



STAFF REPORT

TO: Mayor and City Council

FROM: Tom Welch, Fire Chief
Patrick Kelly, Planning and Building Director

SUBJECT: Public Hearing, Second Reading, and Adoption of Ordinance No. 1312 Amending Chapters 14.04 and 15.04 of the Mill Valley Municipal Code, Adopting by Reference the 2019 Editions of the California Fire, Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, and Referenced Standards Codes, with Amendments to Reflect Local Conditions.

Public Hearing, Second Reading, and Adoption of Ordinance No. 1313 Deleting Chapter 14.44 and Amending Chapter 14.48 of the Mill Valley Municipal Code to Adopt by Reference the 2019 Edition of the California Green Building Standards Code, with Amendments to Reflect Local Conditions.

Adoption of Resolution No. 19-___, a Resolution of the City of Mill Valley Making Express Findings and Determinations that Modifications to the 2019 California Building Code, California Residential Code, California Fire Code, and California Green Building Standards Code are Reasonably Necessary because of Local Climatic, Geologic, and/or Topographic Conditions.

MEETING DATE: December 2, 2019

Approved for Forwarding:


James C. McCann, City Manager

- 1 **Issue:**
- 2 Public hearings and consideration of two ordinances to amend Titles 14 and 15 of the
- 3 Mill Valley City Code, adopting by reference the 2019 California Building Standards
- 4 Codes, with local amendments. Consideration of a resolution making findings that local

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5 amendments to the California Building, Residential, Fire, and Green Building Standards
6 Codes are reasonably necessary due to local conditions.

7
8 **Recommendations:**

- 9
10 1. Open the noticed public hearing, receive public comment, close the public
11 hearing, and by motion waive full reading and adopt proposed Ordinance
12 No.1312, as read by title; and
13 2. Open the noticed public hearing, receive public comment, close the public
14 hearing, and by motion waive full reading and adopt proposed Ordinance
15 No.1313, as read by title; and
16 3. Adopt, as read by title, Resolution No. 19- ____.

17
18 **Background:**

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20 Every three years the California Building Standards Commission adopts and publishes
21 model codes with added California Amendments, known together as the California
22 Building Standards Code (Title 24, California Code of Regulations). The California
23 Building Standards Code is made up of 12 parts, including the California Fire Code,
24 Building Code, Mechanical Code, Plumbing Code, and Energy Code. The model codes
25 from which the California Building Standards Codes are adopted are based on codes
26 published by the International Code Council (ICC). In addition, the National Fire
27 Protection Association, the International Association of Plumbing and Mechanical Codes,
28 and the National Electrical Code have continued to publish the model codes on which the
29 California Building Standards Codes are based.

30
31 Once published, local agencies have 180 days to adopt specified codes contained within
32 the California Building Standards Code by reference, along with any amendments based
33 on local climatic, topographic, or geologic conditions. Local amendments must be more
34 stringent than those standards contained in the California Building Standards Code. The
35 State Codes and any local amendments are adopted by local ordinance and become part
36 of the Mill Valley Municipal Code. The City Council went through a similar process in
37 2016. The current California Codes were issued on July 1, 2019; therefore, any
38 amendments or additions by local ordinance must be in effect by January 1, 2020.

39
40 **Discussion:**

41
42 *Ordinance No.1312*

43
44 If approved, Ordinance No. 1312 (**Attachment 1**) would amend Chapters 14.05
45 (Construction Codes) and 15.04 (Fire Prevention) of the MVMC to adopt by reference
46 the 2019 editions of the California Fire Code, the California Administrative, the
47 California Building Code, the California Residential Code, the California Electrical
48 Code, the California Mechanical Code, the California Plumbing Code, the California
49 Energy Code, the California Historical Building Code, the California Existing Building

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50 Code, and the California Referenced Standards Code, with local amendments. Further
51 details about the 2019 Codes and the local amendments are contained in the November
52 4th City Council Meeting Staff Report (**Attachment 2**).

53
54 At the regular City Council meeting on November 4, 2019, the City Council waived full
55 reading and introduced Ordinance No. 1312, and set a public hearing date for the
56 December 2, 2019 City Council meeting. The City published two notices of this public
57 hearing in the Marin Independent Journal on November 16, 2019 and November 23,
58 2019, in compliance with Government Code Sections 50022.1 *et seq.* and 6066.

59
60 *Ordinance No. 1313*

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62 If approved, Ordinance No. 1313 (**Attachment 3**) would amend Chapter 14.48 (Green
63 Building Standards) of the MVMC to adopt by reference the 2019 edition of the
64 California Building Standards Code (Part 11 of Title 24, “CALGreen”), with local
65 amendments. The ordinance would also delete other energy efficiency standards currently
66 included in Chapter 14.44 that were adopted in 2005, in order to streamline the Code
67 language. Further details about CALGreen and the local amendments are contained in the
68 November 18th City Council Meeting Staff Report (**Attachment 4**). The more restrictive
69 energy standards were found to be cost effective, as required by the California Public
70 Resources Code, in studies conducted by Frontier Energy, Inc., Misti Bruceri &
71 Associates LLC, TRC Energy Services, and EnergySoft. (**Attachment 5**).

72 At the regular City Council meeting on November 18, 2019, the City Council waived full
73 reading and introduced Ordinance No.1313, and set a public hearing date for the
74 December 2, 2019 City Council meeting. The City published two notices of this public
75 hearing in the Marin Independent Journal on November 16, 2019 and November 23,
76 2019, in compliance with Government Code Sections 50022.1 *et seq.* and 6066.

77
78 *Resolution No. 19-____*

79
80 The California Health and Safety Code requires that when a city makes local
81 amendments to building standards within the California Building Standards Code, it must
82 make express findings that the amendments are reasonably necessary because of local
83 climatic, geological or topographical conditions. The findings must then be submitted to
84 the California Building Standards Commission.

85
86 The proposed Resolution (**Attachment 6**) finds that the local amendments contained
87 within Ordinance Nos.1312 and 1313 are reasonably necessary due to local climatic,
88 topographic, and geologic conditions, and further finds that the more restrictive energy
89 standards contained within Ordinance No. 1313 are cost effective based on the prepared
90 studies. The Resolution directs staff to submit the Ordinances and the Resolution to the
91 Building Standards and Energy Commissions.

92

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93 **Fiscal Impact:**

94

95 N/A.

96

97 **Attachments:**

98

99 1. Ordinance No.1312.

100 2. City Council Meeting Staff Report dated November 4, 2019

101 3. Ordinance No.1313.

102 4. City Council Meeting Staff Report dated November 18, 2019

103 5. 2019 Residential and Nonresidential Cost Effectiveness Studies (*available for*
104 *reference in the City Clerk's Office*)

105 6. Draft Resolution No. 19- ____.

ORDINANCE NO. 1312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY, AMENDING CHAPTERS 14.05 AND 15.04 OF THE MILL VALLEY MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITIONS OF THE CALIFORNIA FIRE, ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, EXISTING BUILDING, REFERENCED STANDARDS CODES, WITH AMENDMENTS TO REFLECT LOCAL CONDITIONS

SECTION 1: Chapter 14.04 of the Mill Valley Municipal Code is hereby deleted and replaced in its entirety to read as follows:

15.04.020: Adoption of the California Fire Code

The City Council of the City of Mill Valley hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The 2019 California Fire Code, which consists of certain portions of the 2018 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS, the whole thereof, save and except such portions as are hereafter deleted, modified or amended by Section 15.04.120 of this Code.
 - b. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION, the whole thereof, save and except such portions as are hereafter deleted, modified or amended by Section 15.04.120 of this Code.
 - c. Appendix O TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Mill Valley Fire Department (1 Hamilton Dr. Mill Valley, CA 94941), and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the City of Mill Valley.

15.04.030: Establishment and duties of the Fire Loss Management Division of the Mill Valley Fire Department

The 2019 California Fire Code, which consists of certain portions of the 2018 edition of the International Fire Code as amended by the California Building Standards Commission, shall be enforced by the Fire Marshal of the Mill Valley Fire Department and shall be operated under the supervision of the Fire Chief or his/her designee of the Mill Valley Fire Department.

15.04.040: Definitions

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Wherever they appear in the California Fire Code, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

- (a) Whenever the words “Fire Code” are used they shall mean those Codes and Standards adopted in Section 1 of this Ordinance.
- (b) Wherever the words “agency having jurisdiction” are used in the Fire Code, it shall be held to mean the Mill Valley Fire Department.
- (c) Wherever the term “counsel” is used in the Fire Code, it shall be held to mean the attorney for the City of Mill Valley.
- (d) Wherever the words “Fire Code Official” are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Fire Loss Prevention Division of the Mill Valley Fire Department or his/her designee.

15.04.050: Establishment of geographic limits of districts in which storage of Class I and Class II liquids in outside aboveground tanks is prohibited

The geographic limits referred to in Section 5704.2.9.6.1 of the 2019 California Fire Code in which storage of Class I and Class II liquids in outside above-ground tanks is prohibited are hereby established as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Mill Valley, and agricultural land of less than two (2) acres.

15.04.060: Establishment of geographic limits of districts in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited

The geographic limits, referred to in Section 5706.2.4.4 of the 2019 California Fire Code in which storage of Class I and Class II liquids in aboveground tanks is prohibited, are hereby established as follows: In all residential areas and in all heavily populated or congested commercial areas as established by City of Mill Valley, and agricultural land of less than two (2) acres.

15.04.065: Establishment of the geographic limits of districts in which the storage of stationary tanks of flammable cryogenic fluids is to be prohibited

The geographic limits, referred to in Section 5806.2 of the 2019 California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all residential areas and in heavily populated or congested commercial areas, as established by the City of Mill Valley.

15.04.070: Establishments of geographic limits in which storage of liquefied petroleum gases is to be restricted

92 The geographic limits, referred to in Section 6104.2 of the 2019 California Fire Code in which
93 storage of liquefied petroleum gas is restricted, are hereby established as follows: In all residential
94 areas and in all heavily populated or congested commercial areas, and agricultural land less than
95 two (2) acres.

96
97 15.04.080: Establishment of geographic limits of districts in which storage of explosives and
98 blasting agents is to be prohibited
99

100 Section 5604 of the California Fire Code is hereby amended to add a new Section 5604.1.1 to read
101 as follows:

102
103 **5604.1.1 Geographic Limits.** The geographic limits in which storage of explosives and
104 blasting agents is prohibited are as follows: In all residential areas and in heavily populated
105 or congested commercial areas as established by the City of Mill Valley.
106

107 15.04.090: Establishment of the geographic limits of districts in which the storage of
108 compressed natural gas is to be prohibited
109

110 Section 5304 of the California Fire Code is hereby amended to add a new Section 5304.3 to read
111 as follows:

112
113 **5304.1.1 Geographic Limits.** The geographic limits, in which the storage of compressed
114 natural gas is prohibited, are hereby established as follows: In all residential areas and in
115 heavily populated or congested commercial areas, as established by the City of Mill Valley.
116

117 15.04.110: Establishment of the geographic limits of districts in which the storage of
118 hazardous materials is to be prohibited or limited
119

120 Section 5001 of the California Fire Code is hereby amended to add a new Section 5001.1.2 to read
121 as follows:

122
123 **5001.1.2 Geographic Limits.** The geographic limits, in which the storage of hazardous
124 materials is prohibited or limited, are hereby established as follows: In all residential areas
125 and in heavily populated or congested commercial areas, as established by City of Mill
126 Valley.
127

128 15.04.120: Amendments made to the 2019 California Fire Code
129

130 The following amendments, additions, and deletions are made to the 2019 California Fire Code
131 (CFC):

132
133 **CFC Chapter 1: Scope and Administration**
134

135 Section 101.1 of Chapter 1 is amended to read as follows:
136

137 **Section 101.1 Title.** These regulations and locally adopted standards shall be known as
138 the Fire Code of the City of Mill Valley, hereinafter referred to as “this code.”
139

140 Section 102.5 of Chapter 1 is hereby amended to read as follows:
141

142 **102.5 Application of residential code.** Where structures are designed and constructed in
143 accordance with the *California Residential Code* or the *International Residential Code*,
144 the provisions of this code shall apply as follows:
145

- 146 1. Construction and design provisions of this code pertaining to the exterior of the
147 structure shall apply including, but not limited to, premises identification, fire
148 apparatus access and water supplies. Construction and design provisions of this
149 code pertaining to the interior of the structure shall apply when specifically
150 required by this code, including but not limited to Sections 903.2 and
151 1204.2.1. Where interior or exterior systems or devices are installed,
152 construction permits required by Section 105.7 of this code shall also apply
153
- 154 2. Administrative, operational and maintenance provisions of this code shall apply.
155

156 Section 102.7.3 is hereby added to Chapter 1 and shall read as follows:
157

- 158 1. **Section 102.7.3 Nationally Recognized Listed Products.** Any products and
159 equipment required to be installed pursuant to permits required by this code shall
160 be Labeled and Listed, as defined in Section 202.
161

162 Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:
163

164 **Section 104.1.1 Supplemental Rules, Regulations and Standards or Policies.** The Fire
165 Code Official is authorized to render interpretations of this code and to make and enforce
166 rules and supplemental regulations, and to develop Fire Protection Standards or Policies to
167 carry out the application and intent of this code.
168

169 Section 104.12 is hereby added to Chapter 1 and shall read as follows:
170

171 **Section 104.12. Fire Prevention Resource Sharing.** Other enforcement agencies shall
172 have authority to render necessary assistance in plan review, inspection, code
173 interpretation, enforcement, investigation and other fire prevention services when
174 requested to do so.
175

176 Section 105.6.52 is hereby added to Chapter 1 and shall read as follows:
177

178 **105.6.52 Local Permits.** In addition to the permits required by Section 105.6, the following
179 permits shall be obtained from the Fire Loss Prevention Division of the Mill Valley Fire
180 Department prior to engaging in the following activities, operations, practices or functions:
181

182 1. Fire Protection Plan. An operational permit is required to implement a fire
183 protection plan.

184
185 2. Radioactive material. An operational permit is required to store or handle at any
186 installation more than 1 micro curie (37,000 Becquerel) of radioactive material not
187 contained in a sealed source or more that 1 millicurie (37,000,000 Becquerel) of
188 radioactive material in a sealed source or sources, or any amount of radioactive
189 material for which specific license from the Nuclear Regulatory Commission is
190 required.

191
192 Section 105.7.26 is hereby added to Chapter 1 and shall read as follows:
193

194 **Section 105.7.26 Vegetation Management Plan.** A construction permit is required to
195 implement a vegetation management plan.
196

197 Section 106.6 is hereby added to Chapter 1 and shall read as follows:
198

199 **Section 106.6 Damages and Expense Recovery.** The expense of securing any emergency
200 that is within the responsibility for enforcement of the Fire Chief as given in Section 104
201 is a charge against the person who caused the emergency. Damages and expenses incurred
202 by any public agency having jurisdiction or any public agency assisting the agency having
203 jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief
204 for proper distribution in the same manner as in the case of an obligation under contract
205 expressed or implied. Expenses as stated above shall include, but not be limited to,
206 equipment and personnel committed and any payments required by the public agency to
207 outside business firms requested by the public agency to secure the emergency, monitor
208 remediation, and clean up.
209

210 Section 110.4 of Chapter 1 is hereby amended to read as follows:
211

212 **Section 110.4 Violation Penalties.** Persons who shall violate a provision of this code or
213 shall fail to comply with any of the requirements thereof or who shall erect, install, alter
214 repair or do work in violation of the approved construction documents or directive of the
215 Fire Code Official, or of a permit or certificate used under provisions of this code, shall
216 be subject to the penalties set forth in Title 8 of the Mill Valley Municipal Code. Each
217 day that a violation continues after due notice has been served shall be deemed a separate
218 offense. The imposition of one penalty for any violation shall not excuse the violation or
219 permit it to continue.

220
221 Section 110.4.2 is hereby added to Chapter 1 and shall read as follows:
222

223 **Section 110.4.2 Abatement of clearance of brush or vegetative growth from structures.** The
224 Mill Valley City Council is authorized to instruct the Fire Code Official to give notice to
225 the owner of the property upon which conditions regulated by section 304.1.2 of Chapter
226 3 and section 4907.1 of Chapter 49 exists to correct such conditions. If the owner fails to
227 correct such conditions, the Mill Valley City Council is authorized to cause the same to be

228 done and make the expense of such correction a lien upon the property where such
229 condition exists.

230

231 **CFC Chapter 2: Definitions**

232

233 Section 202 of Chapter 2 is hereby amended by adding the following new terms and definitions in
234 alphabetical order:

235

236 **COVERINGS.** Materials including, but not limited to gypsum board, paneling, floor
237 boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to
238 rough framing of the building elements. 'Coverings' do not include carpet, linoleum, tile,
239 wall paper, or other decorative finishes.

240

241 **FIRE ROAD.** An improved or unimproved road, public or private, that provides access
242 for firefighting equipment and personnel to undeveloped areas.

243

244 **PRE-PLANS.** The detailed plans of target hazard buildings. The term 'pre-plans' includes
245 information on the building's location, occupancy, hazards, fire department connections
246 and hydrants, building layout, and other pertinent data that would assist the fire department
247 in case of an emergency.

248

249 **PUBLIC STORAGE FACILITY.** Any business that sells, leases or rents space to the
250 public that is enclosed, whether it is a building, storage container or similar configuration.

251

252 **SPARK ARRESTOR.** A chimney device constructed in a skillful-like manner, consistent
253 with the following. The net free area of a spark arrestor shall not be less than four times
254 the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and
255 corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge
256 stainless steel. The opening shall not permit the passage of spheres having a diameter
257 larger than 1/2 inch and shall not block the passage of spheres having a diameter of less
258 than 3/8 inch.

259

260 **SUBSTANTIAL REMODEL.** The renovation of any structure, which combined with any
261 additions to the structure, affects a floor area which exceeds fifty percent of the existing
262 floor area of the structure within any 36-month period. When any changes are made in the
263 building, such as walls, columns, beams or girders, floor or ceiling joists and coverings,
264 roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components,
265 the floor area of all rooms affected by such changes shall be included in computing floor
266 areas for the purposes of applying this definition. This definition does not apply to the
267 replacement and upgrading of residential roof coverings.

268

269 **TEMPORARY.** Any use for a period of less than 90 days, where not otherwise referenced.

270

271 **UNWARRANTED ALARM.** The giving, signaling or transition of an alarm notification
272 to a public fire station or emergency communication center when such alarm is the result
273 of a defective condition of an alarm system, system servicing testing, construction

274 activities, ordinary household activities, false alarm or other cause when no such danger
275 exists.

276
277 **CFC Chapter 3: General Requirements**

278
279 Section 302.1 of Chapter 3 is hereby amended to add the following to the list of terms that
280 are defined in Chapter 2:

281
282 **PUBLIC STORAGE FACILITY.**

283
284 Section 319 of Chapter 3 is deleted in its entirety.

285
286 A new Section 321 is hereby added to Chapter 3 and shall read as follows:

287
288 **SECTION 321**
289 **PUBLIC STORAGE FACILITIES**

290
291 **Section 321.1 General.** Public Storage Facilities shall comply with the provisions of this
292 section.

293
294 **Section 321.2. Fire apparatus access.** All public storage facilities shall have fire
295 apparatus access roads provided in accordance with Section 503.

296
297 **Section 321.3. Storage of Flammable and Combustible Liquids and Hazardous**
298 **Materials.** The storage of hazardous materials or flammable or combustible liquids in
299 public storage facilities is prohibited. Public storage facilities shall post legible and durable
300 sign(s) to indicate this prohibition in a manner and location(s) as specified by the Fire Code
301 Official. This section shall apply to new and existing public storage facilities.

302 **Exception:** Only those quantities of flammable and combustible liquids necessary for
303 maintenance of the facility may be stored by the facility management consistent with
304 Chapter 57 of this code.

305
306 **CFC Chapter 4: Emergency Planning and Preparedness**

307
308 Section 401.1.1 is hereby added to Chapter 4 and shall read as follows:

309
310 **Section 401.1.1 Hazardous Occupancies.** In occupancies of a hazardous nature, where
311 access for fire apparatus is unduly difficult, or where special life and fire safety hazards
312 exist as determined by standards/policies of the City of Mill Valley, that facility or business
313 management shall be required to develop and implement an Emergency Response Plan,
314 and to provide for an onsite Emergency Response Team, Emergency Liaison Officer, staff
315 training and fire drills, in accordance with Sections 405 and 406 and standards developed
316 by the City of Mill Valley.

317
318 Section 401.3.2.1 is hereby added to Chapter 4 and shall read as follows:

320 **Section 401.3.2.1 Unwarranted Alarm Notification.** Notification of emergency
321 responders based on an unwarranted alarm may be punishable by a fine in accordance with
322 the adopted fee schedule. In addition, the responsible party may be liable for the operational
323 and administrative costs incurred from the emergency response or mitigation procedures
324 resulting from an unwarranted alarm notification.
325

326 Section 401.3.2.2 is hereby added to Chapter 4 and shall read as follows:
327

328 **Section 401.3.2.2 Multiple Unwarranted or Nuisance Alarm Activations.** Any
329 occupancy that has more than 3 unwarranted or nuisance alarms causing emergency
330 response within a 12-month period may be required to modify, repair, upgrade or replace
331 their system and or monitoring station as determined by the Fire Code Official.
332

333 Section 402.1 of Chapter 4 is hereby amended to add the following to the list of terms that are
334 defined in Chapter 2:
335

336 **PRE-PLANS.**

337 **UNWARRANTED ALARMS.**
338

339 Section 403.1.1 is hereby added to Chapter 4 and shall read as follows:
340

341 **Section 403.1.1 Pre-plans:** When required by the Fire Code Official, pre-plans shall be
342 developed for target hazard buildings according to the written standards developed by the
343 authority having jurisdiction.
344

345 Section 403.10.1.4 is hereby added to Chapter 4 and shall read as follows:
346

347 **Section 403.10.1.4 Emergency Preparedness for Hotels, Lodging Houses and**
348 **Congregate Residences.** Hotels, lodging houses and congregate residences shall provide
349 guests with immediate access to a telephone to report emergencies. The exit diagram shall
350 indicate the location of the nearest telephone and instructions to dial 911.
351

352 **CFC Chapter 5: Fire Service Features**

353
354 Section 501.5 is hereby added to Chapter 5 and shall read as follows:
355

356 **Section 501.5 Failure to Comply.** Failure to comply with this section upon written or
357 verbal notice from the Fire Code Official shall result in a City of Mill Valley order to cease
358 operations and desist further operations until such time as adequate access and/or water for
359 fire protection is provided.
360

361 Section 502.1 of Chapter 5 is hereby amended by adding the following to the list of terms that are
362 defined in Chapter 2:
363

364 **FIRE ROAD.**
365

366 Section 503.1. of Chapter 5 is hereby amended to read as follows:
367

368 **Section 503.1 Where Required.** Fire apparatus access roads shall be provided and
369 maintained in accordance with Sections 503.1.1 through 503.1.5.
370

371 Section 503.1.4 is hereby added to Chapter 5 and shall read as follows:
372

373 **Section 503.1.4 Fire Roads.** Fire roads shall be provided for firefighting equipment,
374 apparatus and personnel to undeveloped areas of the City of Mill Valley so as to gain access
375 to improved, unimproved, and undeveloped areas of the City of Mill Valley, in a manner
376 approved by the Fire Code Official. Any vehicle or other obstructions may be towed away
377 at the owner's expense.
378

379 Section 503.1.5 is hereby added to Chapter 5 and shall read as follows:
380

381 **Section 503.1.5 Aerial fire apparatus access.** For buildings or facilities exceeding 30 feet
382 or three stories in height, approved aerial fire apparatus access roads shall be provided. For
383 the purposes of this section, the highest roof surface shall be determined by the
384 measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall,
385 or the top of parapet walls, whichever is greater.
386

387 **Section 503.1.5.1 Width.** Aerial fire apparatus access roads shall have a minimum
388 unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the
389 building or portion thereof.
390

391 **Section 503.1.5.2 Proximity to building.** One or more of the required access routes
392 meeting this condition shall be located not less than 15 feet and not more than 30 feet from
393 the building, and shall be positioned parallel to one entire side of the building. The side of
394 the building on which the aerial fire apparatus access road is positioned shall be approved
395 by the Fire Code Official.
396

397 **Section 503.1.5.3 Obstructions.** Overhead utility and power lines shall not be located
398 over the aerial fire apparatus access road or between the aerial fire apparatus access road
399 and the building. Other obstructions shall be permitted to be placed with the approval of
400 the Fire Code Official.
401

402 Section 503.2.1 of Chapter 5 is hereby amended by adding an exception, which shall read as
403 follows:
404

405 **Exception:** Driveways serving as fire apparatus access roads that serve fewer than 5
406 structures may reduce the required unobstructed width to 16 feet.
407

408 Section 503.2.6.1 is hereby added to Chapter 5 and shall read as follows:
409

410 **Section 503.2.6.1 Evaluation and maintenance.** All existing private bridges and elevated
411 surfaces that are a part of a fire apparatus access road shall be evaluated by a California

412 licensed civil engineer experienced in structural engineering or a California licensed
413 structural engineer, for safety and weight rating, in accordance with American Association
414 of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for
415 Bridge Evaluation," Second Edition, or other approved standard. Vehicle load limits shall
416 be posted at both entrances to bridges. All bridges and elevated structures providing fire
417 department access shall be routinely maintained in accordance with Section 503.2.6 or
418 when directed by the Fire Code Official or authorized designee.
419

420 Section 503.4 of Chapter 5 is hereby amended to read as follows:
421

422 **Section 503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads
423 shall not be obstructed in any manner, including the parking of vehicles. The minimum
424 widths and clearances established in sections 503.2.1 and 503.2.2 shall be maintained at all
425 times. Any vehicle or other obstruction may be towed away at the owner's expense.
426

427 Section 503.4.2 is hereby added to Chapter 5 and shall read as follows:
428

429 **503.4.2 Prohibition of vehicular parking on private access ways.** If, in the judgment of
430 the Fire Code Official, it is necessary to prohibit vehicular parking along private access
431 ways serving existing facilities, buildings, or portions of buildings in order to keep them
432 clear and unobstructed for fire apparatus access, the Fire Code Official may issue an Order
433 to the owner, lessee or other person in charge of the premises to paint the curbs red or
434 install signs or other appropriate notices to the effect that parking is prohibited by Order of
435 the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person
436 in charge of the premises to fail to install or maintain in good condition, the form of notice
437 so prescribed. When such areas are marked or signed as provided herein, no person shall
438 park a vehicle adjacent to any such curb or in the private access way contrary to such
439 markings or signs. Any vehicle so parked in the private access way may be towed away at
440 the expense of the owner of the vehicle.
441

442 Sections 503.6.1 and 503.6.2 are hereby added to Chapter 5 and shall read as follows:
443

444 **503.6.1 Width.** All gates shall open fully to provide an unobstructed passage width of not
445 less than 16 feet or a minimum of two feet wider than the approved net clear opening of
446 the required all weather roadway or driveway and a minimum net vertical clearance of 15
447 feet.
448

449 **Section 503.6.2 Electronic gates.** All electronic operated gates shall have installed an
450 approved key switch override system mounted on a stanchion or wall as approved by the
451 Fire Code Official in accordance with Standards/Policies adopted by the Fire Code Official.
452 All electronic or motorized gates shall incorporate in their design the means for fast,
453 effective manual operation of the gates in the event of a power or mechanical failure (i.e.,
454 easily removable hinge pins for separating power linkage from gates; undercut, weakened
455 or frangible members requiring 40 pounds or less pressure against the gates to cause their
456 failure and the gates to open). All electrical wiring and components of motorized gates
457 shall be UL listed and installed in accordance with the National Electric Code.

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Section 506.1 of Chapter 5 is hereby amended to read as follows:

Section 506.1 Where Required. When access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, and in commercial structures that have an automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved location. The key entry system shall be of an approved type listed in accordance with UL1037, and if it is a key entry box, shall contain keys necessary to gain access as required by the Fire Code Official.

Section 507.5.1 of Chapter 5 is hereby amended by deleting Exceptions 1 and 2.

Section 507.5.1.1 of Chapter 5 is hereby amended to read in its entirety as follows:

Section 507.5.1.1 Hydrant for fire department connections. Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 100 feet of the fire department connections.

Exception: The distance shall be permitted to exceed 100 feet where approved by the Fire Code Official.

Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:

Section 507.5.7 Fire hydrant upgrades. When additions or modifications to structures are made, the nearest fire hydrant (if a new one is not required) located by the Fire Code Official or his/her designee shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the minimum standard of one 4 1/2" outlet and two 2 1/2" outlets for commercial structures.

Exceptions:

1. If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.
2. One and two family dwellings equipped throughout with an approved automatic sprinkler system.

Section 510.1 of Chapter 5 is hereby amended by deleting Exception 1.

CFC Chapter 9: Fire Protection and Life Safety Systems

Section 901.7 of Chapter 9 is hereby amended to read as follows:

Section 901.7 Systems out of Service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall be either evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown

503 until the fire protection system has been returned to service. This section shall also apply
504 to residential fire sprinkler systems.

505 Where utilized, fire watches shall be provided with not less than one approved means
506 for notification of the fire department and their only duty shall be to perform constant
507 patrols of the protected premises and keep watch for fires.
508

509 Section 903.2 of Chapter 9 is hereby deleted and replaced with the following provisions, with the
510 exception of sub-sections 903.2.5, 903.2.6, 903.2.8, 903.2.11, 903.2.12, 903.2.14, 903.2.15,
511 903.2.16, 903.2.17, 903.2.18, 903.2.19, and 903.2.20 which shall remain in effect.
512

513 Section 903.2 is hereby added to Chapter 9 and shall read as follows:
514

515 **Section 903.2 Where required.** Approved automatic sprinkler systems in new and
516 existing buildings shall be provided in the locations described in this section.
517

518 Section 903.2.1 through 903.2.4 are hereby added to Chapter 9 and shall read as follows:
519

520 **Section 903.2.1 Required Installations.** An automatic sprinkler system shall be installed
521 and maintained in all newly constructed buildings or structures, regardless of occupancy
522 classification.

523 **Exceptions:**

524 1. Free standing Group U occupancies not more than 1,000 square feet and provided
525 with exterior wall and opening protection as required under Section 602, Table 602
526 of the California Building Code.

527 2. Agricultural buildings, as defined in Appendix C of the California Building
528 Code, that do not exceed 2,000 square feet and that have a clear unobstructed side
529 yard of combustible materials, exceeding 60 feet in all directions and not exceeding
530 25 feet in height.
531

532 **Section 903.2.2 Additions and Alterations.** Excepting R-3 occupancies, an automatic
533 sprinkler system shall be installed in all buildings that are in excess of 3,000 square feet
534 and to which ten per cent (10%) or more floor area is added within any 36 month period.
535

536 **Section 903.2.2.1 Substantial Remodels.** An automatic sprinkler system shall be installed
537 in all buildings to which fifty per cent (50%) or more floor area is added, or that undergo
538 any substantial remodel as defined in this code, within any 36 month period.
539

540 **Section 903.2.3 Group R-3.** An automatic sprinkler system installed in accordance with
541 Section 903.3.1.3 shall be permitted in Group R-3 occupancies, and shall be provided
542 throughout all one- and two-family dwellings regardless of square footage in accordance
543 with the California Residential Code. An automatic sprinkler system shall be installed in
544 all mobile homes, manufactured homes and multi-family manufactured homes with two or
545 more dwelling units in accordance with Title 25 of the California Code of Regulations.

546 **Section 903.2.4 Change of Occupancy or Use.** For any change of occupancy or use, when
547 the proposed new occupancy classification is more hazardous based on a fire and life safety
548 evaluation by the Fire Code Official, including but not limited to conversion of buildings

549 to single family residences, accessory dwelling units, bed and breakfast, inns, lodging
550 houses or congregate residences or other similar uses, an automatic sprinkler system shall
551 be installed throughout.
552

553 Section 903.3.9 of Chapter 9 is hereby amended by revising subsection 2 to read as follows:
554

555 2. Buildings that are two or more stories in height.
556

557 Section 903.4 is hereby amended by deleting Exceptions 1, 2, and 3.
558

559 Section 903.6.1 is hereby added to Chapter 9 and shall read as follows:
560

561 **Section 903.6.1 Application.** In all existing buildings, when the addition of automatic fire
562 sprinklers are required by the provisions of this code, automatic fire sprinklers shall be
563 extended into all unprotected areas of the building.
564

565 Section 906.11 is hereby added to Chapter 9 and shall read as follows:
566

567 **Section 906.11 Fire Extinguisher Documentation.** The owner and/or operator of every
568 Group R-1 and R-2 occupancy shall annually provide the Fire Code Official with written
569 documentation that fire extinguishers are installed and have been serviced as required by
570 Title 19 of the California Code of Regulations when such extinguishers are installed in
571 residential units in lieu of common areas.
572

573 Section 907.2.12.1.2 of Chapter 9 is hereby amended by adding a new subsection 3, which shall
574 read as follows:
575

576 3. Duct smoke detectors shall be capable of being reset by a readily accessible, remote
577 push button or key activated switch as approved by the Fire Code Official.

578 Section 907.6.6 of Chapter 9 is hereby amended to read in its entirety as follows:

579 **Section 907.6.6 Monitoring.** New and upgraded fire alarm systems required by this
580 chapter or by the California Building Code shall be monitored by an approved Central
581 Station in accordance with NFPA 72 and this section.

582 **Exception:** Monitoring by a Central Station is not required for:

- 583 1. Single- and multiple-station smoke alarms required by Section 907.2.11.
- 584 2. Smoke detectors in Group I-3 occupancies shall be monitored in accordance
585 with Section 907.2.6.3.

586 Section 907.8.5.1 is hereby added to Chapter 9 and shall read as follows:
587

588 **Section 907.8.5.1 Smoke Alarm Documentation.** The owner and/or operator of every
589 Group R-1, R-2, R-3.1, and R-4 occupancy shall annually provide the Fire Code Official
590 with written documentation that the smoke alarms installed pursuant to the Building Code

591 have been tested and are operational. If alarms are found to be inoperable or are missing,
592 such alarms shall be repaired or replaced immediately.

593
594 **CFC Chapter 11: Construction Requirements for Existing Buildings**

595
596 Section 1103.1 of Chapter 11 is hereby amended to read as follows:
597

598 **Section 1103.1 Required Construction.** Existing buildings shall comply with not less
599 than the minimum provisions specified in Table 1103.1 and as further enumerated in
600 Sections 1103.2, 1103.7 through 1103.8.5.3, 1103.9.1, and 1103.10.

601 The provisions of this chapter shall not be constructed to allow the elimination of fire
602 protection systems or a reduction in the level of fire safety provided in buildings
603 constructed in accordance with previously adopted codes.

604 **Exceptions:**

- 605 1. Where a change in fire-resistance rating has been approved in accordance with
606 Section 501.2 or 802.6 of the California Existing Building Code.
 - 607 2. Group U occupancies.
- 608

609 Section 1103.2 of Chapter 11 is hereby amended by deleting subsection 1.

610
611 Sections 1103.3 through 1103.6.2, Section 1103.9, Section 1104, and Section 1105 of Chapter 11
612 are hereby deleted.

613
614 **CFC Chapter 26: Fumigation and Insecticidal Fogging**

615
616 Chapter 26 is hereby deleted in its entirety.

617
618 **CFC Chapter 33: Fire Safety During Construction**

619
620 Section 3313.3 of Chapter 33 is hereby amended by revising the exception to read as follows:
621

622 **Exception:** Standpipes shall be either temporary or permanent in nature, and with
623 or without a water supply, provided that such standpipes comply with the
624 requirements of Section 905 as to capacity, outlets and materials, as approved by
625 the Fire Code Official.

626
627 Sections 3314.3, 3314.4, and 3314.5 are hereby added to Chapter 33 and shall read as
628 follows:
629

630 **Section 3314.3 Where required.** In buildings of combustible construction required
631 to have an automatic sprinkler system by Section 903, the automatic sprinkler
632 system shall be installed prior to construction exceeding two stories in height above
633 the lowest level of fire department vehicle access. Such automatic sprinkler system
634 shall be extended as construction progresses to within one floor of the highest point
635 of construction having secured decking or flooring.
636

637 **Section 3314.4 Buildings being demolished.** Where a building is being
638 demolished and an automatic sprinkler system is existing within such a building,
639 the automatic sprinkler system shall be maintained in an operable condition so as
640 to be available for use by the fire department. Such automatic sprinkler system
641 shall be demolished with the building but shall not be demolished more than one
642 floor below the floor being demolished.

643
644 **Section 3314.5 Detailed requirements.** Automatic sprinkler systems shall be
645 installed in accordance with the provisions of Section 903.
646

647 **CFC Chapter 49: Requirements for Wildland-Urban Interface Fire Areas**

648

649 Section 4902.1 of Chapter 49 is hereby amended to revise the definition of wildland-urban
650 interface fire area, which shall read as follows:

651
652 **WILDLAND-URBAN INTERFACE FIRE AREA.** A geographical area identified by
653 the City of Mill Valley as a “Fire Hazard Severity Zone” in accordance with the Public
654 Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175
655 through 51189, or other areas designated by the enforcing agency to be at a significant
656 risk from wildfires, as designated on the map titled Wildland-Urban Interface Fire Area,
657 dated October 20, 2010, on file in Mill Valley City Hall.
658

659 Section 4906.2 of Chapter 49 is hereby amended by adding a new subsection 3, which shall
660 read as follows:

661
662 3. Land designated as Wildland-Urban Interface Fire Areas by cities and other local
663 agencies.
664

665 Sections 4906.4, 4906.4.1, and 4906.4.2 are hereby added to Chapter 49 and shall read as follows:
666

667 **Section 4906.4. Vegetation Management Plan.** All new construction and substantial
668 remodels shall prepare a vegetation management plan (VMP), unless excused by the Fire
669 Code Official. Not less than two (2) complete plan sets shall be submitted to the Fire Code
670 Official for review.
671

672 **Section 4906.4.1 Content.** The VMP shall include at the minimum:

- 673 1. A narrative describing the specific and applicable contributing factors in the
674 selection and design of the plan.
- 675 2. The list of plants to be used and materials consistent with the approved plant list.
- 676 3. Two (2) sets of blue prints showing the house, zone, plant type and spacing.
677

678 **Section 4906.4.2 Cost.** The cost of VMP preparation and review shall be the responsibility
679 of the applicant.
680

681 Section 4907.1 of Chapter 49 is hereby amended to read as follows:
682

683 **Section 4907.1 General.** Defensible space will be maintained around all buildings and
684 structures in the State Responsibility Area (SRA) as required in Public Resources Code
685 4290 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14 Division
686 1.5, Chapter 7, Subchapter 2, Section 1270.

687 Buildings and structures within the Wildland-Urban Interface Area and within the
688 Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall
689 maintain defensible space as outlined in Government Code Sections 51175 to 51189 and
690 any local ordinance or standards of the Fire Code Official.

691
692 Section 4907.2 is hereby added to Chapter 49 and shall read as follows:
693

694 **Section 4907.2 Fire Hazard Reduction.** Any person who owns, leases, controls or
695 maintains any building or structure, and/or lands within specific Wildland-Urban Interface
696 Areas of the jurisdiction of the City of Mill Valley shall comply with the following:
697

- 698 1. Cut and remove all pyrophytic combustible vegetation within 10 feet of
699 property lines and driveways and within 30 feet of structures, up to 150 feet
700 (but not beyond the property line) when topographic or pyrophytic vegetative
701 types necessitate removal as determined by the Fire Chief or his/her designee.
702 After removal of pyrophytic combustible vegetation, the area shall be
703 maintained free of such vegetation. “Pyrophytic combustible vegetation” means
704 vegetation that is highly flammable and endangers public safety by creating a
705 fire hazard, including but not limited to seasonal and recurrent weeds, stubble,
706 brush, dry leaves, and other fire prone plants such as but not limited to Coyote
707 brush, Chaparral, Chamise, Manzanita, Rosemary, Tan Oak, Yew and Coastal
708 Sagebrush.
709
710 2. Commencing May 1, 2021 (except as provided in section 9 below), remove of
711 all the following from the entirety of the parcel and maintain the property free
712 of such vegetation:
713

Common Name	Genus	Species
Acacia	Acacia	All species & varieties
Bamboo	All Genera	All species & varieties
Arborvitae	Thuja	All species & varieties
Italian Cypress	Cupressus	sempervirens
Junipers	Juniperus	All species & varieties
French Broom	Genista	monspessulana
Portugese Broom	Cytisus	striatus
Scotch Broom	Cytisus	scoparius
Spanish Broom	Spartium	junceum & all varieties
Gorse	Ulex	europaea

- 714
715 3. Owners of property within the Wildland-Urban Interface Area are encouraged
716 to voluntarily clear and create hardscape within the first 3 feet surrounding any
717 residential or commercial structure. A deck or patio is considered to be a part

718 of the structure. Hardscape may consist of gravel, concrete, brick, pavers,
719 decomposed granite, and like materials, or bare ground. Organic mulches
720 derived from plant materials such as pine needles, pine bark nuggets, wood
721 chips, or shredded redwood or cedar bark, or from ground or shredded rubber,
722 should not be within the 3' hardscape area. Succulent plants are acceptable in
723 the 3' hardscape area. This hardscape area should be maintained clear of
724 vegetation and organic material, other than succulent plants.
725

- 726 4. Remove piles of accumulated dead vegetation on the property.
727
- 728 5. Cut and remove tree limbs that overhang and are within 10 vertical feet of wood
729 decks and roofs.
730
- 731 6. Remove that portion of any tree which extends within 10 feet of any chimney
732 or stovepipe.
733
- 734 7. Clean any leaves and needles from roof and gutters.
735
- 736 8. Raise the crowns of all trees by cutting and removing growth less than 3-inches
737 in diameter, from the ground up to a minimum height of 10 feet, provided that
738 no crown shall be raised to a point so as to remove branches from more than the
739 lower one-third of the tree's total height.
740
- 741 9. Vegetation clearance requirements for new construction and substantial
742 remodels in Wildland-Urban Interface Areas shall be in accordance with the
743 2006 International Wildland-Urban Interface Code, as amended by the City of
744 Mill Valley. Notwithstanding anything to the contrary herein, commencing on
745 the effective date of this ordinance new construction and substantial remodels
746 shall also comply with the vegetation removal requirements in section 2 above.
747
- 748 10. Removal of trees shall comply with the requirements of Chapter 20.67 of the
749 Mill Valley Municipal Code.
750

751 **Exception 1:** When approved by the Fire Code Official, single specimens of trees
752 (including but not limited redwood trees and other heritage trees) or other
753 vegetation that are well-pruned and maintained so as to effectively manage fuels
754 and do not form a means of rapidly transmitting fire from the native growth to
755 any structure.
756

757 **Exception 2:** When approved by the Fire Code Official, grass and other vegetation
758 located more than 30 feet from buildings or structures and less than 18 inches
759 in height above the ground need not be removed, where necessary to stabilize
760 soil, prevent erosion, or otherwise protect against landslides or slope failures.
761 Grasses shall be cut and maintained at a height of 3 inches or shorter.
762

763 **Exception 3:** Where necessary to mitigate potential impacts to special status species,
764 including but not limited to nesting birds, the Fire Code Official may approve

765 deferred removal of trees or vegetation. Where the removal of multiple trees or
766 significant amounts of vegetation is proposed, the Fire Chief may require a
767 property owner to hire a qualified biologist to conduct a species survey and
768 prepare a mitigation plan.”
769

770 Section 4908 is hereby added to Chapter 49 and shall read as follows:
771

772 **SECTION 4908**
773 **ROADWAYS**
774

775 **Section 4908.1 Fire Hazard Reduction from Roadways.** The Fire Code Official is
776 authorized to cause areas within 10 feet (3048 cm) on each side of portions of highways,
777 fire apparatus access roads (improved or unimproved), and driveways (improved or
778 unimproved), which are improved, designed, or ordinarily used for vehicular traffic to be
779 cleared of flammable vegetation and other combustible growth. Corrective action, if
780 necessary, shall be the same as the actions required in Section 4907.2. The Fire Code
781 Official is authorized to enter upon private property to do so in accordance with Section
782 8.04.120 of the Mill Valley Municipal Code.

783 **Exception:** When approved by the Fire Code Official, single specimens of trees,
784 ornamental shrubbery or similar plants, or plants used as ground covers may
785 remain, provided that they do not form a means of rapidly transmitting fire from
786 the native growth to any structure.
787

788 Section 4909 is hereby added to Chapter 49 and shall read as follows:
789

790 **SECTION 4909**
791 **NUISANCE**
792

793 **Section 4909.1 Nuisance.** Failure to comply with the requirements of Section 4907.2 shall
794 be deemed a public nuisance. The Fire Chief is hereby authorized to require the abatement
795 of any nuisance condition described in Section 4907.2 or Section 4908. Abatement shall
796 be accomplished in accordance with Title 8 of the Mill Valley Municipal Code.
797

798 **CFC Chapter 56: Explosives and Fireworks**
799

800 Section 5601.1.3 of Chapter 56 is hereby amended by deleting Exceptions 1, 2, and 4.
801

802 Section 5608.1.2 is hereby added to Chapter 56 and shall read as follows:
803

804 **Section 5608.1.2 Permit required.** A permit shall be obtained from the Fire Code
805 Official in accordance with Section 105.6 prior to the performance of any firework
806 display. An application for such permit shall be made in writing no less than twenty
807 (20) days prior to the proposed display. The application shall be considered and
808 acted upon by the fire code official or authorized designee pursuant to this Chapter
809 and Title 19, Chapter 6, Article 3 (Licenses) of the California Code of Regulations.
810 Any permit for a fireworks display may be suspended or revoked at any time by the
811 Fire Code Official or authorized designee.

812
813 Section 5608.2 is hereby added to Chapter 56 and shall read as follows:
814

815 **Section 5608.2 Limitations.** To possess, store, offer or expose for sale, sell at retail,
816 gift or give away, use, explode, discharge, or in any manner dispose of fireworks is
817 prohibited within the limits of the City of Mill Valley.

818 **Exception:** Firework displays authorized pursuant to Section 5608.1 for
819 which a permit has been issued.
820

821 **CFC Chapter 80: Referenced Standards**
822

823 Chapter 80 is hereby amended by revising Section 25.5.1 within NFPA 13-16: Standard for the
824 Installation of Sprinkler Systems as amended, to read as follows:
825

826 **25.5.1** The installing contractor shall identify a hydraulically designed sprinkler system
827 with permanently raised, stamped or etched marked weatherproof metal or rigid plastic
828 sign secured with corrosion resistant wire, chain, or other approved means. Such signs
829 shall be placed at the alarm valve, dry pipe valve, preaction valve, or deluge valve
830 supplying the corresponding hydraulically designed area. Pipe schedule systems shall be
831 provided with a sign indicating that the system was designed and installed as a pipe
832 schedule system and the hazard classification(s) included in the design.
833

834 **CFC Appendix B: Fire-Flow Requirements for Buildings**
835

836 Table B105.1(1) and Table B105.2 in Appendix B are hereby amended to read as follows:
837

838 **TABLE B105.1(1)**
839 **REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3**
840 **AND R-4 BUILDINGS AND TOWNHOUSES**
841

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE- FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,500	2
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at The required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1,500	2
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i>	½ value in Table B105.1(2) ^a	Duration in Table B105.1(2) at

	or Section 313.3 of the <i>California Residential Code</i>		The required fire-flow rate
--	--	--	-----------------------------

842 For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

843 *a. The reduced fire-flow shall be not less than 1,500 gallons per minute.*

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**TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND
TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND
TOWNHOUSES**

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

850 For SI: 1 gallon per minute = 3.785 L/m.

851 *a. The reduced fire-flow shall be not less than 1,500 gallons per minute.*

852
853

CFC Appendix C: Fire Hydrant Locations and Distribution

854
855
856

Section C103.1 of Appendix C is amended to read as follows:

Section C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the *California Fire Code* shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be approved by the Fire Code Official.

863 Sections C103.2 and C103.3 of Appendix C are hereby deleted.

864
865
866

15.04.130: Authority to arrest and issue citations

1. The Fire Chief, Chief Officers and Fire Officers shall have authority to arrest or to cite any person who violates any provision of this chapter involving the California Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.

874

875 2. It is the intent of the Mill Valley Fire Department that the immunities provided in Penal
876 Code Section 847(b)(1) be applicable to the aforementioned officers and employees
877 exercising their arrest or citation authority within the course and scope of their employment
878 pursuant to this Chapter.

879
880 15.04.140: Penalties

881
882 Violations of the California Fire Code Fire Code and the International Urban Wildland Interface
883 Code as adopted and amended herein shall be subject to the penalties set forth in the Title 8 of City
884 of Mill Valley Municipal Code.

885
886 15.04.150: Appeals

887
888 1. Any person receiving a citation for a civil penalty pursuant to 15.04.140 or a bill for fire
889 response costs and expenses pursuant to Section 104.12 of the California Fire Code, may
890 file within thirty (30) days after the date of mailing the citation or bill, an administrative
891 appeal against imposition of the civil penalty or response costs and expense. The appeal
892 shall be administered in accordance with Title 8 of the City of Mill Valley Municipal Code.

893
894 2. Whenever the Fire Chief or his/her designee rejects an application or refuses to grant a
895 permit applied for, or when it is claimed that the provisions of the Code do not apply or
896 that the true intent and meaning of the Code have been misconstrued or wrongly
897 interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council
898 of the City of Mill Valley within 10 days from the date of the decision. This section shall
899 not apply to corrective actions for the clearance of brush or vegetative growth from
900 structures as outlined in various sections of this Code, or to matters for which an appeal is
901 provided pursuant to section 15.04.150(a).

902
903 15.04.160: Former Ordinances

904
905 All former ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter
906 or the code hereby adopted are hereby repealed.”

907
908 **SECTION 2:** Section 14.05.015 of Chapter 14.05 of the Mill Valley Municipal Code is hereby
909 deleted.

910
911 **SECTION 3:** Section 14.05.020 of Chapter 14.05 of the Mill Valley Municipal Code is hereby
912 amended to read as follows:

913
914 “14.05.020: Building and Construction Codes – Adoption by reference.

915
916 Except as hereinafter provided, the following parts of Title 24, “California Building Standards
917 Code,” 2019 edition, of the California Code of Regulations and associated appendices and
918 annexes, are hereby adopted by reference and incorporated as though fully set forth in this
919 Section: Part 1, California Administrative Code; Part 2, California Building Code (CBC); Part
920 2.5, California Residential Code (CRC); Part 6, California Energy Code; Part 8, California

921 Historical Building Code; Part 10, California Existing Building Code; and Part 12, California
922 Referenced Standards Code.

923

924 This code, together with amendments, additions, and deletions set forth in Chapter 14.05, shall
925 constitute the Building and Construction Code of the City of Mill Valley and may be cited as
926 such.”

927

928 **SECTION 4:** Section 14.05.021 of Chapter 14.05 of the Mill Valley Municipal Code is hereby
929 amended to read as follows:

930

931 “14.05.021: Amendments to California Building and Residential Codes.

932

933 Notwithstanding the provisions of Section 14.05.020 of this Code, the following sections and
934 appendices of the 2019 CBC and CRC are adopted and amended as set forth below.

935

936 **A. Administration, Organization and Enforcement.** The administration, organization
937 and enforcement of the Building Code of the City of Mill Valley is set forth in
938 Sections 14.05.030 through 14.05.040 of the Mill Valley Municipal Code, as modified by
939 the following sections of the 2019 CBC Chapter 1, Division II and the 2019 CRC Chapter
940 1, Division II. The following sections are the only sections being adopted by reference
941 from Chapter 1, Division II of the 2019 CBC and 2019 CRC:

942 1. Duties and Powers of the Building Official. CBC: 104.9.1, 104.11; CRC:
943 R104.9.1, R104.11.

944 2. Permits. Sections: CBC: 105.2; CRC: R105.2.

945 3. Construction Documents. CBC: 107.3.4.1, 107.4.

946 4. Temporary Structures and Uses. CBC: 108; CRC: R107.

947

948 **B. Board of Appeals.** The CBC is hereby amended to provide that all references to a
949 “Board of Appeals” or “board” shall be deemed for purposes of the Building Code of the
950 City of Mill Valley to be references to the City Council of Mill Valley.

951 **C. Permits.** Subsection 1 under “Building” in CBC Section 105.2 and in CRC Section
952 105.2 is hereby amended to read as follows:

953 1. One-story detached accessory structures used as tool and storage sheds,
954 children’s playhouses, or similar uses, provided that (a) the floor area does not
955 exceed 120 square feet; (b) the building contains no plumbing, electrical or
956 heating installations; and (c) the building is not located in an interior or exterior
957 setback area.

958

959 **D. Approval of Fire Marshal Required.** In the case of a proposed occupancy and use
960 other than an R-3 or U occupancy, before issuing a certificate of occupancy, the Building
961 Official shall submit the application to the Fire Marshal, who shall examine the same and
962 indicate approval or disapproval thereof based on applicable sections of the California

963 Fire Code and other related statutes and ordinances. In such case, no certificate of
964 occupancy shall be issued, except for an R-3 or U Occupancy, without the approval of the
965 Fire Marshal or the Fire Marshal’s designated representative.
966

967 **E. Definitions.** Section 202 of Chapter 2 of the CBC is hereby amended by revising
968 the definition for “Kitchen or Kitchenette,” which shall read as follows:
969

970 **KITCHEN OR KITCHENETTE.** Any room or portion thereof containing
971 facilities designed or used for the regular storage and preparation of food. Such
972 facilities may include, without limitation, stoves, ranges, ovens, or hot plates;
973 refrigeration equipment; dish washing equipment; and built-in dish or utensil
974 storage spaces.
975

976 **F. Address Identification.** Section 502.1 in Chapter 5 of the CBC is hereby amended
977 by adding the following requirement to the end of the paragraph therein: Approved
978 address numbers shall be internally or externally illuminated.
979

980 **G. Soils and Foundations.** CBC Section 1805.1.2 is hereby amended by adding a new
981 subsection 1805.1.2.2, to read as follows:
982

983 **1805.1.2.2 Under-floor Drainage.** The underfloor grade beneath the floor
984 system of a building shall be graded to a low point so as to provide positive
985 drainage to the exterior in the event of water intrusion. If the exterior grade is
986 higher than the grade beneath the floor system, a positive drainage system or
987 sump shall be installed subject to approval of the Building Official.
988

989 **H. Moved Buildings.** No permit for the moving of a building or structure shall be
990 granted unless the applicant meets the following requirements:
991

992 1. A performance bond in favor of the City, of not less than \$1,000.00 nor more
993 than \$100,000.00, as the Fire Marshal or Building Official may determine, shall
994 be conditioned to require the applicant to comply strictly with all conditions and
995 provisions of this chapter, and of any provision of the Mill Valley Municipal
996 Code relating to the moving of buildings or structures, and of any order, rule or
997 regulation which may be hereafter passed or adopted by the City Council. The
998 applicant also shall be required to pay any and all damages to any fence, hedge,
999 tree, pavement, sidewalk, street, curb, gas, sewer or water pipe, electric wire or
1000 pole supporting the same, or to any public or private property that may result from
1001 moving the building or structure.
1002

1003 2. The Director of Planning and Building and the Building Official shall inspect
1004 the structure prior to being moved to determine that said structure is suitable for
1005 the intended use and structurally adequate.
1006

1007 3. The applicant shall indemnify, defend and hold harmless the City and its
1008 elective officers, agents and employees against all liabilities, claims, actions,

1009 judgments, cost or any expense which may for any reason arise out of the
1010 issuance of said permit or moving of such buildings or structures. An undertaking
1011 may be required for this purpose.
1012

1013 I. **Temporary Structures.** Section 108.1.1 is added to CBC Chapter 1 and Section
1014 R107.1.1 is added to CRC Chapter 1, to read as follows:
1015

1016 **108.1.1. Special Permit.** Temporary structures such as sheds, construction
1017 trailers, canopies or fences used for the protection of the public and/or in
1018 conjunction with construction work may be erected by special permit from the
1019 Fire Marshal or Building Official for a limited period of time. Such buildings or
1020 structures need not comply with the type of construction or fire-resistive time
1021 periods required by this code. Temporary buildings or structures shall be
1022 completely removed upon the expiration of the time limit stated in the permit.
1023

1024 **R107.1.1. Special Permit.** Temporary structures such as sheds, construction
1025 trailers, canopies or fences used for the protection of the public and/or in
1026 conjunction with construction work may be erected by special permit from the
1027 Fire Marshal or Building Official for a limited period of time. Such buildings or
1028 structures need not comply with the type of construction or fire-resistive time
1029 periods required by this code. Temporary buildings or structures shall be
1030 completely removed upon the expiration of the time limit stated in the permit.
1031

1032 J. **Roof Assemblies - General.** Section 1505.1 of Chapter 15 of the CBC is amended to
1033 read as follows:
1034

1035 **1505.1 General.** Roof assemblies shall be divided into classes A, B, and C. Class
1036 A, B, and C roof assemblies and roof coverings required to be listed by this
1037 section shall be tested in accordance with ASTM E108 or UL 790. In addition,
1038 fire-retardant-treated wood roof coverings shall be tested in accordance with
1039 ASTM D2898. The minimum roof covering on the entire roof covering of every
1040 existing structure where more than 50 percent of the total roof area is altered,
1041 repaired, replaced, or remodeled within any one-year period and the entire roof
1042 covering of every new structure shall be a fire-retardant roof covering that is at
1043 least Class A.
1044

1045 K. **Materials and Construction Methods for Exterior Wildfire Exposure.** Sections
1046 701A.1 and 701A.3 of Chapter 7A of the CBC, and Sections R337.1.1 and R337.1.3 of
1047 the CRC, are hereby amended to read as follows:
1048

1049 **701A.1 Scope.** This chapter applies to building materials, systems and/or
1050 assemblies used in the exterior design and construction of new buildings,
1051 additions, repairs, re-roofs, and exterior alterations located within a Wildland
1052 Urban Interface Fire Areas as defined in Section 702A .
1053

1054 **701A.3 Application.** New buildings, additions, repairs, re-roofs and exterior
1055 alterations to buildings located in any Fire Hazard Severity Zone or any Wildland-
1056 Urban Interface Fire Area designated by the enforcing agency constructed after
1057 the application date shall comply with the provisions of this chapter.

1058 **Exceptions:**

- 1059 1. Detached trellises, patios, carports, gazebos, and similar buildings
1060 open on all sides when located at least 10 feet from an applicable building.
- 1061 2. Buildings of an accessory character classified as a Group U
1062 occupancy and not exceeding 120 square feet in floor area, when located
1063 at least 30 feet from an applicable building.
- 1064 3. Buildings of an accessory character classified as Group U occupancy
1065 of any size located least 50 feet an applicable building.
- 1066 4. Buildings classified as a Group U Agricultural Building, as defined in
1067 Section 202 of this code, when located at least 50 feet from an applicable
1068 building.

1069 For the purposes of this section and Section 710A, applicable building includes all
1070 buildings that have residential, commercial, educational, institutional, or similar
1071 occupancy type use.

1072
1073 **R337.1.1 Scope.** This chapter applies to building materials, systems and/or
1074 assemblies used in the exterior design and construction of new buildings,
1075 additions, repairs, re-roofs, and exterior alterations located within a Wildland
1076 Urban Interface Fire Areas as defined in Section R337.2.

1077
1078 **R337.1.3 Application.** New buildings, additions, repairs, re-roofs and exterior
1079 alterations to buildings located in any Fire Hazard Severity Zone or any Wildland-
1080 Urban Interface Fire Area designated by the enforcing agency constructed after
1081 the application date shall comply with the provisions of this chapter.

1082 **Exceptions:**

- 1083 1. Detached trellises, patios, carports, gazebos, and similar buildings
1084 open on all sides when located at least 10 feet from an applicable building.
- 1085 2. Buildings of an accessory character classified as a Group U
1086 occupancy and not exceeding 120 square feet in floor area, when located
1087 at least 30 feet from an applicable building.
- 1088 3. Buildings of an accessory character classified as Group U occupancy
1089 of any size located least 50 feet an applicable building.
- 1090 4. Buildings classified as a Group U Agricultural Building, as defined in
1091 Section 202 of this code, when located at least 50 feet from an applicable
1092 building.

1093 For the purposes of this section and Section 337.10, applicable building includes
1094 all buildings that have residential, commercial, educational, institutional, or
1095 similar occupancy type use.”

1096
1097 **SECTION 5:** Section 14.05.022 of Chapter 14.05 of the Mill Valley Municipal Code is hereby
1098 amended to read as follows:
1099

1100 “14.05.022 Adoption of California Electrical Code.

1101
1102 Except as hereinafter provided, Title 24, Part 3 of the California Code of Regulations, known as
1103 the 2019 California Electrical Code (CEC), incorporating the 2017 edition of the National
1104 Electrical Code, published by the National Fire Protection Association, and the annexes thereof,
1105 is hereby adopted by reference and incorporated as though fully set forth in this Section. This
1106 code shall constitute the Electrical Code of the City of Mill Valley, and may be cited as such.
1107

- 1108 A. CEC Section 89.108.8, inclusive of sections 89.108.8.1 through 89.108.8.3, is hereby
1109 deleted and replaced as follows:
1110

1111 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1112 the Electrical Code of the City of Mill Valley to be references to the City Council of
1113 Mill Valley. Appeals of the Electrical Code of the City of Mill Valley shall be
1114 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1115 Code.”
1116

1117 **SECTION 6:** Section 14.05.024 of Chapter 14.05 of the Mill Valley Municipal Code is hereby
1118 amended to read as follows:
1119

1120 “14.05.024 Adoption of California Mechanical Code.

1121
1122 Except as hereinafter provided, Title 24, Part 4 of the California Code of Regulations, known as
1123 the 2019 California Mechanical Code (CMC), incorporating the 2015 edition of the Uniform
1124 Mechanical Code including the appendix thereof, published by the International Association of
1125 Plumbing and Mechanical Officials, is hereby adopted by reference and incorporated as though
1126 fully set forth in this Section. This code shall constitute the Mechanical Code of the City of Mill
1127 Valley, and may be cited as such.
1128

- 1129 A. CMC section 107.0, inclusive of section 107.1 and 107.2, is hereby deleted and replaced
1130 as follows:
1131

1132 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1133 the Mechanical Code of the City of Mill Valley to be references to the City Council
1134 of Mill Valley. Appeals of the Mechanical Code of the City of Mill Valley shall be
1135 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1136 Code.”
1137

1138 **SECTION 7:** Section 14.05.026 of Chapter 14.05 of the Mill Valley Municipal Code is hereby
1139 amended to read as follows:
1140

1141 “14.05.026 California Plumbing Code, 2019 Edition, adopted by reference.

1142
1143 Except as hereinafter provided, Title 24, Part 5 of the California Code of Regulations, known as
1144 the 2019 California Plumbing Code (CPC), incorporating the 2018 edition of the Uniform
1145 Plumbing Code, published by the International Association of Plumbing and Mechanical

1146 Officials, and the appendices thereof, is hereby adopted by reference and incorporated as though
1147 fully set forth in this Section. This code shall constitute the Plumbing Code of the City of Mill
1148 Valley, and may be cited as such.

1149
1150 A. CPC section 107.0, inclusive of section 107.1 and 107.2, is hereby deleted and replaced
1151 as follows:

1152
1153 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1154 the Mechanical Code of the City of Mill Valley to be references to the City Council
1155 of Mill Valley. Appeals of the Plumbing Code of the City of Mill Valley shall be
1156 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1157 Code.”

1158
1159 **SECTION 8:** The City Council of the City of Mill Valley finds that adoption of this ordinance is
1160 exempt from the California Environmental Quality Act (“CEQA”) under California Code of
1161 Regulations, Title 14, § 15061(b)(3), as it can be seen with certainty that there is no possibility that
1162 the adoption of this ordinance may have a significant effect on the environment.

1163
1164 **SECTION 9: Severability.** If any section, subsection, sentence, clause, phrase or portion of this
1165 ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of
1166 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this
1167 ordinance. The City Council of the City of Mill Valley hereby declares that it would have adopted
1168 this ordinance and each section, subsection, clause, phrase, or portion thereof irrespective of the
1169 fact that any one or more sections, subsections, clauses, phrases, or portions thereof may be
1170 declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared
1171 severable.

1172
1173 **SECTION 10: Effective Date and Publication.** This ordinance shall become at 12:01 a.m. on
1174 January 1, 2020. The City Clerk shall certify to the adoption of this Ordinance and shall cause the
1175 same to be published or posted in the manner prescribed by law.

1176
1177 **SECTION 11:** The City Clerk is hereby directed to cause a copy of this ordinance to be filed with
1178 the California Building Standards Commission as required by Health and Safety Code Section
1179 17958.7.

1180
1181 **INTRODUCED** at a regular meeting of the City Council of the City of Mill Valley on the ___ day
1182 of November, 2019, and

1183
1184 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Mill Valley
1185 on this ____ day of _____ 2019, by the following vote:

1186
1187
1188
1189 AYES: Council Members:

1190
1191 NOES: Council Members:

1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209

ABSENT: Council Members:

James P. Wickham, Mayor

Attest:

Kelsey Rogers, City Clerk/Administrative Assistant



STAFF REPORT

TO: Mayor and City Council

FROM: Tom Welch, Fire Chief
Patrick Kelly, Director of Planning and Building

SUBJECT: Introduce for first Reading an Ordinance to Amend Titles 14 and 15 of the City of Mill Valley Municipal Code and Adopting by Reference the 2019 California Building Codes and the 2019 California Fire Code, and set Public Hearing

MEETING DATE: November 4th, 2019

Approved for Forwarding:


James C. McCann, City Manager

1 **Issue:**

2

3 Consideration of an ordinance to amend Title 14 of the Mill Valley Municipal Code to

4 adopt by reference Title 24, Parts 1 through 6 and Parts 8 through 12 of the California

5 Code of Regulations: 2019 California Building Standards Codes – Building, Electrical,

6 Mechanical and Plumbing Codes and to amend Title 15 of the Mill Valley Municipal

7 Code to adopt by reference with amendments the 2019 California Fire Code

8

9 **Recommendations:**

- 10
- 11 1) Waive first reading and introduce the ordinance.
- 12 2) Set a public hearing for the December 2, 2019 Regular City Council meeting, and
- 13 direct staff to proceed with noticing of the public hearing.

14

15 **Background:**

16

17 Every three years the California Building Standards Commission publishes and adopts

18 model codes with added California Amendments. Included is the California Fire Code,

19 Building Code, Mechanical Code, Plumbing Code, Energy Code as well as other codes

20 contained within Title 24 of the California Code of Regulations. The model codes from

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21 which the California Codes are adopted are based on codes published by the International
22 Code Council. In addition, the National Fire Protection Association, the International
23 Association of Plumbing and Mechanical Codes, and the National Electrical Codes have
24 continued to publish the model codes on which the California State Codes are based.
25 Once the model codes are published, local agencies have 180 days to make additions or
26 amendments to the California Codes based on local conditions, specifically climate,
27 topography and geology. The amendments or additions are adopted by local ordinance
28 and become part of the Municipal Code. The City Council went through a similar
29 process in 2016 and 2013. The current California Codes were issued on July 1, 2019;
30 therefore, any amendments or additions by local ordinance must be in effect by January
31 1, 2020. In staff's opinion, no significant changes or new burdensome requirements are
32 present by the new set of Codes.

33
34
35

California Fire Code

36 For the past six code cycles (21 years), the Fire Department has developed the local code
37 amendments and additions in coordination with the Marin County Fire Prevention
38 Officers in order to have consistent ordinance language, interpretation and application
39 across a majority of Marin County jurisdictions. Some minor differences may occur
40 between jurisdictions based on the type (fire district, city or county), but overall the
41 coordinated effort has produced a more consistent set of codes, standards and
42 expectations for architects, contractors and developers. The review and development of
43 the recommended update represents a stringent page-by-page review of the 2016 Fire
44 Code as it relates to the incoming 2019 Fire Code. The ordinance is not the entire Fire
45 Code; it represents changes and amendments only. The entire Fire Code is several inches
46 thick and very comprehensive in its language. As you review the ordinance, you may see
47 sections that seem to suffer from clarity. This is because it lacks the context of the
48 associated text of the full Code.

49
50
51

2019 California Building, Residential, Mechanical, Plumbing and Energy Codes

52 Overall, the 2019 California Building, Mechanical, Plumbing and Energy Codes updates
53 present no significant administrative or regulatory changes in comparison to the current
54 2016 codes. The proposed ordinance contains similar local amendments to the California
55 Building Code and the California Residential Code as made in the 2016 code cycle.

56
57
58

2019 California Green Building Standards Code

59 The City of Mill Valley adopted CalGreen "Tier 1" under the 2016 code cycle, which is
60 considered a "reach code", meaning that local green building and energy efficiency
61 requirements are more stringent than state requirements. Similar to the 2016 building
62 code update, County of Marin has developed a model ordinance for all Marin County
63 jurisdictions to use for the 2019 building code cycle.

64

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65 The model ordinance adopts CalGreen Tier 1, which is more stringent than the 2016 Tier
66 1 CalGreen requirements that are currently in place for Mill Valley. The model
67 ordinance also includes local modifications that support local climate action goals-such
68 as:

- 69 ○ an “electric-favored” energy efficiency requirement that recognizes the lower
70 greenhouse gas emissions associated with electricity in Marin County,
71
- 72 ○ higher energy efficiency requirements for new buildings that use natural gas,
73 and
74
- 75 ○ more stringent requirements for electrical readiness for future EV charging
76 than is required by the state to reflect the higher EV adoption rate in Marin
77 County.
78

79 In order to adopt more stringent energy efficiency requirements, a local jurisdiction must
80 illustrate that the energy efficiency requirements are cost effective. The County has
81 conducted the analysis required for the California Energy Commission to approve the use
82 of CalGreen Tier 1 standards by the City of Mill Valley. Marin County is developing
83 resources to support implementation of the ordinance and will support Mill Valley in
84 training and outreach.
85

86 Staff is currently finalizing a separate ordinance to adopt the CalGreen Tier 1 standards,
87 as described above, which staff anticipates introducing for the Council’s consideration at
88 the November 18, 2019 City Council meeting.
89

90 **Discussion:**
91

92 In alignment with the Mill Valley City Council’s Mission, Core Values and Key Issues of
93 enhancing the health and safety of residents and enhancing fire and earthquake safety, the
94 proposed Ordinance (Attachment 1) would amend Chapter 14.05 (Construction Codes)
95 and 15.04 (Fire Prevention) of the Mill Valley Municipal Code. As stated previously, the
96 amendments in Chapter 14.05 are administrative in nature. Amendments made to the
97 Chapter 15.04 represents a removal of some ordinance requirements as the new Fire Code
98 has caught up to our current standards and no longer requires locally specific
99 requirements. Attachment 2 provides some additional explanation for some of the
100 amendments to Chapter 15.04. Other Fire Code amendments are proposed based on
101 geographical, climate or topography constraints that exist within the City of Mill Valley
102 and Marin County.
103

104 The City of Mill Valley has done considerable work centered on the Fire Prevention
105 Initiatives. Following the October 2017 North Bay fire storms, the City Council
106 reviewed six initiatives that sought to decrease community risks against catastrophic
107 wildland fire, improve community resiliency and organize neighborhoods. The initiatives
108 are listed below:
109

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- 110 Initiative 1 – *Building Codes, Standards and Structural Ignitability*
- 111 Initiative 2 – *Hazardous Fuel Reduction*
- 112 Initiative 3 – *Access and Evacuation Concepts*
- 113 Initiative 4 - *Public Education*
- 114 Initiative 5 – *Communications*
- 115 Initiative 6 – *Staff Training*

116
117 Specifically, to the initiatives, the ordinance represents the continuance of the Building
118 Code provisions approved by Council April of 2019 in addition to the Vegetation
119 Management Ordinance recently adopted September/October (2019).

120
121 A related area of interest to the community and the City Council has been the
122 interrelationship and coordination between the Building and Fire Code provisions that
123 govern development in the Wildland-Urban Interface (WUI) zone, including
124 requirements for Vegetation Management Plans. Presently, the Planning and Building
125 and Fire Departments implement these requirements on a case-by-case basis through the
126 City's established Design Review and Building Permit procedures. The City's WUI
127 regulations contribute to the framework of City regulations (along with the Zoning
128 Ordinance and Residential Design Guidelines) that govern site, building and landscape
129 design in the City. After a project receives Design Review approval or where a project
130 may only need a Building Permit, the project is reviewed again to ensure that applicable
131 WUI exterior improvements and Vegetation Management conditions have been satisfied and
132 applicable building codes are met before the Building Permit is issued. Conditions are also
133 inspected in the field as the project proceeds and a final sign-off by Fire, Planning
134 and Building staff is required prior to occupancy.

135
136 Staff continually evaluates other opportunities to improve the coordination and efficiency
137 between the development review process and the application and enforcement of the Building
138 and Fire Codes. In addition, the City's internal Development Review Committee - a
139 committee comprised of staff from Planning and Building, Fire and Public Works - are
140 working on revisions and updates to the City's standard list of conditions of approval, website
141 information and handouts and other ways to facilitate better interdepartmental coordination
142 and to improve the efficiency and effectiveness of the City's development review process.

143
144 The Health and Safety Code requires that local amendments to the California Building
145 Standards Code be determined to be reasonably necessary because of local climatic,
146 geological, and/or topographic conditions. These findings can be adopted by ordinance or
147 resolution and must be filed with the California Building Standards Commission. The
148 required findings that the local amendments respond to local climatic, geological or
149 topographical conditions, or are administrative in nature, will be included in a separate
150 Resolution for adoption at the December 2, 2019 regular City Council meeting.

151
152 **Fiscal Impact:**

153
154 The fiscal impacts associated with this ordinance include staff time for review of model
155 codes, development of ordinance language, purchase of code books as well as
156 coordination requirements with the City Clerk and City Attorney. All fiscal impacts have

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157 been included in the FY 2019/20 budget. It is not anticipated that there will be any
158 increase in costs of construction and life safety features beyond requirements set forth in
159 previous ordinances.

160

161 **Attachments:**

162

163 1. Draft Ordinance Amending Chapters 14.05 (Construction Codes) and 15.04 (Fire
164 Prevention) of the Mill Valley Municipal Code.

165 2. Additional explanation for some of the amendments to Chapter 15.04.

ORDINANCE NO. 1313

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY DELETING CHAPTER 14.44 AND AMENDING CHAPTER 14.48 TO ADOPT BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, WITH AMENDMENTS TO REFLECT LOCAL CONDITIONS

SECTION 1: Chapter 14.44 of the Mill Valley Municipal Code is hereby deleted.

SECTION 2: Chapter 14.48 of the Mill Valley Municipal Code is hereby deleted and replaced in its entirety as follows:

“Chapter 14.48 GREEN BUILDING STANDARDS

14.48.010 California Green Building Standards Code adopted by reference.

14.48.020 Local amendments to the California Green Building Standards Code.

14.48.030 Definitions.

14.48.040 Green building requirements by project type.

14.48.050 Documentation and verification.

14.48.060 Exemptions.

14.48.070 Appeal.

14.48.010 California Green Building Standards Code adopted by reference.

The City hereby adopts by reference the 2019 edition of the California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations (“CALGreen”), including the following Appendix chapters and together with those amendments, additions, and deletions set forth in this Chapter 14.48 of the Mill Valley Municipal Code:

- A. Appendix Chapter A4 - Residential Voluntary Measures (Tier 1 levels for new construction, as defined in Section 14.48.030)
- B. Appendix Chapter A5 - Nonresidential Voluntary Measures (Tier 1 levels for new construction, as defined in Section 14.48.030)

This code, together with amendments, additions, and deletions set forth in Chapter 14.48, shall constitute the Green Building Standards of the City of Mill Valley and may be cited as such.”

14.48.020 Local amendments to the California Green Building Standards Code.

The 2019 California Green Building Standards Code (“CALGreen”) adopted herein by reference is hereby amended by the following additions, deletions, and amendments, together with such changes made by Sections 14.48.030 through 14.48.070:

Section 202 of Chapter 2 is hereby amended by revising the definitions of Electric Vehicle Charging Station and of Newly Constructed (or New Construction) as underlined and struck through, to read as follows:

47
48 **ELECTRIC VEHICLE CHARGING STATION (EVCS).** One or more electric
49 vehicle charging spaces served by electric vehicle charger(s) or other charging equipment
50 allowing charging of electric vehicles. For purposes of determining compliance with
51 accessibility requirements, when the permitted length of time a vehicle may occupy an
52 electric vehicle charging station differs from the permitted duration of stay in publicly
53 accessible parking spaces in the same parking area, electric vehicle charging stations are
54 not considered parking spaces. When the permitted duration of stay in a space served by
55 electric vehicle charger(s) is the same as other publicly accessible parking spaces in the
56 same parking area, EVCS may be considered parking spaces. The EVCS need not be
57 reserved exclusively for electric vehicle charging.

58
59 **NEWLY CONSTRUCTED (or NEW CONSTRUCTION).** A newly constructed
60 building (or new construction) includes the production of new or replacement building(s)
61 and major remodels ~~does not include additions, alterations, or repairs.~~

62
63 Section 301.1 of Chapter 3 is hereby amended by revising the first sentence as underlined and struck
64 through:

65
66 **301.1 Scope.** Buildings shall be designed to comply with the applicable requirements of Chapter
67 14.48 of the Mill Valley Municipal Code, and shall also include the green building measures
68 specified as mandatory in the application checklists contained in this code.
69

70 Section 301.1.1 of Chapter 3 is hereby amended by revising the first sentence as underlined and
71 struck through:

72
73 **301.1.1 Additions and alterations.** The mandatory provisions of Chapter 4 shall be applied to
74 additions and alterations of existing residential buildings ~~where the addition or alteration~~
75 ~~increases the building's conditioned area, volume, or size.,~~ in accordance with the applicable
76 requirements of Chapter 14.48 of the Mill Valley Municipal Code.
77

78 Section 301.3 of Chapter 3 is hereby amended by revising the first sentence as underlined and
79 struck through:

80
81 **301.3 Nonresidential additions and alterations.** The provisions of individual sections
82 of Chapter 5 apply to newly constructed buildings; and building additions and alterations
83 of 1,000 square feet or greater, and/or building alterations with a permit valuation of
84 \$200,000 or above (for occupancies within the authority of California Building standards
85 Commission).
86

87 Section 4.106.4.2 of Chapter 4 is hereby amended as underlined and struck through:

88
89 **Section 4.106.4.2 New multifamily dwellings.** If residential parking is available, ~~ten~~
90 ~~(10) percent of the total number of parking spaces on a building site~~ the number of spaces
91 designated for the project type as outlined in Table 1 of Section 14.48.040 of the Mill
92 Valley Municipal Code, provided for all types of parking facilities, shall be electric

93 vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for
94 the required number of EV spaces shall be rounded up to the nearest whole number.
95

96 Section 4.106.4.3.1 of Chapter 4 is hereby amended as underlined and struck through, and
97 deleting Table 4.106.4.3.1, and shall read in its entirety as follows:
98

99 **Section 4.106.4.3.1 Number of required EV Spaces.** The number of required EV spaces
100 shall be based on the number of spaces designated for the project type as outlined in
101 Table 1 of Section 14.48.040 of the Mill Valley Municipal Code ~~total number of parking~~
102 ~~spaces provided for all types of parking facilities in accordance with Table 4.106.4.3.1.~~
103 Calculations for the required number of EV spaces shall be rounded up to the nearest
104 whole number.
105

106 Section 5.106.5.3 of Chapter 5 is hereby amended by revising the first sentence as underlined:
107

108 **Section 5.106.5.3 Electric Vehicle (EV) Charging.** [N] Construction shall comply with
109 Section 5.106.5.3.1 or Section 5.106.5.3.2, using the space requirements designated for
110 the project type as outlined in Table 1 of Section 14.48.040 of the Mill Valley Municipal
111 Code, to facilitate future installation of electric vehicle supply equipment (EVSE).
112

113 Section 5.106.5.3.3 of Chapter 5 is hereby amended by revising the first sentence as underlined
114 and struck through, and by deleting Table 5.106.5.3.3:
115

116 **Section 5.106.5.3.3 EV charging space calculation.** [N] ~~Table 5.106.5.3.3~~ Table 1 of
117 Section 14.48.040 of the Mill Valley Municipal Code shall be used to determine if single
118 or multiple charging space requirements apply for the future installation of EVSE.
119

120 Section A4.106.8.2 of Appendix A4 is hereby amended by revising “Tier 1” as underlined and
121 struck through:
122

123 **Section A4.106.8.2 New multifamily dwellings.**

124 **Tier 1.** ~~Fifteen (15) percent of the total number of parking spaces on a building site~~ The
125 number of spaces designated for the project type as outlined in Table 1 of Section
126 14.48.040 of the Mill Valley Municipal Code, provided for all types of parking facilities,
127 but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable
128 of supporting future EVSE. Calculations for the required number of EV spaces shall be
129 rounded up to the nearest whole number.
130

131 Section A4.106.8.3 of Appendix A4 is hereby amended by revising “Tier 1” as underlined and
132 struck through:
133

134 **Section A4.106.8.3 New hotels and motels.**

135 **Tier 1. Number of required EV spaces.** The number of required EV spaces shall be
136 based on the number of spaces designated for the project type as outlined in Table 1 of
137 Section 14.48.040 of the Mill Valley Municipal Code ~~parking spaces provided for all~~
138 ~~types of parking facilities in accordance with Table A4.106.8.3.1~~ provided for all types of

139 parking facilities, but in no case less than one, shall be electric vehicle charging spaces
140 (EV spaces) capable of supporting future EVSE. Calculations for the required number of
141 EV spaces shall be rounded up to the nearest whole number.
142

143 Section A5.106.5.3 of Appendix A5 is hereby amended by revising the first sentence as
144 underlined:
145

146 **Section A5.106.5.3 Electric vehicle (EV) charging.** Construction shall comply with
147 Section A5.106.5.3.1 or Section A5.106.5.3.2, using the space requirements designated for
148 the project type as outlined in Table 1 of Section 14.48.040 of the Mill Valley Municipal
149 Code, to facilitate future installation of electric vehicle supply equipment (EVSE).
150

151 Section A5.106.5.3.1 of Appendix A5 is hereby amended by revising “Tier 1” as underlined and
152 struck through, and by deleting Table A5.106.5.3.1:
153

154 **A5.106.5.3.1 Tier 1.** ~~Table A5.106.5.3.1~~ Table 1 of Section 14.48.040 of the Mill Valley
155 Municipal Code shall be used to determine the number of multiple charging spaces
156 required for future installation of EVSE. Refer to Section 5.106.5.3.2 for design space
157 requirements.
158

159 14.48.030 Definitions. 160

161 For the purposes of interpreting this chapter and the associated standards for compliance, the
162 terms below are defined as follows. These definitions are in addition to those outlined in Section
163 202 of the California Green Building Standards Code, as modified in Section 14.48.020 of the
164 Mill Valley Municipal Code. In the event of a conflict between the definitions in this section and
165 in Section 202, the definitions in this section shall control.
166

- 167 A. **"All-electric"** refers to a building where electricity is the only permanent source of
168 energy for water -heating, space-heating, space cooling, cooking and clothes-drying and
169 there is no gas meter connection.
- 170 B. **"Certified Green Building Rater"** means a person acting as the owner’s agent to
171 ensure compliance with green building requirements. Those persons representing
172 national and regional green building organizations including, but not limited to,
173 CALGreen, Build It Green and LEED, are considered certified green building raters.
- 174 C. **"CALGreen Mandatory"** means those measures that are required for all covered
175 projects. Residential mandatory measures are contained in CALGreen Chapter 4.
176 Nonresidential mandatory measures are contained in CALGreen Chapter 5.
- 177 D. **"CALGreen Tier 1"** refers to required perquisite and elective measures in addition to
178 the CALGreen mandatory measures, as outlined in CALGreen Appendix A4.601.4 for
179 residential projects and CALGreen Appendix A5.601.2 for nonresidential projects.
- 180 E. **"Efficiency EDR Compliance Margin"** is the difference in the energy design rating
181 ("EDR") of standard efficiency and the EDR of proposed efficiency for a building, as
182 demonstrated on Title 24 compliance documents.
- 183 F. **"EV Capable"** refers to a parking space with conduit installed and allocated 208/240V
184 40-amp panel capacity for future EV charging stations.

- 185 G. **"EV Ready"** refers to the installation of a full circuit with minimum of 40-Amp 208 or
- 186 240 Volt capacity per EV Space, including listed raceway, sufficient electrical panel
- 187 service capacity, overcurrent protection devices, wire, and suitable listed termination
- 188 point such as a receptacle. The termination point shall be in close proximity to the
- 189 proposed EV charger location.
- 190 H. **"Green Building Compliance Form"** means the signature page submitted to the City
- 191 signed by a Certified Green Building Rater, indicating that applicable project complies
- 192 with the City's Green Building requirements.
- 193 I. **"Limited mixed-fuel"** means a building where natural gas and/or propane are only used
- 194 for cooking and fireplaces.
- 195 J. **"Major remodel"** means structural modifications or additions made to a dwelling,
- 196 which are greater than 50% of either: (1) the current square footage of such dwelling;
- 197 or (2) the current exterior roof structure and exterior walls of such dwelling.
- 198 K. **"Minor remodel"** means modifications or additions made to a dwelling which are not
- 199 considered to be a major remodel.
- 200 L. **"Mixed-fuel"** means a building where both natural gas and/or propane and electricity
- 201 are used.
- 202 M. **"Modified parking lot"** means a parking lot for which paving material and curbing is
- 203 removed.
- 204 N. **"Total EDR Compliance Margin"** is the difference in the EDR of the total standard
- 205 design and the EDR of the total proposed building, as demonstrated on Title 24
- 206 compliance documents. This incorporates the efficiency EDR compliance margin as well
- 207 as the EDR points associated with photovoltaics and flexibility such as battery storage.
- 208

209 14.48.040 Green building requirements by project type.

210

211 The Mill Valley Municipal Code defines compliance thresholds for different projects that are

212 covered by this chapter. These standards are outlined below in Table 1.

213

Project Type and Size	Green Building Requirements	Additional Energy Efficiency Requirements	Electric Vehicle Requirements
Single and Two-Family New Construction	CALGreen Tier 1, including Section A4.2 (Energy Efficiency)	<p>"All-electric", meeting the requirements outlined for the project in the 2019 Building Energy Efficiency Standards</p> <p><u>OR</u></p> <p>"Limited mixed-fuel", prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 3, demonstrated on Title 24 energy reports</p> <p><u>OR</u></p> <p>"Mixed-fuel", prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 3 and a Total EDR Compliance Margin of 10, demonstrated on Title 24 energy reports</p> <p>See Section 14.48.030 for applicable definitions of "All-electric", "Limited mixed-fuel", and "Mixed-fuel"</p>	Comply with CALGreen Measure A4.106.8.1

Single and Two-Family Additions and Alterations less than 1,200 square feet	CALGreen Mandatory	Meet the standards outlined for the project in the 2019 Building Energy Efficiency Standards	If the project is upgrading the main electrical service panel, comply with CALGreen Measure A4.106.8.1
Single and Two-Family Additions and Alterations 1,200 square feet or greater	CALGreen Tier 1 less Section A4.2 (Energy Efficiency)	Meet the standards outlined for the project in the 2019 Building Energy Efficiency Standards	
Multifamily New Construction 3 stories or less	CALGreen Tier 1, including Section A4.2 (Energy Efficiency)	<p>“All-electric”, meeting the requirements outlined for the project in the 2019 Building Energy Efficiency Standards</p> <p><u>OR</u></p> <p>“Limited mixed-fuel”, prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 0.5, demonstrated on Title 24 energy reports</p> <p><u>OR</u></p> <p>“Mixed-fuel”, prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 0.5 and a Total EDR Compliance Margin of 10, demonstrated on Title 24 energy reports.</p> <p>See Section 14.48.030 for applicable definitions of “All-electric”, “Limited mixed-fuel”, and “Mixed-fuel”</p>	Build one electric vehicle charging space ¹ per dwelling unit, as defined in Chapter 17.04.026 of Mill Valley Municipal Code (but not including an accessory dwelling unit), complying with technical requirements referenced in A4.106.8.2.1
Multifamily New Construction 4 stories or greater		<p>“All-electric”, meeting the requirements outlined for the project in the 2019 Building Energy Efficiency Standards</p> <p><u>OR</u></p> <p>“Limited mixed-fuel”, prewired for future induction cooking, with a compliance margin of 5%, demonstrated on Title 24 energy reports</p> <p><u>OR</u></p> <p>“Mixed-fuel”, prewired for future induction cooking, with a compliance margin of 10%, demonstrated on Title 24 energy reports</p> <p>See Section 14.48.030 for applicable definitions of “All-electric”, “Limited mixed-fuel”, and “Mixed-fuel”</p>	

Nonresidential Additions and Alterations less than 3,000 square feet	CALGreen Tier 1, less Section A4.2 (Energy Efficiency)	Meet the standards outlined for the project in the 2019 Building Energy Efficiency Standards	<p>If the service panel is modified, add designated electrical capacity for 20% of onsite parking spaces to be EV Capable¹.</p> <p>When parking lot surface is modified (paving material and curbing removed), add conduit to all exposed parking spaces. Where existing electrical service will not be upgraded in the existing project scope, designate capacity for parking spaces to the maximum extent that does not require an upgrade to existing electrical service.</p>
Nonresidential Additions and Alterations 3,000 square feet or greater		Meet the standards outlined for the project in the 2019 Building Energy Efficiency Standards	

¹ Electrical service capacity shall be able to deliver a minimum 40 amperes at 208 or 240 volts multiplied by 20% of the total number of EV Spaces. The panelboard(s) shall have sufficient space to install a minimum of one 40-ampere dedicated branch circuit and overcurrent protective device per EV Space up to a minimum of 20% of the total number of EV Spaces. The circuits and overcurrent protective devices shall remain reserved exclusively for EV charging. An EV Load management system may be necessary in order to provide EV charging at more than 20% of EV Spaces.

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14.48.050 Documentation and Verification.

All covered projects shall comply with the requirements set forth in Section 14.48.040 through the following verification methods.

- A. **Verification of Compliance.** All covered projects must comply with green building requirements as part of the building permit and plan check process. A certified Green Building Rater shall verify compliance by submitting signatures on the Green Building Compliance Form at the time of building permit application and as part of final inspection. When a building permit is applied for, checklists must be filled out by a Green Building Rater and included with the submittal package. The checklist shall be reviewed for accuracy the Planning and Building Department. The Building Department will review the checklist prior to issuance of a building permit. Building plans shall indicate in the general notes or individual detail drawings, where appropriate, the green building measures to be used to satisfy the green building requirements. Prior to final inspection, checklists must be verified by a Green Building Rater as completed and final work satisfying the green building requirements. Any changes or modifications to the checklists must be verified and approved by the Green Building Rater. Documentation and verification shall be collected by the Green Building Raters. During the permit and inspection process, building staff may request to review some or all of the green building documentation.

- 237 B. **Costs of Documentation and Verification.** All costs for inspections, documentation
238 and verification of compliance with green building requirements, including the hiring of
239 a Certified Green Building Rater, a certified commissioner, or certified home
240 performance contractors, shall be borne by the applicant for a building permit.
241

242 14.48.060 Exemptions.
243

- 244 A. This section shall not apply to any project that received and maintains a valid planning
245 approval or a building permit or which has submitted a complete planning application or
246 building permit application prior to the effective date of the ordinance codified in this
247 chapter unless otherwise required as a condition of approval of a discretionary land use
248 or zoning permit.
249

- 250 B. **Hardship or Infeasibility.** An exemption from the standards for compliance may be
251 granted by the Community Development Director under special circumstances. Such
252 circumstances may include, but are not limited to, the following:
253 1. **Availability.** Lack of green building materials and/or technology to comply with
254 green building requirements;
255 2. **Scope of Project.** The scope of the covered project is insufficient to comply with
256 the green building standards;
257 3. **Conflict with other Provisions.** There is conflict between green building
258 requirements and other building or zoning standards or other City goals, such as
259 those requiring historic preservation;
260 4. **Historic Preservation.** Those projects requesting an exemption based on the historic
261 character of a building, site or historic overlay zoning designation shall provide a
262 written request to the Director of Planning and Building regarding the exemption,
263 and describe how the project is consistent with the Secretary of the Interior's
264 Standards for Historic Rehabilitation and/or Chapter 20.54 "Historic Overlay
265 District" zoning requirements.
266

- 267 C. **Process.** A covered project must qualify as exempt from the requirements in this chapter
268 by applying for an exemption at the time a planning or building permit application is
269 submitted, whichever occurs first. The applicant shall indicate the maximum threshold
270 of compliance he or she believes is feasible for the covered project and the
271 circumstances that he or she believes create a hardship or make it infeasible to fully
272 comply with this chapter. The exemption determination by the Director of Planning and
273 Building shall be provided in writing to the applicant, with a revised green building
274 requirements meeting the basic California Green Building Code requirements.
275

276 14.48.070 Appeal.
277

278 Any aggrieved applicant may appeal the determination of the Director of Planning and Building
279 regarding: (1) the granting or denial of an exemption pursuant to Section 14.48.060; or (2)
280 compliance with any other provision of this chapter. Any appeal must be filed in writing with the
281 Director of Planning and Building no later than 14 days after the date of the exemption
282 determination. The appeal shall state the alleged error or reason for the appeal. A timely filed

283 appeal shall be processed and considered by the Planning Commission in accordance with the
284 provisions of Chapter 20.100 of the Mill Valley Municipal Code.”
285

286 **SECTION 3:** The City Council of the City of Mill Valley finds that adoption of this ordinance is
287 exempt from the California Environmental Quality Act (“CEQA”) under California Code of
288 Regulations, Title 14, § 15061(b)(3), as it can be seen with certainty that there is no possibility
289 that the adoption of this ordinance may have a significant effect on the environment.
290

291 **SECTION 4: Severability.** If any section, subsection, sentence, clause, phrase or portion of this
292 ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of
293 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this
294 ordinance. The City Council of the City of Mill Valley hereby declares that it would have adopted
295 this ordinance and each section, subsection, clause, phrase, or portion thereof irrespective of the
296 fact that any one or more sections, subsections, clauses, phrases, or portions thereof may be
297 declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared
298 severable.
299

300 **SECTION 5: Publication.** This ordinance shall become effective at 12:01 a.m. on January 1, 2020,
301 provided that the additional energy efficiency requirements of this Ordinance cannot be enforced
302 by the City until it has further been approved by the California Energy Commission pursuant to
303 Public Resources Code Section 25402.1(h)(2). The City Clerk shall certify to the adoption of this
304 Ordinance and shall cause the same to be published or posted in the manner prescribed by law.
305

306 **SECTION 6:** The City Clerk is hereby directed to cause a copy of this ordinance to be filed with
307 the California Building Standards Commission as required by Health and Safety Code Section
308 17958.7 and the California Energy Commission as required by Public Resources Code Section
309 25402.1(h)(2).
310

311 **INTRODUCED** at a regular meeting of the City Council of the City of Mill Valley on the __ day
312 of November, 2019, and
313

314 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Mill Valley
315 on this ____ day of _____ 2019, by the following vote:
316
317
318

319 AYES: Council Members:

320 NOES: Council Members:

321 ABSENT: Council Members:
322
323
324
325
326

327 _____
328 James P. Wickham, Mayor

329
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Attest:

Kelsey Rogers, City Clerk/Administrative Assistant



STAFF REPORT

TO: Mayor and City Council

FROM: Kathy Toohey, Building Official

VIA: Patrick Kelly, Director of Building and Planning

SUBJECT: Introduce for First Reading an Ordinance to Amend Section 14.42.050, Delete Chapter 14.44, and Amend 14.48 of the Mill Valley Code Adopting by Reference the 2019 Green Building Standards Code with Local Amendments; and Set a Public Hearing Date

DATE: November 18, 2019

Approved for Forwarding:



 James C. McCann, City Manager

1 **Issue:**

2

3 Introduction of an Ordinance to amend Section 14.42.050, delete Chapter 14.44, and

4 amend 14.48 of the Mill Valley Municipal Code to adopt by reference the 2019

5 California Green Building Standards Code with local amendments, and setting a public

6 hearing date on the Ordinance as required by state law.

7

8 **Recommendation:**

- 9
- 10 1. Introduce the proposed ordinance for first reading, read by title only, and waive
- 11 further reading.
- 12 2. Set a public hearing date for the December 2, 2019 regular City Council meeting.

13

14 **Background and Discussion:**

15

16 Title 24 of the California Code of Regulations contains the California Building

17 Standards Code ("CALGreen"), which governs the design and construction of

18 buildings, associated facilities, and equipment in the state. California updates these

19 requirements every three years with the next iteration, the 2019 Title 24 Code cycle,
20 going into effect on January 1, 2020. Once the model codes are published, local
21 agencies have 180 days to make additional or amendments to the California Codes
22 based on local conditions, specifically climate, topography and geology. The
23 amendments or additions are adopted by local ordinance and become part of the
24 Municipal Code.

25

26 Currently, Mill Valley's green building standards are codified in Chapter 14.48 (Green
27 Building Standards) of the Municipal Code. The proposed ordinance would eliminate
28 other energy efficiency standards that were adopted in 2005 and codified in Chapter
29 14.44 (Energy Efficiency Standards for Single Family Dwellings Greater than 3,500
30 Square Feet of Conditioned Floor Area), in order to streamline the code language.
31 Chapter 14.48 will include all of the local amendments made to CALGreen. The
32 proposed ordinance also makes a minor text amendment to a reference to the
33 CALGreen requirements in Section 14.42.050, within Chapter 14.42.

34

35 The state's modifications to green building and energy efficiency standards for 2019
36 notably include mandatory solar for all new homes and multifamily developments three
37 stories or less. The proposed ordinance would adapt the current City standards for
38 compliance with the 2019 Title 24 code cycle, make local code amendments so as to
39 ensure the requirements are easy to understand and implement, and adopt certain
40 regulations that are more stringent than the state's mandatory requirements in order to
41 better achieve the City's environmental goals.

42

43 The proposed standards support the City's sustainability goals by:

44

- Highlighting electric vehicle (EV) charging readiness requirements and

45

- Requiring "Tier 1" level of green building compliance, following the state's
46 recommendations for enhanced green building requirements within the
47 CALGreen checklist.

48

49
50 The proposed electric vehicle charging readiness standards include requirements for
51 multifamily and commercial properties to provide EV readiness infrastructure that will
52 limit costs of development, while still providing support necessary for future installation
53 of EV chargers. EV readiness in this context means that the supporting infrastructure,
54 such as electric service capacity, conduit, and wiring, and other components, are in
55 place to reduce project costs and complexity at the time of EV charger installation.

56

57 The standards for single and two-family new residential construction will require new
58 homes to add additional capacity to the service panel to allow for at home Level 2 EV
59 charging (240 volt), as is required by CALGreen Tier 1. For multifamily properties, the
60 proposal is for one EV Ready space per dwelling unit, excluding ADUs. For
61 commercial properties, if the service panel is modified, 20% of the onsite parking
62 spaces would be required to be modified to be EV capable. When the parking lot
63 surface is modified, conduit would need to be added to all exposed parking spaces.

64

65 The City adopted CALGreen Tier 1 in the 2016 code adoption cycle, and re-adopts the
66 more stringent 2019 CALGreen Tier 1 requirements in the proposed ordinance. For
67 applicable projects, Tier 1 requires additional mandatory and elective measures in the
68 areas of planning and design, energy efficiency, water efficiency and conservation,
69 material conservation and resource efficiency, and environmental quality.
70

71 The proposed ordinance also seeks to improve user-friendliness of the standards by:

- 72 • Seeking to align with policies being considered by multiple other jurisdictions in
73 Marin County. The proposed codes were developed through a process that
74 included building department and sustainability staff from multiple Marin
75 County jurisdictions.
- 76 • Continuing to offer flexible pathways for compliance with energy efficiency and
77 electrification requirements.
- 78 • Using lessons learned from implementation of the standards adopted previously
79 to improve resources aimed at helping applicants and building department staff
80 understand and comply with requirements.
81

82 The California Public Resources Code states that a local jurisdiction may adopt more
83 restrictive energy standards when they are cost-effective and approved by the California
84 Energy Commission (CEC). The proposed ordinance's energy efficiency requirements
85 have been determined to be cost effective via third party analysis for projects in Marin's
86 climate zones (two and three). In other words, the additional cost of the proposed
87 energy efficiency requirements will pay for themselves over the life of the project from
88 energy cost savings.
89

90 The Health and Safety Code requires that local amendments to the California Building
91 Standards Code, including CALGreen, be determined to be reasonably necessary
92 because of local climatic, geological, and/or topographic conditions. These findings can
93 be adopted by ordinance or resolution, and must be filed with the California Building
94 Standards Commission. The required findings that the local amendments respond to
95 local climatic, geological or topographical conditions, or are administrative in nature,
96 will be included in the a separate Resolution for adoption at the December 2, 2019
97 regular City Council meeting.
98

99 Staff transmitted the draft green code to approximately 250 Design Professionals for
100 review and comment; to date, responses have been positive. Over the last nine months,
101 staff has collaborated with building officials of Marin County in developing local green
102 code amendments.
103

104 **Attachments:**

- 105 1. Draft Ordinance
- 106 2. 2019 Residential Cost Effectiveness Study *(available for reference in the City*
107 *Clerk's Office)*
- 108 3. 2019 Nonresidential Cost Effectiveness Study *(available for reference in the*
109 *City Clerk's Office)*

1 RESOLUTION NO. ____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL
4 VALLEY MAKING EXPRESS FINDINGS AND DETERMINATIONS
5 THAT MODIFICATIONS TO THE 2019 CALIFORNIA BUILDING
6 CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA FIRE
7 CODE, AND CALIFORNIA GREEN BUILDING STANDARDS CODE
8 ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC,
9 GEOLOGIC AND/OR TOPOGRAPHIC CONDITIONS

10 THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY RESOLVES AS
11 FOLLOWS:

12 SECTION 1: Recitals.

13 WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and
14 18941.5 allow the City, by ordinance, to make modifications or changes to building standards
15 within the California Building Standards Code in Title 24 of the California Code of Regulations
16 and other regulations adopted pursuant to Health and Safety Code Section 17922;

17 WHEREAS, the Health and Safety Code requires such changes to be determined to be
18 reasonably necessary because of local climatic, geologic, or topographic conditions; and

19 WHEREAS, the Health and Safety Code requires that the City, before making any
20 modifications or changes, makes an express finding that each such modification or change is
21 needed; and

22 WHEREAS, the Health and Safety Code requires such findings be made available as a
23 public record and a copy of such findings be filed with the California Building Standards
24 Commission; and

25 WHEREAS, the Public Resources Code Section 25402.1(h)(2) allows the City to adopt
26 more restrictive energy standards when they are cost-effective and approved by the California
27 Energy Commission; and

28 WHEREAS, Staff has recommended that changes and modifications be made to the 2019
29 editions of the California Building Code, California Residential Code, California Fire Code, and
30 California Green Building Standards Code, as are reasonably necessary due to the unique local
31 climatic, geologic, or topographic conditions in the City of Mill Valley.

32
33 SECTION 2: The facts contained in the Recitals in Section 1 above are true and correct.

34
35 SECTION 3: The City Council finds that certain local climatic, geologic, or topographic
36 conditions exist as follows:

37
38 A. The City of Mill Valley has within its borders and along its boundaries, significant areas of grass,
39 brush and heavily forested lands. These hazardous conditions present an exceptional and

- 40 continuing fire danger to the residents of the community due to the difficulty of the terrain and
41 topography of the area, much of it consisting of boxed canyons with steep, brush-covered slopes;
42 narrow winding streets used by residents of the area and the Fire Department for ingress and
43 egress, steep hills which hinder Fire Department response time; older and inadequate water
44 systems in certain areas of the community; and the location of buildings and structures with
45 relation to these dangerous areas. (Topography)
46
- 47 B. A great number of structures located within the City of Mill Valley were built in the late 1800's
48 and early 1900's, thus lacking the built-in protection of modern construction. Many of the
49 residential structures had been built on steep slopes with boxed canyons and large percentages
50 are located in areas of heavy natural growth. Many structures (new and old) are constructed of
51 highly combustible material, which offer little resistance to fire and could contribute to the spread
52 of fire. (Topography)
53
- 54 C. Most of the City's street and pathway system was laid out in the late 1800's and early 1900's.
55 Many of the City's streets have less than 20 feet of unobstructed width and turning radius.
56 Roadways with less than 20 feet of unobstructed paved surface are considered hazardous in terms
57 of fire access and protection. In the event that the Fire Department is called to respond to a fire
58 emergency in any of these areas, its response time to an emergency is increased by these
59 topographic conditions. (Topography)
60
- 61 D. The City was plagued many times in the late 1800's and early 1900's by brush and forest fires,
62 which not only threaten destruction, but on a number of occasions devastated large portions of
63 the town. The desire of the community to preserve natural vegetation has resulted in the
64 encroachment of brush and grass on fire roads, trails, breaks and streets within the City, thus
65 rendering such separations ineffective against the spread of fires. Natural growth, which is
66 highly flammable during the summer and fall months, encroaches upon many properties, thus
67 posing a potential fire threat to many structures and creating a substantial hindrance to the control
68 of such fires. (Climate, Topography)
69
- 70 E. The City's precipitation ranges from 15 to 42 inches per year with an average of approximately
71 25 inches per year. Approximately 90% of the precipitation falls during the months of November
72 through April and 10% from May through October. Times of little or no rainfall, of low humidity,
73 and high temperatures create extremely hazardous fire conditions. (Climate)
74
- 75 F. The City's natural topographic and geological features create an increased risk from flooding,
76 hillside runoff, landslides, and debris flows due to a combination of factors including periodic
77 heavy winter rainfalls, soil conditions, proximity to Richardson Bay, and other related factors.
78 Low lying areas can also subject to tidal fluctuations and liquefaction following an earthquake.
79 (Topography, Geology)
80
- 81 G. Seismically, the City sits between two active earthquake faults (San Andreas and Hayward) and
82 numerous potentially active faults. Fire following an earthquake has the potential of causing
83 greater loss of life and damage than the earthquake itself. Should a significant seismic event
84 occur, public safety resources would have to be prioritized to mitigate the greatest threat and may

not be available for every structural fire. In such event, individual structures should be equipped to help in mitigating the risk of damage. (Geology)

- H. The United Nations Intergovernmental Panel on Climate Change (IPCC) has warned that failure to address the causes of global climate change within the next few years will result in significant sea level increases and frequency of wildland fires and reduced freshwater resources, which will significantly increase the cost of providing local governmental services and protecting public infrastructure. (Climate)
- I. Sea levels could rise from as little as 2 to 3 feet if emissions trend downward to as much as 8.5 to 35 feet by the end of the century if emissions continue to rise in a “business as usual” scenario. Sea level rise will expand the areas subject to flooding and will directly impact low-lying areas of Mill Valley from Bothin Marsh to Sycamore Park. (Climate, Topography)

SECTION 4: Pursuant to Health and Safety Code Section 17958, 17958.5, and 17958.7, the Mill Valley City Council hereby expressly finds that the local amendments to the building standards within the 2019 editions of the California Building Code, California Residential Code, California Fire Code, and California Green Building Standards Code, as adopted via Ordinance No. 1312 and Ordinance No. 1313 concurrent with this Resolution, are necessary for the protection of public health, safety, and welfare, due to the following local climatic, geologic, or topographical conditions:

Cal. Building Code Section	Title/Subject	Findings
Chapter 1	Scope and Administration	Administrative
202	Definitions	Administrative
502.1	Address identification	Topography
701A.1	Scope	Climate, Topography
701A.3	Application	Climate, Topography
1505.1	General	Climate, Topography, Geology
1805.1.2.2	Under-floor drainage	Climate, Topography
Cal. Residential Code Section		
Chapter 1	Scope and Administration	Administrative
R337.1.1	Scope	Climate, Topography
R337.1.3	Application	Climate, Topography
Cal. Fire Code Section	Title/Subject	Findings
101.1	Title	Administrative
102.5	Application of residential code	Administrative

102.7.3	Nationally recognized listed products	Administrative
104.1.1	Supplemental rules, regulations, and standards or policies	Administrative
104.12	Fire prevention resource sharing	Administrative
105.6.52	Local permits	Administrative
105.7.26	Vegetation Management Plan	Administrative
106.6	Damages and expense recovery	Administrative
110.4	Violation penalties	Administrative
110.4.2	Abatement of clearance of brush or vegetative growth from structures	Administrative
202	Definitions	Administrative, Climate, Topography
302.1	Definitions	Administrative
321	Public Storage Facilities	Climate, Topography
401.1.1	Hazardous occupancies	Climate, Topography, Geology
401.3.2.1	Unwarranted alarm notification	Administrative
401.3.2.2	Multiple unwarranted or nuisance alarm activities	Administrative
402.1	Definitions	Administrative
403.1.1	Pre-plans	Administrative, Climate, Topography, Geology
403.10.1.4	Emergency preparedness for hotels, lodging houses, and congregate residences	Administrative, Climate, Topography, Geology
501.5	Failure to comply	Administrative
502.1	Definitions	Administrative
503.1	Where required	Climate, Topography, Geology
503.1.4	Fire roads	Climate, Topography, Geology
503.1.5	Aerial fire apparatus access	Topography, Geology
503.1.5.1	Width	Topography, Geology
503.1.5.2	Proximity to building	Topography, Geology
503.1.5.3	Obstructions	Topography, Geology
503.2.1	Dimensions	Topography, Geology
503.2.6.1	Evaluation and maintenance	Climate, Topography, Geology
503.4	Obstruction of fire apparatus access roads	Topography, Geology
503.4.2	Prohibition of vehicular parking on private ways	Topography, Geology
503.6.1	Width	Topography, Geology
503.6.2	Electronic gates	Topography, Geology

506.1	Where required	Topography, Geology
507.5.1	Where required	Climate, Topography, Geology
507.5.1.1	Hydrant for fire department connections	Climate, Topography, Geology
507.5.7	Fire hydrant upgrades	Climate, Topography, Geology
510.1	Emergency responder radio coverage in new buildings	Climate, Topography, Geology
901.7	Systems out of service	Climate, Topography
903.2	Where required	Climate, Topography, Geology
903.2.1	Required installations	Climate, Topography, Geology
903.2.2	Additions and alterations	Climate, Topography, Geology
903.2.2.1	Substantial remodels	Climate, Topography, Geology
903.2.3	Group R-3	Climate, Topography, Geology
903.2.4	Change in occupancy or use	Climate, Topography, Geology
903.3.9	Floor control valves	Climate
903.4	Sprinkler system supervision and alarms	Climate, Geology
903.6.1	Application	Climate, Topography, Geology
906.11	Fire extinguisher documentation	Climate, Topography
907.2.12.1.2	High-rise buildings and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access	Climate, Topography
907.6.6	Monitoring	Climate, Topography
907.8.5.1	Smoke alarm documentation	Climate, Topography
1103.1	Required construction	Climate, Topography
1103.2	Emergency responder radio coverage in existing buildings	Climate, Topography, Geology
3313.3	Detailed requirements	Climate, Topography
3314.3	Where required	Climate, Topography, Geology
3314.4	Buildings being demolished	Climate, Topography, Geology
3314.5	Detailed requirements	Climate, Topography, Geology
4902.1	Definitions	Administrative
4906.2	Application	Climate, Topography, Geology
4906.4	Vegetation Management Plan	Climate, Topography
4906.4.1	Content	Climate, Topography
4906.4.1	Cost	Administrative
4907.1	General	Climate, Topography
4907.2	Fire Hazard Reduction	Climate, Topography
4908	Roadways	Climate, Topography
4909	Nuisance	Administrative

5001.1.2	Geographic Limits	Administrative, Climate, Topography
5304.1.1	Geographic Limits	Administrative, Climate, Topography
5601.1.3	Fireworks	Climate, Topography
5604.1.1	Geographic Limits	Administrative, Climate
5608.1.2	Permit Required	Administrative
5608.2	Limitations	Administrative, Climate, Topography
5704.2.9.1	Existing noncompliant installations	Administrative, Climate, Topography
5706.2.4.4	Locations where above-ground tanks are prohibited	Administrative, Climate, Topography
5806.2	Limitations	Administrative, Climate, Topography
6104.2	Maximum capacity within established limits	Administrative, Climate, Topography
Ch. 80: NFPA 13-16, Section 25.5.1	Referenced standards	Administrative, Climate, Topography
Appendix B - Table B105.1(1)	Required fire flow for one- and two-family dwellings, group R-3 and R-4 buildings and townhouses	Climate, Topography, Geology
Appendix B - Table B105.2	Required fire flow for buildings other than one- and two-family dwellings, group R-3 and R-4 buildings and townhouses	Climate, Topography, Geology
Appendix C - C103.1	Hydrant spacing	Climate, Topography
Appendix C - C103.2	Average spacing	Climate, Topography
Appendix C - C103.3	Maximum spacing	Climate, Topography
Cal. Green Building Standards Code	Title/Subject	Findings
202	Definitions	Administrative, Climate
301.1	Scope	Climate
301.1.1	Additions and alterations	Climate
301.3	Nonresidential additions and alterations	Climate
4.106.4.2	New multifamily dwellings	Climate
4.106.4.3.1	Number of required EV spaces	Climate
5.106.5.3	EV charging	Climate
5.106.5.3.3	EV charging space calculation	Climate
Appendix A4 - A4.106.8.2	New multifamily dwellings	Climate

Appendix A4 - A4.106.8.3	New hotels and motels	Climate
Appendix A5 - A5.106.5.3	EV charging	Climate
Appendix A5 - A5.106.5.1	Tier 1	Climate

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110 SECTION 4. The City Council further determines that the revised energy standards contained in
111 Ordinance No. 1313 are cost effective, based upon the findings of studies conducted by Frontier
112 Energy, Inc., Misti Bruceri & Associates LLC, TRC Energy Services, and EnergySoft.

113 SECTION 5. This resolution shall become operative on January 1, 2020.

114 SECTION 6. The City Clerk is directed to file a copy of this resolution, together with Ordinance
115 No. 1312 and Ordinance No. 1313, with the California Building Standards Commission. The
116 City Clerk is further directed to file a copy of this Resolution, together with Ordinance No. 1313.
117 with the California Energy Commission.

118

119 **PASSED AND ADOPTED** at a meeting of the City Council of the City of Mill Valley,
120 the County of Marin, State of California, on this 2nd day of December, 2019, by the following
121 vote:

122

123 **AYES:**

124 **NOES:**

125 **ABSENT:**

126 **ABSTAIN:**

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129

Jim Wickham, Mayor

130 **ATTEST:**

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132

133

134 _____
Kelsey Rogers, City Clerk

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