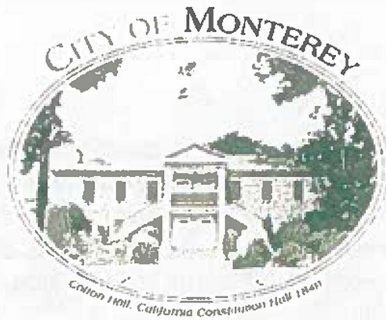
A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.6.24 Temporary Membrane Structures and Tents

A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

- Tents used exclusively for recreational camping purposes.
- Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
- Tents and awnings open on all sides, which comply with all of the following:
 - Individual tents shall have a maximum size of 700 square feet (65 m²).
 - The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.



MONTEREY FIRE DEPARTMENT

To: Brandon Swanson, Assistant City Administrator
Carmel-By-The-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

September 25, 2025

From: Monterey Fire Department Fire Marshal's Office

Subject: Use of exterior (roof/yard) sprinkler systems and impacts to municipal water supply and firefighting operations

Dear Mr. Swanson

This memorandum provides the Monterey Fire Department's position regarding the installation and use of fixed exterior sprinkler systems (roof, eave, yard or perimeter sprinklers) intended to protect structures from wildfire or ember exposure. Our review focuses on two interrelated concerns;

- (1) effects on municipal water pressure and supply during activation, and
- (2) regulatory review and approval.

The Monterey Fire Department cannot support the use of exterior sprinkler systems that draw on the municipal potable water system until the California Office of the State Fire Marshal (OSFM) has reviewed and approved the particular system, its design, and operation. If an exterior sprinkler system is to be used, it should be supplied from an independent water source (for example, a properly plumbed and reserved swimming-pool cistern or other dedicated on-site storage designed and sized for fire protection) so that activation will not reduce hydrant pressure or otherwise impair municipal firefighting capability.

Basis for concerns and recommendations

A) Municipal water pressure and firefighting capability

When many exterior systems are manually or automatically activated, they can withdraw large volumes of water and reduce system pressure and available flow in the distribution network. Reduced pressure and available flow may directly impede firefighting operations and endanger public safety. Incidents and agency advisories in wildfire-prone areas have documented situations where exterior sprinklers left running limited available water for responders. For that reason, many fire protection and water utility authorities caution against using potable system supply for large-volume exterior systems without evaluation and safeguards. CBS News

B) Independent water supply strongly preferred

Industry and fire-protection guidance recommend that exterior sprinkler installations intended for wildfire defense be tied to an independent, dedicated water supply sized for

the design demand (for example a cistern or swimming-pool reservoir plumbed for fire use). An independent supply avoids drawing down municipal storage or pressure and allows the fire department to retain system capacity for emergency response. Guidance on cisterns and alternative water supplies is widely available and commonly used as the preferred approach for large-volume exterior systems. [Building America Solution Center](#)

C) Regulatory review and approvals required

The OSFM is the State's authority for code development and product/installation guidance for novel or non-standard fire protection technologies. These systems if being used for fire and life safety should be reviewed and approved by the California Office of the State Fire Marshal (or permitted under applicable state and local code amendments) prior to installation and use. Until such review and formal approval is obtained, the Monterey Fire Department will not support a system that might compromise the public water distribution system or firefighting operations. Local permits and plan review will also be required; some jurisdictions have adopted specific permitting or design requirements for exterior wildfire protection systems.

D) Local precedents and restrictions

Some municipalities have explicit prohibitions or local amendments addressing roof or exterior sprinklers; others regulate these systems through permit requirements and fire-code amendments. For example, municipal code language exists in some cities that prohibits roof sprinklers, and other jurisdictions require a specific permit and design review for exterior wildfire protection systems. Additionally, fire-safety organizations working in populated wildland-interface areas generally advise against permanent roof-sprinkler installations because of limited effectiveness in many wildfire scenarios and the potential for adverse consequences to community water systems. These local and subject-matter precedents underscore the need for careful regulatory review before approving a system that draws on municipal supply. [American Legal Publishing](#)

Recommended path forward

If the property owner/HOA desires exterior water-based protection, design the system so it is supplied exclusively from a dedicated on-site water source (e.g., a swimming pool, cistern or dedicated fire storage) that is sized, plumbed and valved to prevent cross-connection to the municipal potable system. Have the water supply, piping, pumps (if any), and controls designed by a licensed engineer experienced in fire-protection water supplies and provide calculations that demonstrate the system will not rely on municipal distribution during operation. Consider providing a hydrant-style connection or a fire-department-compatible outlet on the cistern so that responders may access it if appropriate.

Currently exterior fire sprinkler systems are not regulated by the State Fire Marshals office. Cities should develop ordinances to create rules pertaining to these systems and to make sure they meet or exceed standards.

If plans are to be submitted in the future, complete plans and specifications must identify the water source, supply sizing and controls, show backflow prevention and cross-connection control, and specify any pumps, valves and alarms. If the design relies on stored water, include evidence that the storage will be maintained at required levels and that the system will be routinely tested and inspected.

Request a formal review/authorization from the California Office of the State Fire Marshal (OSFM) for any novel or non-standard exterior wildfire protection systems that are proposed to operate automatically or that could impact public water systems. The OSFM issues guidance and bulletins and is the appropriate state authority for novel systems. The Fire Department will withhold support until such state-level review is complete.

References and further reading (selected)

- California Office of the State Fire Marshal — Information Bulletins and Code Development / Wildland Hazards resources. [Office of the State Fire Marshal](#)
- Fire Safe Marin — exterior wildfire sprinkler guidance (summarizes effectiveness concerns and water-pressure risks). [Fire Safe Marin - Adapt to Wildfire](#)
- PNNL / Building America / guidance on cisterns and alternative water supplies for fire suppression. [Building America Solution Center](#)
- News coverage and agency advisories describing instances where exterior sprinklers affected firefighting water availability (example: Lake Tahoe area). [CBS News](#)
- USDA Forest Service and other wildland-urban interface guidance cautioning against permanent roof sprinklers and recommending structural hardening and defensible space as primary measures. [US Forest Service](#)

The Monterey Fire Department recognizes the desire of property owners and communities to protect homes from wildland fire exposures. At the same time, our duty is to protect public safety and to ensure that water resources and distribution systems remain available and reliable for emergency firefighting. For these reasons, we cannot support exterior sprinkler systems that rely on municipal potable supply without OSFM review and formal approval.

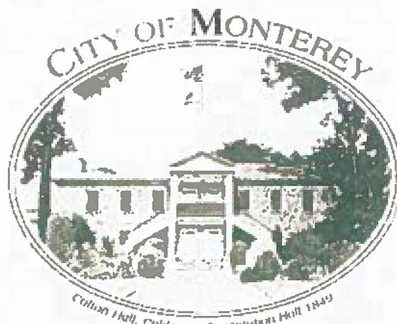
Sincerely,



Justin Cooper | Division Chief | Fire Marshal
MONTEREY FIRE DEPARTMENT
FIRE PREVENTION DIVISION



*Proudly serving the Cities of Monterey, Pacific Grove, Carmel-by-the-Sea and Sand City,
The Monterey Regional Airport, Naval Postgraduate School and La Mesa Village*
610 Pacific Street | Monterey, CA 93940
O (831) 646-6945 | M (831) 646-3908 | monterey.gov/fire
Committed to Exceed the Expectations of Those We Serve



MONTEREY FIRE DEPARTMENT

To: Brandon Swanson, Assistant City Administrator
Carmel-By-The-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

October 3, 2025

From: Monterey Fire Department Fire Marshal's Office

Dear Mr. Swanson,

In follow up to the letter sent on 9/25/2025 regarding Monterey Fire Departments position of exterior roof mounted sprinklers. I am confirming that exterior mounted fire sprinkles shall not be installed or approved until the State Board of Forestry (CAL FIRE) approves such systems and provides guidance on their usage.

The municipal water system in Carmel-By-The-Sea is critically important to maintain firefighting capabilities for responding fire apparatus. Systems that can interfere with maintaining water supply (pressure & volume) shall not be installed unless approved by the State Board of Forestry (CAL FIRE), City of Carmel-By-The-Sea Building Department, and the Monterey Fire Department.

Sincerely,

Justin Cooper | Division Chief | Fire Marshal
MONTEREY FIRE DEPARTMENT
FIRE PREVENTION DIVISION



*Proudly serving the Cities of Monterey, Pacific Grove, Carmel-by-the-Sea and Sand City,
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Carmel-
by-the-Sea

Brandon Swanson <bswanson@ci.carmel.ca.us>

Fwd: C-16 Licence Requirements

1 message

Duane Dauphinee <ddauphinee@ci.carmel.ca.us>
To: Brandon Swanson <bswanson@ci.carmel.ca.us>

Fri, Oct 3, 2025 at 8:10 AM

Brandon, This is the response from the Contractors State License Board. It appears Mr. Demars would need a C-16 licence in order to install... Talk to you soon

----- Forwarded message -----

From: **CSLB Classifications Deputy@CSLB** <Classifications@cslb.ca.gov>
Date: Thu, Oct 2, 2025 at 3:58 PM
Subject: RE: C-16 Licence Requirements
To: Duane Dauphinee <ddauphinee@ci.carmel.ca.us>

Good afternoon,

Based on the information provided, the only acceptable license classification for all types of fire protection systems is C16-Fire Protection. If the B-General Building contractor subcontracts the work to a **C16 subcontractor**, it would be acceptable. Thank you.

§ 7026.12. Installations of fire protection systems

Except as provided in Section 7026.13, the installation of a fire protection system, excluding an electrical alarm system, shall be performed only by either of the following:

(a) A contractor holding a fire protection contractor classification, as defined in the regulations of the board.

(b) An owner-builder of an owner-occupied, single-family dwelling, if not more than two single-family dwellings on the same parcel are constructed within one year, plans are submitted to, and approved by, the city, county, or city and county authority, and the city, county, or city and county authority inspects and approves the installation.

Added Stats 1988 ch 1035 § 1. Amended Stats 1994 ch 185 § 1 (AB 2646); Stats 2013 ch 377 § 1 (AB 433), effective January 1, 2014.

Hal Clay

Special Investigator

ATTACHMENT 2

Licensing Classification Deputy

Contractors State License Board

916 255-6333 fax

This determination is not a formal declaratory decision under the comprehensive process in the Administrative Procedures Act. I trust that the foregoing information has been of assistance to you.

From: Duane Dauphinee <ddauphinee@ci.carmel.ca.us>

Sent: Thursday, October 2, 2025 3:51 PM

To: CSLB Classifications Deputy@CSLB <Classifications@cslb.ca.gov>

Cc: Jermel Laurie <jlaurie@ci.carmel.ca.us>; Anna GINETTE <agINETTE@ci.carmel.ca.us>

Subject: C-16 Licence Requirements

You don't often get email from ddauphinee@ci.carmel.ca.us. Learn why this is important

CAUTION: This email originated from outside of CSLB. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am a Building Inspector and Plans Examiner for the City of Carmel-by-the-Sea. We have a licensed B-General Contractor who has applied for a construction permit to install exterior fire sprinklers to mitigate ember spread in the event of a wildland fire. In theory, the idea seems good.

However, my understanding is that in order to "lay out, fabricate and install any type of fire protection systems; including all the equipment associated with these systems," a licensed C-16 contractor is required. I am hesitant to accept the application based on the fact that the contractor applying for the construction permit does not appear to hold the proper licence.

Please advise on how to proceed.

Best regards,

Duane Dauphinee

Building Inspector

City of Carmel-by-the-Sea

Duane Dauphinee
Building Inspector
City of Carmel-by-the-Sea
(831) 620-2022

If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us. To request a building inspection, please use: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Duane Dauphinee
Building Inspector
City of Carmel-by-the-Sea
(831) 620-2022

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Chapter 15.04 ADMINISTRATION OF BUILDING CODES*

Exhibit G**Sections:**

- 15.04.010 Purpose.**
- 15.04.020 Definitions.**
- 15.04.030 Administrative Officer – Building Official.**
- 15.04.040 Exemptions.**
- 15.04.050 Liability of City.**
- 15.04.060 Authority of Building Official.**
- 15.04.070 Permit – Required.**
- 15.04.075 Permit – Exemptions.**
- 15.04.080 Permit – Application.**
- 15.04.090 Permit – Fee.**
- 15.04.100 Permit – Review of Application – Issuance.**
- 15.04.110 Permit – Validity – Expiration.**
- 15.04.120 Inspection.**
- 15.04.130 Enforcement – Right of Entry.**
- 15.04.140 Commencing Work Without a Permit – Penalty Fee.**
- 15.04.150 Reinspection Fee.**
- 15.04.160 Inspection – Permit Required.**
- 15.04.170 Board of Appeals – Created.**

15.04.180 Board of Appeals – Membership.**15.04.190 Board of Appeals – Hearing.****15.04.200 Board of Appeals – Form of Procedure.****15.04.210 Board of Appeals – Compensation.****15.04.220 No Appeal to City Council.****15.04.230 *Repealed.*****15.04.240 Appeal From Actions to Abate Dangerous Buildings.****15.04.250 Violation of Building Code – Penalty.****15.04.260 Violation of Residential Code – Penalty.****15.04.270 Violation of Mechanical Code – Penalty.****15.04.280 Violation of Abatement of Dangerous Buildings – Penalty.****15.04.290 Violation of Plumbing or Electrical Code – Penalty.****15.04.300 Effective Date of Codes.**

* For statutory provisions on administration and enforcement of housing laws, see Health and Safety Code § 17960.

Prior legislation: Ords. 326 C.S., 75-20, 77-28, 83-25, 85-13, 87-11, 87-14 and 88-1.

15.04.010 Purpose.

It is the purpose of this chapter to coordinate the administration of the construction codes by establishing uniform procedures. Unless other procedures are stated elsewhere in this chapter, the administrative procedures established by this chapter shall be controlling and any conflicting provisions in the construction codes shall be disregarded. (Ord. 89-29 § 1, 1989).

15.04.020 Definitions.

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

1. "Building Department" means the office of building inspection and zoning enforcement of the City.
2. "Building Official" and "administrative authority" mean the Chief Building Official of the City and/or her/his duly appointed deputies or assistants.
3. "Class B noise" includes noise created or generated within or adjacent to residential property which is necessary and normally associated with property maintenance and construction. Class B noise includes, but is not limited to, noise created by power equipment and tools, appliances, workshops, vehicle repairs and testing, and construction projects.
4. "Construction codes" means those certain building construction codes adopted by the City and made a part of the municipal code.
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.
6. "Escape room" means a room in which patrons or participants are confined or enclosed in a room or space in which the means of egress and exit doors are intentionally obscured requiring the occupants to find a means of escape (the means of egress) by discovering hidden clues and solving a series of riddles, puzzles or problems.
7. "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 be reviewed by the Department of Community Planning and Building and/or the Planning Commission.
8. "Garden fence" is an enclosure or barrier made of wood or metal, used as a boundary, means of protection, privacy screening, or confinement, but not including walls, masonry structures, hedges, shrubs, trees or other natural growth.
9. "Garden wall" is a linear, masonry structure used within a landscape to define a boundary, path, planting area or other design feature. Garden walls are exposed on both sides and do not retain soil, slopes or terraces. (See also "Retaining wall.")
10. "Person" includes an individual, corporation, partnership, firm, association, and legal representative of an estate or person.

11. "Projection" means a building feature connected to and supported by the exterior walls of a building or structure that extends horizontally beyond the vertical plane of the exterior side of the building foundation walls. Projections include such features as eaves, decks, balconies, chases, and bay windows, etc.

12. "Rebuilding" is the act of making extensive repairs and/or modifications to an existing building or structure. "Rebuilding" shall include, but not be limited to:

a. The removal/takedown from any building or structure of more than or equal to 50 percent of any of the following:

i. The external surfaces or cladding of exterior walls; and/or

ii. The structural framing of exterior walls; and/or

iii. The roof framing; and/or

b. Obscuring from view 50 percent or more of the exterior walls or wall cladding of any building or structure through construction of an addition, or by application of an exterior material over the existing exterior material.

Portions of walls, wall cladding, wall framing, or roof framing proposed to be retained shall be considered rebuilt if less than 10 feet in length for walls, wall cladding, or wall framing, or less than 100 square feet of roof framing remain. All such portions of walls, wall cladding, wall framing, or roof framing shall be included in the calculation of the total amount of walls, wall cladding, wall framing, or roof framing and considered rebuilt.

Portions of walls, wall cladding, wall framing, or roof framing that are nonconforming (Chapter 17.36 CMC, Nonconforming Uses and Buildings), and are not proposed for removal/takedown, shall not be included in the calculation of the total amount of walls, wall cladding, wall framing, or roof framing to be retained.

13. "Retaining wall" means a wall that holds back earth, water, or other liquids.

14. Special Amusement Building. A "special amusement building" is any temporary or permanent building or portion thereof that is occupied for amusement, entertainment or educational purposes and that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction so arranged that the means of egress path is not readily apparent due to visual or audio distractions or is intentionally confounded or is not readily

available because of the nature of the attraction or mode of conveyance through the building or structure.

The term "special amusement building" shall include spaces or areas used as "escape rooms."

15. "Sphere of influence" means the area including the City of Carmel-by-the-Sea and its surrounding area as defined in the City's General Plan.

16. "Transient rental" means any residential unit that is occupied for the purposes of sleeping, lodging, or similar reasons for a period of less than 30 consecutive days in exchange for a fee or similar consideration. These units are required to pay transient occupancy tax and are classified as a Group R-1 occupancy if the site contains more than one transient rental unit.

17. "Wall cladding" is all exterior materials of a building including wall surfaces, windows, doors, chimneys, etc.

B. Words used in the present tense include future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular.

C. Section headings, when contained herein, shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section. (Ord. 2020-01 § 1, 2020; Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2008-02 § 1, 2008; Ord. 2003-01 §§ 1, 4, 5, 2003; Ord. 2001-01 § 1, 2001; Ord. 99-04 (Exh. B), 1999; Ord. 89-29 § 1, 1989).

15.04.030 Administrative Officer – Building Official.

The Chief Building Official of the City shall have the power and it shall be her/his duty, personally and through her/his authorized deputies and assistants, to enforce all the provisions of this title and all the laws of the State of California relating to buildings and construction. The Chief Building Official shall report to the Director of the Department of Community Planning and Building and/or the City Administrator. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 89-29 § 1, 1989).

15.04.040 Exemptions.

This title shall not apply to any building or structure owned by a government agency, except local agencies, as defined from time to time in Section 39090 of the Government Code, which shall comply with this title to the extent provided by Sections 53090 to 53095, inclusive, of the Government Code, as said sections now read or as they may be amended hereafter, and except the City, which shall

comply with this title but which shall pay no fees except plan check fees. (Ord. 89-29 § 1, 1989; Code 1975 § 1111.3).

15.04.050 Liability of City.

The Building Official or any employee of the City charged with the enforcement of the construction codes and all other portions of this title, acting in good faith and without malice for the City in the discharge of her/his duties, shall not thereby render her/himself liable personally, and s/he is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of her/his duties. Any suit brought against the Building Official or responsible employee or her/his authorized deputies or assistants because of such act or omission performed by her/him in the enforcement of any provisions of this code, or other portions of this title, shall be defended by the City Attorney until final termination of the proceedings. (Ord. 89-29 § 1, 1989; Code 1975 § 1111.4).

15.04.060 Authority of Building Official.

The Building Official, or her/his deputy, shall have the power to cite a person and/or firm whenever s/he has reasonable cause to believe that the person/firm has committed a misdemeanor or infraction as related to this section and/or any of the uniform codes, which is a violation of this title. The Building Official shall require modifications to plans, conditions, including dedications and payment of fees, necessary for the plans to conform with other laws and ordinances. (Ord. 89-29 § 1, 1989; Code 1975 § 1111.5).

15.04.070 Permit – Required.

Except as otherwise provided in this code, no person shall do any of the following without first obtaining from the Building Official a permit therefor:

A. Building and Grading. Erect, construct, enlarge, alter, repair, move, remove, improve, convert, remodel and/or demolish any building or structure, or do any grading of 50 cubic yards or more;

B. Heating, Cooling and Ventilating. Install, alter, reconstruct, remodel or repair any heating, ventilating, comfort cooling, or refrigeration equipment, including any such equipment moved with, or installed in, any relocated building; except that no permit shall be required for: any portable heating, ventilating, comfort cooling, or evaporative cooling appliance or equipment; any steam, hot, or chilled water piping within any comfort heating or cooling equipment regulated by the California Mechanical Code; replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this title; any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the California Mechanical Code; or any unit refrigerating system;

C. Plumbing. Install, remove, alter, repair, remodel or replace any plumbing, gas or drainage piping work, or any fixture or water heating or treating equipment in a building or premises; except that no permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. Also, no permit shall be required, in the case of any repair work, for the stopping of leaks in drains, soil, waste or vent piping; provided, however, that should any trap, drainpipe, soil, waste or vent pipe be, or become, defective, and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as new work and a permit shall be obtained;

D. Electrical. Install, remodel or alter any electrical wiring, devices, appliances, apparatus or equipment within or on any building, structure or premises, or make connection therewith from a source of electrical energy, or supply electrical service thereto, when a permit for the installation or alteration thereof is required by this code, unless such permit has been issued and is still in effect; except that no permit shall be required for: the replacement of lamps; the connection of portable appliances to suitable receptacles which have been permanently installed; the installation, alteration or repair of electrical wiring, devices, appliances, apparatus, or equipment for the operating of signals or the transmission of intelligence (not including the control of lighting or appliance circuits) where such electrical wiring, devices, appliances, apparatus, or equipment operate at a voltage not exceeding 25 volts between conductors, and do not include generating or transforming equipment capable of supplying more than 50 watts of energy; electrical work performed by or for any public utility for the use of such utility in the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence in the exercise of its function as a serving utility. (Ord. 89-29 § 1, 1989; Code 1975 § 1112.20).

15.04.075 Permit – Exemptions.

A building permit shall not be required for the following:

A. One-story portable detached accessory buildings used as tool and storage sheds, playhouses and similar uses; provided, the projected roof area does not exceed 120 square feet and the floor area does not exceed that allowed for the lot size as established by zoning regulations.

B. All garden fences and garden walls not over seven feet in height above adjacent grade and within the R-1 land use district; provided, they comply with all other ordinances and requirements of this code.

C. Movable cases, movable counters and movable partitions not over five feet in height.

- D. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar interior finish work.
- E. Temporary motion picture, television and theater stage sets and scenery.
- F. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- G. Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
- H. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 99-04 (Exh. B), 1999; Ord. 89-29 § 1, 1989).

15.04.080 Permit – Application.

A. An application for a permit shall be in writing on a form provided by the Building Official, and shall contain all information necessary, in the judgment of such official, for the proper enforcement of the codes. It shall be accompanied by such plans, specifications, and other data, prepared in such number of copies and in such manner, as said official may deem necessary for such enforcement. The Building Official may require plans and specifications to be prepared and designed by an engineer, architect or building designer licensed by the State to practice as such. All plans shall include the name, address and signature of the person preparing them. The application shall be signed by the permittee or her/his authorized agent, who may be required to submit satisfactory evidence of such authority.

B. No permit shall be issued until the applicant has obtained all clearances and any required permits from other City departments and governmental agencies, including, but not limited to, encroachment, subdivision, zoning, driveway and street work and sewer connection permits. (Ord. 89-29 § 1, 1989; Code 1975 § 1112.1).

15.04.090 Permit – Fee.

A. The Building Official shall not issue a permit to any person for work which would be in violation of the State Contractors' Licensing Law.

B. Due to the increased staff time required for review and permitting of work done under an owner's permit, all fees established herein shall be increased in accordance with the City's adopted fee schedule unless said owner is the holder of a valid license issued by the State Contractors' Licensing Board indicating qualification to perform the work for which the permit is issued.

C. A plan review fee shall be charged for review of all plans and applications pertaining to a permit. The fee shall be 65 percent of the permit fee normally charged at the time of issuance. This fee shall be collected upon the submittal of the application by the applicant and may be adjusted as necessary during the plan review process.

D. Schedule of Permit Fees. On buildings, structures, driveways, gas, mechanical, plumbing, electrical systems or alterations thereof requiring a permit, a fee for each permit shall be paid as required in accordance with the fee schedule adopted by resolution of the City Council for this purpose. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 99-04 (Exh. B), 1999; Ord. 89-29 § 1, 1989; Code 1975 § 1112.2).

15.04.100 Permit – Review of Application – Issuance.

A. The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official, and may be reviewed by other City departments to check compliance with the laws and ordinances under their jurisdiction.

B. When the plot plan indicates the construction of a driveway over, across or into any sidewalk, parkway or street area, the applicant shall also submit a valid permanent encroachment permit from the Director of Public Works for such encroachment.

C. No permit shall be issued for any building designed or intended to be used for occupancies included within Groups A-1 through A-4, E-1 through E-3, I-1 through I-3, H-1 through H-5, B-1 through B-4 and R-1 where such permit involves the remodeling, reconstruction, or alteration of an existing building which appreciably changes or alters the appearance or architecture of the exterior of such building as seen from a public street or any portion of the building site normally accessible to the general public, or in any case where such permit involves a new building, without first submitting the plans and specifications for said work to the Planning Commission for its review and approval as provided for in CMC Title 17. Planning Commission approval shall be evidenced by certification of the building permit application and two sets of plans by the Secretary of said commission.

D. Where conditions for approval require an agreement, contract or document for a stated purpose, such document or documents shall be executed before a building permit is issued.

E. When the Building Official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith conform to the requirements of this code and other pertinent laws and ordinances, that the applicant has complied with the requirements of this code and other pertinent laws and ordinances and that the required fees have been paid, s/he shall issue the permit.

F. When the Building Official issues the permit, s/he shall endorse in writing or stamp on two sets of plans and specifications, "Approved." Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans. One set of approved plans, specifications and computations shall be kept on the project site at all times during which the work authorized is in progress.

G. All plans and specifications submitted to the Building Official for a permit within any commercial zone or the R-4 zone shall be drawn by a licensed architect and/or structural engineer in conformance with State law. All plans and specifications submitted to the Building Official for a permit within the R-1 zone for a house which exceeds one story shall likewise be drawn by a licensed architect and/or structural engineer in conformance with State law.

H. Applicants for a building permit which involves exterior excavation of any type shall obtain an underground utilities location survey (8-1-1/Dig Alert) ticket and shall maintain that ticket in active status throughout the duration of the project. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 99-04 (Exh. B), 1999; Ord. 89-29 § 1, 1989; Code 1975 § 1112.3).

15.04.110 Permit – Validity – Expiration.

A. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful. The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring corrections of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinance of the City.

B. Time Limitation of Applications. Applications for which no permit is issued within 180 days following the date of the application shall expire, and the 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 90 days on written request by the applicant showing that circumstances beyond control of the applicant shall 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 as prescribed in the City's fee schedule for each requested 90-day extension and the project has not changed in scope.

Expiration of Permits. Every permit issued by the Building Official under the provisions of this code 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 2019 California Building Code within one year (365 days) of such permit issuance.

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 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 as prescribed in the City's 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.

C. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever such permit is issued in error, or on the basis of incorrect information supplied, or in violation of any law or ordinance. Whenever any work is being done contrary to the provisions of the code or other laws of the City, the Building Official may order the work stopped by notice in writing served upon any person engaged in the doing or causing of such work to be done, and such person shall forthwith stop such work until authorized by the Building Official to proceed therewith. No person shall perform any of the work authorized by a permit after such permit has been suspended or revoked. (Ord. 2020-01 § 1, 2020; Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2017-04 § 1 (Exh. A), 2017; Ord. 2013-07 § 1 (Exh. A), 2013; Ord. 89-29 § 1, 1989; Code 1975 § 1112.4).

15.04.120 Inspection.

It is the duty of the permittee or her/his agent to call for all inspections required by this code and by the inspection record card portion of her/his permit, and to be sure that the work is ready for inspection. Such call for inspection shall be made not less than one full day in advance of the time the work will be ready exclusive of Saturdays, Sundays and holidays. If such work is not ready for inspection a reinspection fee may be charged as provided for in CMC 15.04.150 and the City's fee resolution. No inspections shall be made until a permit for the work has been issued and paid for. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 89-29 § 1, 1989; Code 1975 § 1113.0).

15.04.130 Enforcement – Right of Entry.

A. The Building Official and her/his authorized deputies and assistants shall enforce and administer this title, and shall keep proper records of all official transactions of her/his office. The Building Official shall render to the City Council a monthly report of all permits issued and fees collected pursuant to this title, and shall deposit all such fees with the City finance officer, to the credit of the General Fund.

B. Whenever necessary to make an inspection to enforce any provision of this title or of the model codes adopted herein, or whenever the Building Official or her/his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in the 2015 International Property Maintenance Code, the Building Official or her/his authorized representative may enter such building or premises at all reasonable times to inspect same or to perform any duty imposed on the Building Official by this code; provided, that if such building or premises be occupied, s/he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, s/he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and demand entry.

If such entry is refused, the Building Official or her/his authorized representative shall have recourse to every remedy provided by law to secure entry. "Authorized representative" shall include duly appointed deputies and assistants.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Building Official or her/his authorized representative for the purpose of inspection and examination pursuant to this title. Any person violating this section shall be guilty of an infraction. (Ord. 2020-01 § 1, 2020; Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 99-04 (Exh. B), 1999; Ord. 89-29 § 1, 1989; Code 1975 § 1113.1).

15.04.140 Commencing Work Without a Permit – Penalty Fee.

Where work for which a permit is required is commenced prior to obtaining said permit the fees shall be doubled and an investigation fee as prescribed in the City's fee schedule shall be due prior to permit issuance. The payment of such investigation fee and double permit fees shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 89-29 § 1, 1989; Code 1975 § 1113.2).

15.04.150 Reinspection Fee.

Whenever reinspection of any work becomes necessary because of faulty or incomplete work, or because the work is not ready for the called inspection, a reinspection fee in an amount established by

the City Council from time to time by resolution may be assessed, and, if assessed, shall be paid before any reinspection shall be made. (Ord. 89-29 § 1, 1989; Code 1975 § 1113.2(b)).

15.04.160 Inspection – Permit Required.

No inspections shall be made until permits for the work have been obtained by the owner or her/his authorized agent. (Ord. 89-29 § 1, 1989; Code 1975 § 1113.2(c)).

15.04.170 Board of Appeals – Created.

In order to determine the suitability of alternate materials, methods and types of construction and to provide for reasonable interpretations of provisions of this title, as well as compliance with the requirements and interpretations of the provisions of the Americans with Disabilities Act of 1990, as amended ([42 USC § 12101](#) et seq.), a Board of Appeals is created, the members of which shall be appointed by the Mayor, with the consent of the City Council and shall serve at the Mayor's pleasure. The Board of Appeals shall be the "local appeals board," the "housing appeals board," and the "board of appeals" as those phrases are defined and used in the California Building Code, California Fire Code, or any other code under this title as the same may apply to the City of Carmel-by-the-Sea either by express adoption or by operation of law. The City Clerk or City Clerk's designee shall act as Secretary to the Board of Appeals. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2014-04 § 1, 2014; Ord. 89-29 § 1, 1989; Code 1975 § 1115.0).

15.04.180 Board of Appeals – Membership.

The Board shall be composed of five core members, and two disabled access members, with disabled access members attending the Board of Appeals meeting only for appeals that relate to access to public accommodations by physically disabled persons. The five core members shall be qualified as follows: one architect or one licensed engineer, one general contractor, one member with expertise in fire protection systems, one member with expertise in fire prevention, and one other who may have expertise in the construction or building field or who may be a layperson. At least four members of the Board shall be residents of the City and/or its sphere of influence. The Board shall develop reasonable rules and regulations for conducting its business at each hearing and deliver a copy thereof to the Secretary and to the Building Official at the time of each hearing. Said rules and regulations should be available to the public. The Board shall render its decision and findings in writing and furnish a copy thereof to the appellant, Secretary, and Building Official. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2014-04 § 1, 2014; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 89-29 § 1, 1989; Code 1975 § 1115.0(a)).

15.04.190 Board of Appeals – Hearing.

The Board of Appeals shall hear appeals from all decisions of the Building Official, including items related to compliance with ADA requirements, the denial of a variance from the provisions of this title or of the Building Code and related codes herein adopted, and requests for variances from any

provision of this title or of the Building Code and related codes herein adopted referred to it by the Building Official. Upon such reference, or upon appeal, it shall have the same power as the Building Official to grant such variances and impose conditions thereon. (Ord. 2014-04 § 1, 2014; Ord. 89-29 § 1, 1989; Code 1975 § 1115.0(b)).

15.04.200 Board of Appeals – Form of Procedure.

Appeals to the Board of Appeals shall be in writing and shall be filed with its Secretary within 10 days after written notice of the decision of the Building Official has been mailed to the applicant. The Board of Appeals shall hear appeals and applications for variances referred to it by the Secretary after not less than five days' notice in writing to the Building Official and the appellant or applicant. (Ord. 2014-04 § 1, 2014; Ord. 89-29 § 1, 1989; Code 1975 § 1115.0(c)).

15.04.210 Board of Appeals – Compensation.

Members of the Board of Appeals shall serve without compensation, but shall receive their actual and necessary travel expenses in the performance of their duties. (Ord. 89-29 § 1, 1989; Code 1975 § 1115.0(d)).

15.04.220 No Appeal to City Council.

The Board of Appeals is the final City decision-maker for items coming before the Board. (Ord. 2014-04 § 1, 2014; Ord. 89-29 § 1, 1989; Code 1975 § 1115.1(a)).

15.04.230 Appeal to City Council – Hearing.

Repealed by Ord. 2014-04. (Ord. 89-29 § 1, 1989; Code 1975 § 1115.1(b)).

15.04.240 Appeal from Actions to Abate Dangerous Buildings.

The appeal provisions for the 2016 International Property Maintenance Code, as adopted, may be followed where they conflict with or expand upon the appeal provisions of CMC [15.04.170](#) through [15.04.240](#). (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 89-29 § 1, 1989; Code 1975 § 1115.2).

15.04.250 Violation of Building Code – Penalty.

The penalty provision of the California Building Code shall apply to all violations of said code. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and shall be deemed guilty of an

infractio. (Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 96-1, 1996; Ord. 89-29 § 1, 1989; Code 1975 § 1115.2(d)).

15.04.260 Violation of Residential Code – Penalty.

The penalty provision of the California Residential Code shall apply to all violations of said code. It reads:

No person, firm or corporation, whether as owner, lessee, sublessee, occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code or any order issued by the Building Official hereunder. Any person violating the provisions of this section shall be guilty of an infraction for each day such violation continues.

(Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 96-1, 1996; Ord. 89-29 § 1, 1989; Code 1975 § 1115.2(e)).

15.04.270 Violation of Mechanical Code – Penalty.

The penalty provision of the California Mechanical Code shall apply to all violations of said code. It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provisions of this code.

Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this code shall constitute a continuing violation of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of an infraction and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. (Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 96-1, 1996; Ord. 89-29 § 1, 1989; Code 1975 § 1115.2(f)).

15.04.280 Violation of Abatement of Dangerous Buildings – Penalty.

The penalty provisions of the California Building Code as it relates to the abatement of dangerous buildings shall apply to all violations of said code. No person, firm or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the Building Official hereunder. Any person violating the provisions of this section shall be guilty of an infraction for each day such violation continues. (Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 96-1, 1996; Ord. 89-29 § 1, 1989; Code 1975 § 1115.2(g)).

15.04.290 Violation of Plumbing or Electrical Code – Penalty.

Violations of any provisions of the California Plumbing Code, the California Electrical Code, or any other code adopted by the City for which no specific penalty provision or maximum punishment has been adopted, shall be an infraction. Each separate day, or portion thereof, during which any such violation continues shall be deemed a separate offense. (Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 96-1, 1996; Ord. 89-29 § 1, 1989; Code 1975 § 1115.2(h)).

15.04.300 Effective Date of Codes.

The effective date for the latest edition of all codes contained within this title shall remain in effect until a subsequent title is adopted. The Building Official shall maintain on file at all times the current editions of all codes currently in effect. (Ord. 2008-02 § 1, 2008; Ord. 89-29 § 1, 1989; Code 1975 § 1122.2).

The Carmel-by-the-Sea Municipal Code is current through Ordinance 2025-01, passed March 31, 2025.

Disclaimer: The city clerk's office has the official version of the Carmel-by-the-Sea Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://ci.carmel.ca.us/>

City Telephone: (831) 620-2000

Codification services provided by [General Code](#)



CITY OF CARMEL-BY-THE-SEA APPEAL FORM

Appeals to the Building Board of Appeals shall be in writing and shall be filed with the City Clerk within 10 days after written notice of the decision of the Building Official has been mailed to the applicant. The Board of Appeals shall hear appeals and applications for variances referred to it not less than five days' notice in writing to the Building Official and the appellant or applicant. The appeal filing fee is due at the time the appeal is filed. (Ord. 89-29 § 1, 1989; Ord. 2014-04 § 1, 2014; Code 1975 § 1115.0(c))

City of Carmel-By-The-Sea

Matthew DeMars
Name of Appellant

OCT 16 2025

[Redacted]

Office of the City Clerk

Mai

[Redacted]

[Redacted]

Phone Number

Email address

Send correspondence to the following party (if different than Appellant):

Name

Mailing Address

Phone Number

Email address

Brandon Swanson and Fire Chief Cooper on behalf of "the City".
Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): Ocean Ave 2 SW of Camino Real

Por of lots 1 and 3 M
Lot Block

010266014
APN

Date of decision being appealed: 10-03-2025

Specific action or decision being appealed: denial of approval for the installation of EPS system.

Grounds for appeal (attach additional pages if necessary): see additional attachments

[Redacted]

fee \$1,193
paid by credit
card 10-16-25
revised 1/2020

Preamble:

The Appellant has approached The City Planning and Building Department in good faith to work together to establish a permitting process to ensure quality standards, design guidelines and infrastructure integrity are maintained. The Appellant believes that these proposed systems are very complimentary of the design guidelines which states: "Design review is intended to encourage originality, flexibility, and diversity in design and preserve and enhance the community's existing forest character while preventing unnecessary delays in project approval...".

The City Planning Officials have been very vague about any specific requirements or standards that are needed from the Appellant in order to obtain approval. They have however, very clearly, stated in writing that: "At this time, the zoning code, residential design guidelines, general plan, building code, fire code, or review procedures do not specifically address exterior fire sprinklers".

The Appellant has been officially denied. The Appellant does not feel the basis is justified and wishes for a judgment from The Appeals Board rendering these systems feasible, with standards and some basic oversight, on a custom and site-by-site expeditious approval process. This would give The City the ability to monitor implementation and build a dataset for future analysis of effectiveness or impacts to infrastructure, while allowing property owners who may want to implement optional mitigations the framework for doing so.

Exhibit List:

Exhibit A: City decision for denial

Exhibit B: First letter from Fire Chief stating that OSFM does not regulate systems.

Exhibit C: Second Letter from the Fire Chief stating that systems shall not be installed.

Exhibit D: Letter from the city stating no policy or guidelines

Exhibit E: California Fire Code Section 104 citing official's authority to *render interpretations*.

Exhibit F: Health & Safety Code § 17958.7 This section outlines the specific requirements a local governing body must follow to legally modify or change the California Building Standards Code.

Exhibit G: Proposed specs and calculations, plan view sketch and irrigation heads.

Appeal of City Prohibition on Rooftop Ember Protection Sprinkler (or irrigation) Systems

Filed Pursuant to California Building Code (CBC) §1.8.8

1. Introduction and Summary

This appeal is filed pursuant to **California Building Code (CBC) §1.8.8**, and **Carmel-by-the-Sea Municipal Code Title 15, Chapter 15.04**, which provides the right to appeal any determination made by the Building Official concerning the application or interpretation of the Building Standards Code. (see exhibit A: decision)

The City's Fire Chief (or Building Official) has stated that "*exterior mounted fire sprinkles shall not be installed or approved until the State Board of Forestry (CAL FIRE) approves such systems and provides guidance on their usage.*" The Fire Chief has also acknowledged that "*Currently exterior fire sprinkler systems are not regulated by the State Fire Marshals office*", a division within Cal Fire that is responsible for developing and enforcing building and fire safety regulations.

Accordingly, this prohibition rests on a nonexistent state process and a local policy that has not been adopted by ordinance. This appeal requests that the Board find the prohibition invalid and unenforceable because it:

1. Has no legal basis in any adopted code or ordinance;
2. Is preempted by the California Building Standards Law; and
3. Constitutes arbitrary and capricious enforcement in violation of due process.

2. Factual Background

Appellant proposes to install a rooftop **ember protection sprinkler (or irrigation) system** designed to provide exterior wetting during wildfire ember exposure. (see exhibit G: proposal).

The City's Fire Chief and Building Official denied or refused the installation, stating that the system is not permitted until the Office of the State Fire Marshal (OSFM) approves such systems. (see exhibit C: does not regulate).

The Fire Chief further stated in correspondence to the City that:

"The municipal water system in Carmel-by-the-Sea is critically important to maintain firefighting capabilities for responding fire apparatus. Systems that can interfere with maintaining water supply (pressure and volume) shall not be installed unless approved by the State Board of Forestry (CAL FIRE), City of Carmel-by-the-Sea Building Department, and the Monterey Fire Department." (see exhibit B: shall not install)

The Fire Chief has acknowledged that the **OSFM, a division within CAL FIRE, does not regulate or approve exterior ember protection sprinkler systems**, and that **no state approval process or listing program currently exists** for such systems under Title 19 or Title 24.

No City ordinance, local amendment, or adopted standard establishing this prohibition or requiring such approvals has been cited or provided. (see exhibit D: no policy).

3. Applicable Law

A. California Building Standards Law

- **Health & Safety Code §17958** – Cities must enforce the California Building Standards Code as adopted by the state. (see exhibit F: process to legally modify).
- **§17958.7** – Local amendments to building standards are valid only if:
 - (1) adopted by ordinance,
 - (2) supported by written findings of local climatic, geological, or topographical necessity, and
 - (3) filed with the California Building Standards Commission.
- **§18938(b)** – No building standard is enforceable unless adopted and filed in accordance with the Building Standards Law.

B. Due Process and Administrative Law

- **U.S. Const. Amend. XIV** and **Cal. Const. art. I, §7(a)** prohibit vague or arbitrary enforcement.
- **Horn v. County of Ventura** (1979) 24 Cal.3d 605 – A county cannot enforce unwritten administrative policies as though they were adopted laws.
- **City of Chula Vista v. Pagard** (1981) 115 Cal.App.3d 785 – Ordinances must provide ascertainable standards to prevent arbitrary enforcement.

C. California Building Code §1.8.8

Establishes a local Board of Appeals “to hear and decide appeals of orders, decisions and determinations made by the enforcing agency relative to the application and interpretation of this code and other regulations governing construction, use, maintenance, and change of occupancy.” The Board must base its decisions on the intent of the code and applicable laws.

4. Argument

A. The City’s Prohibition Lacks Any Adopted Legal Authority

The City has not cited any adopted ordinance, local amendment, or provision in the California Building or Fire Code prohibiting rooftop ember protection sprinkler (or irrigation) systems. A restriction that is not adopted by ordinance and not published in the code is **legally void and unenforceable**.

B. Fire Code §104.1 Does Not Authorize Prohibition of Unregulated Systems

The Building Official has cited **California Fire Code §104.1**, which provides:

“The fire code official is hereby authorized to enforce the provisions of this code. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules, and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules, and regulations shall be in compliance with the intent and purpose of this code. Such policies,

procedures, rules, and regulations shall not have the effect of waiving requirements specifically provided for in this code.” (see exhibit E: render interpretations)

While this section authorizes **interpretation and clarification**, it does **not authorize prohibition** of systems or materials **not regulated by the code**.

An *interpretation* explains how an existing provision applies to a regulated subject; it does not create new prohibitions or requirements.

Because the Fire Code contains **no provision addressing exterior ember protection sprinkler (or irrigation) systems**, there is **no code section to interpret**, and thus no authority to prohibit their installation.

The authority granted by §104.1 must be exercised **consistent with the intent and purpose of the code**, which is to set **minimum fire and life-safety standards**, not to preemptively ban unregulated technologies.

C. The Fire Chief’s Water Supply Rationale Has No Basis in Adopted Standards

While maintaining adequate water supply for firefighting operations is an important concern, the cited justification is **not based on any adopted code provision**.

1. No Adopted Water-System Restriction Exists

Neither the **California Fire Code** nor the **California Plumbing Code** prohibits exterior irrigation or water spray systems based on potential municipal pressure loss.

Water supply management is addressed through infrastructure design, not categorical bans on private irrigation systems.

2. Authority of the State Board of Forestry (BoF) and CAL FIRE

The **State Board of Forestry and Fire Protection** (Public Resources Code §§4290–4291) adopts regulations concerning road access, signage, and on-site water supply for new developments in **State Responsibility Areas (SRA)**—not private sprinkler systems.

Likewise, **CAL FIRE** and the **Office of the State Fire Marshal (OSFM)** have **no regulatory jurisdiction or approval process** for exterior ember protection sprinkler (or irrigation) systems. Requiring their approval imposes a condition that **cannot be satisfied** and lacks legal basis.

3. Speculative Impacts Are Not a Legal Basis for Prohibition

No evidence or technical analysis has been presented showing that the proposed low-flow, intermittent system would interfere with hydrant or firefighting water supply.

A generalized concern about “potential interference” cannot justify categorical prohibition.

4. Proper Review Mechanism Exists Under CBC §104.11

If the City has concerns about system performance or water demand, those issues can be reviewed through the **alternate materials and methods** process in **CBC §104.11**, allowing the Building Official to request supporting data.

The proper mechanism is **technical evaluation**, not prohibition.

D. The OSFM Has No Jurisdiction Over These Systems

The **Office of the State Fire Marshal (OSFM)** regulates materials and systems within the scope of **Title 19** and **Title 24, Part 9** (e.g., interior sprinklers, fire alarms, and WUI materials).

The OSFM has confirmed that it does **not regulate or approve** exterior wildfire or ember protection sprinkler systems.

Conditioning approval on OSFM “approval” is therefore **impossible to satisfy and arbitrary as a matter of law**.

E. State Preemption Bars Local Staff-Level Restrictions

Because the City has not adopted any local building standard under **Health & Safety Code §17958.7**, it cannot add new restrictions beyond those in the California Building Standards Code. The City’s prohibition is **preempted by state law**.

5. Relief Requested

Appellant respectfully requests that the Building Appeals Board:

1. Determine that the City’s prohibition on rooftop ember protection sprinkler (or irrigation) systems lacks legal authority;
2. Interpret the Building Standards Code to permit such systems unless expressly prohibited by adopted law;
3. Direct the Building Official and Fire Department to review the proposed system under applicable provisions of the California Building Code (e.g., **CBC §104.11**, Alternate Materials and Methods); and
4. Clarify that no OSFM, CAL FIRE, or State Board of Forestry “approval” is required unless and until such standards are formally adopted through the state rulemaking process.

6. Conclusion

The City’s refusal to allow ember protection sprinkler (or irrigation) systems based on a nonexistent “OSFM approval” and unsupported claims of water system interference is without legal foundation. Neither the **California Fire Code** nor **CAL FIRE / OSFM** regulations authorize such prohibition. The City’s reliance on **Fire Code §104.1** is misplaced — that section permits interpretation, not prohibition of unregulated systems.

Because no adopted law supports this restriction, and state law preempts such ad hoc policies, the City’s action is **arbitrary, capricious, and unenforceable**.

Appellant therefore respectfully requests that this appeal be **granted** and the prohibition **declared invalid**.

Exhibit A: City decision for denial.

Matt,

Attached, please find a digital copy of all the documents provided to you today in our meeting. Below, is a brief recap of my walk-through explanation of the documents that I shared with you, all of which is captured on the list of supporting documents at the front of the attachment to this email:

- ~~Exhibit A~~ - provides language from the California Fire Code that requires building permits for exterior fire sprinklers **AND** language that defines the duties and powers of the Fire Code Official as including the interpretation of the fire code.
- ~~Exhibit B~~ - provides language from the Carmel Municipal Code defining who the "Fire Code Official" is. Currently, that is Chief Justin Cooper.
- ~~Exhibit C~~ - provides language from California Fire Code authorizing the Fire Code Official to issue building permits **AND** language requiring a permit for the installation of a fire-extinguishing system.
- ~~Exhibit D~~ - is a September 25, 2025 letter from Chief Cooper in which he says he "cannot support" exterior fire sprinklers until the Office of the State Fire Marshall provided guidance.
- ~~Exhibit E~~ - is an October 3, 2025 letter from Chief Cooper clarifying his position to be that exterior sprinklers "shall not be installed or approved" until the State Board of Forestry provided guidance.
- ~~Exhibit F~~ - is an email from the Contractors State Licensing Board (CSLB) clarifying that a "C16" Contractors License is required to install fire protection systems.
- ~~Exhibit G~~ - provides pages from the Carmel Municipal Code outlining the process for appealing decisions relating to building permits.

Following the explanation of these documents, you were informed that the City cannot approve a building permit for the installation of exterior fire sprinklers based on the determination of our Fire Code Official under his authority.

Take care,

-Brandon

Brandon Swanson [he, him, his]
Assistant City Administrator
 City of Carmel-by-the-Sea
 (831) 620-2024



MONTEREY FIRE DEPARTMENT

ATTACHMENT 3:
EXHIBIT B

First letter from
Fire Chief stating
that OSFM does
not regulate
systems (2nd page)

To: Brandon Swanson, Assistant City Administrator
Carmel-By-The-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

September 25, 2025

From: Monterey Fire Department Fire Marshal's Office

Subject: Use of exterior (roof/yard) sprinkler systems and impacts to municipal water supply and firefighting operations

Dear Mr. Swanson

This memorandum provides the Monterey Fire Department's position regarding the installation and use of fixed exterior sprinkler systems (roof, eave, yard or perimeter sprinklers) intended to protect structures from wildfire or ember exposure. Our review focuses on two interrelated concerns;

- (1) effects on municipal water pressure and supply during activation, and
- (2) regulatory review and approval.

The Monterey Fire Department cannot support the use of exterior sprinkler systems that draw on the municipal potable water system until the California Office of the State Fire Marshal (OSFM) has reviewed and approved the particular system, its design, and operation. If an exterior sprinkler system is to be used, it should be supplied from an independent water source (for example, a properly plumbed and reserved swimming-pool cistern or other dedicated on-site storage designed and sized for fire protection) so that activation will not reduce hydrant pressure or otherwise impair municipal firefighting capability.

Basis for concerns and recommendations

A) Municipal water pressure and firefighting capability

When many exterior systems are manually or automatically activated, they can withdraw large volumes of water and reduce system pressure and available flow in the distribution network. Reduced pressure and available flow may directly impede firefighting operations and endanger public safety. Incidents and agency advisories in wildfire-prone areas have documented situations where exterior sprinklers left running limited available water for responders. For that reason, many fire protection and water utility authorities caution against using potable system supply for large-volume exterior systems without evaluation and safeguards. [CBS News](#)

B) Independent water supply strongly preferred

Industry and fire-protection guidance recommend that exterior sprinkler installations intended for wildfire defense be tied to an independent, dedicated water supply sized for

the design demand (for example a cistern or swimming-pool reservoir plumbed for fire use). An independent supply avoids drawing down municipal storage or pressure and allows the fire department to retain system capacity for emergency response. Guidance on cisterns and alternative water supplies is widely available and commonly used as the preferred approach for large-volume exterior systems. [Building America Solution Center](#)

C) Regulatory review and approvals required

The OSFM is the State's authority for code development and product/installation guidance for novel or non-standard fire protection technologies. These systems if being used for fire and life safety should be reviewed and approved by the California Office of the State Fire Marshal (or permitted under applicable state and local code amendments) prior to installation and use. Until such review and formal approval is obtained, the Monterey Fire Department will not support a system that might compromise the public water distribution system or firefighting operations. Local permits and plan review will also be required; some jurisdictions have adopted specific permitting or design requirements for exterior wildfire protection systems.

D) Local precedents and restrictions

Some municipalities have explicit prohibitions or local amendments addressing roof or exterior sprinklers; others regulate these systems through permit requirements and fire-code amendments. For example, municipal code language exists in some cities that prohibits roof sprinklers, and other jurisdictions require a specific permit and design review for exterior wildfire protection systems. Additionally, fire-safety organizations working in populated wildland-interface areas generally advise against permanent roof-sprinkler installations because of limited effectiveness in many wildfire scenarios and the potential for adverse consequences to community water systems. These local and subject-matter precedents underscore the need for careful regulatory review before approving a system that draws on municipal supply. [American Legal Publishing](#)

Recommended path forward

If the property owner/HOA desires exterior water-based protection, design the system so it is supplied exclusively from a dedicated on-site water source (e.g., a swimming pool, cistern or dedicated fire storage) that is sized, plumbed and valved to prevent cross-connection to the municipal potable system. Have the water supply, piping, pumps (if any), and controls designed by a licensed engineer experienced in fire-protection water supplies and provide calculations that demonstrate the system will not rely on municipal distribution during operation. Consider providing a hydrant-style connection or a fire-department-compatible outlet on the cistern so that responders may access it if appropriate.

Currently exterior fire sprinkler systems are not regulated by the State Fire Marshals office. Cities should develop ordinances to create rules pertaining to these systems and to make sure they meet or exceed standards.

If plans are to be submitted in the future, complete plans and specifications must identify the water source, supply sizing and controls, show backflow prevention and cross-connection control, and specify any pumps, valves and alarms. If the design relies on stored water, include evidence that the storage will be maintained at required levels and that the system will be routinely tested and inspected.

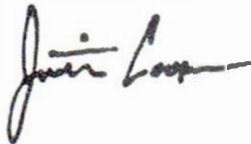
Request a formal review/authorization from the California Office of the State Fire Marshal (OSFM) for any novel or non-standard exterior wildfire protection systems that are proposed to operate automatically or that could impact public water systems. The OSFM issues guidance and bulletins and is the appropriate state authority for novel systems. The Fire Department will withhold support until such state-level review is complete.

References and further reading (selected)

- California Office of the State Fire Marshal — Information Bulletins and Code Development / Wildland Hazards resources. [Office of the State Fire Marshal](#)
- Fire Safe Marin — exterior wildfire sprinkler guidance (summarizes effectiveness concerns and water-pressure risks). [Fire Safe Marin - Adapt to Wildfire](#)
- PNNL / Building America / guidance on cisterns and alternative water supplies for fire suppression. [Building America Solution Center](#)
- News coverage and agency advisories describing instances where exterior sprinklers affected firefighting water availability (example: Lake Tahoe area). [CBS News](#)
- USDA Forest Service and other wildland-urban interface guidance cautioning against permanent roof sprinklers and recommending structural hardening and defensible space as primary measures. [US Forest Service](#)

The Monterey Fire Department recognizes the desire of property owners and communities to protect homes from wildland fire exposures. At the same time, our duty is to protect public safety and to ensure that water resources and distribution systems remain available and reliable for emergency firefighting. For these reasons, we cannot support exterior sprinkler systems that rely on municipal potable supply without OSFM review and formal approval.

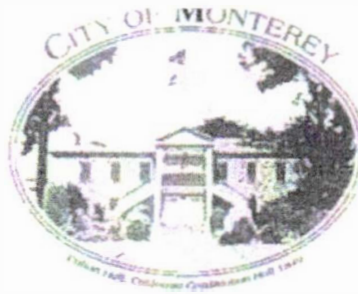
Sincerely,



Justin Cooper | Division Chief | Fire Marshal
MONTEREY FIRE DEPARTMENT
FIRE PREVENTION DIVISION



*Proudly serving the Cities of Monterey, Pacific Grove, Carmel-by-the-Sea and Sand City,
The Monterey Regional Airport, Naval Postgraduate School and La Mesa Village*
610 Pacific Street | Monterey, CA 93940
O (831) 646-6945 | M (831) 646-3908 | monterey.gov/fire
Committed to Exceed the Expectations of Those We Serve



MONTEREY FIRE DEPARTMENT

ATTACHMENT 3

Exhibit C:
second letter from the
Chief stating systems
shall not be installed

To: Brandon Swanson, Assistant City Administrator
Carmel-By-The-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

October 3, 2025

From: Monterey Fire Department Fire Marshal's Office

Dear Mr. Swanson,

In follow up to the letter sent on 9/25/2025 regarding Monterey Fire Departments position of exterior roof mounted sprinklers. I am confirming that exterior mounted fire sprinkles shall not be installed or approved until the State Board of Forestry (CAL FIRE) approves such systems and provides guidance on their usage.

The municipal water system in Carmel-By-The-Sea is critically important to maintain firefighting capabilities for responding fire apparatus. Systems that can interfere with maintaining water supply (pressure & volume) shall not be installed unless approved by the State Board of Forestry (CAL FIRE), City of Carmel-By-The-Sea Building Department, and the Monterey Fire Department.

Sincerely,

Justin Cooper | Division Chief | Fire Marshal
MONTEREY FIRE DEPARTMENT
FIRE PREVENTION DIVISION



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Exhibit D: Letter from the city stating no policy or guidelines

Hi Matthew,

Thank you for your email.

To clarify our prior discussion at the counter on August 13th, I never stated that the proposal would be in violation of the zoning code. Rather, I referenced Carmel Municipal Code (CMC) Section 17.58.020.D, which provides that:

“The Director may require the Planning Commission to review any application that raises new policy issues or presents unusual circumstances not addressed by adopted policies, guidelines, or review criteria.”

At this time, the zoning code, residential design guidelines, general plan, building code, fire code, or review procedures do not specifically address exterior fire sprinklers. Because this type of installation has not been contemplated in our adopted policies or review procedures, it represents a new policy issue. In such cases, it is appropriate for the Planning Commission to provide direction on how the City should evaluate and process similar applications moving forward. Additionally, because exterior fire sprinklers are not addressed in any adopted policies or review criteria, it is appropriate to the Planning Commission to be the decision making body to determine if such installation conforms to and otherwise allowed under the zoning code.

When we met, we also discussed you submitting a detailed plan showing the location of the proposed infrastructure and we discussed how you just hand draw your plans to which I said that was not a problem provided it has sufficient detail and the Planning Commission can take action on the project (a Design Study), or we can just ask the question without a plan and seek direction from the Commission (an Administrative Determination). Given our discussion on the 13th, I am surprised that there is any uncertainty about the need for Planning Commission consideration, as this process was clearly outlined at that time.

Best regards,

Evan Kort
Senior Planner
Community Planning and Building

Exhibit E: California Fire Code Section 104 citing official's authority to *render***[A] 104.1 General.**

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The fire code official is hereby authorized to enforce the provisions of this code. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.

2022 California Fire Code, Title 24, Part 9 /
CHAPTER 1 / SECTION 104 / [A] 104.1

interpretations.

Exhibit F: Health & Safety Code § 17958.7 This section outlines the specific requirements a local governing body must follow to legally modify or change the California Building Standards Code.

17958.7. (a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

(Amended by Stats. 1997, Ch. 645, Sec. 12. Effective January 1, 1998.)

Exhibit G: Proposed specs and calculations, plan view sketch and irrigation heads.

- System will be non pressurized when not in use.
- System to be connected to hose bib. **(With proper back-flow protection)**
- Hose bib is showing a flow rate of 16 GPM.
- Hose bib is showing an operating pressure of 75 PSI.
- Piping to be copper 3/4" trunk with 1/2" branch lines.
- System to use a combination of landscaping irrigation heads to include
 - adjustable impact heads on the roof. (approximately 3 gpm)
 - adjustable spray heads under eaves around the perimeter. (approximately .75 gpm)
- System to be operated via irrigation timer either manually or remotely. **(not automatically)**
- System to include approximately 2 zones to ensure flow rates do not exceed 12 GPM.
- System will operate each zone for 5 minutes, then remain off for 50 minutes.
- Total water usage to be less that 120 gallons per hour.

