



STAFF REPORT

TO: Mayor and City Council

FROM: Patrick Kelly, Director of Planning & Building
Fred Hilliard, Division Chief / Fire Marshall

SUBJECT: Second Reading and Adoption of Ordinance No.1340

DATE: December 5, 2022

Approved for Forwarding:



Todd A. Cusimano, City Manager

1 **Issue:** 1) Approval of Resolution adopting findings and determinations that modifications to the
2 2022 California Building Code, California Residential Code and California Fire Code are
3 reasonably necessary because of local climatic, geologic and/or topographic conditions; and 2)
4 second reading and adoption of Ordinance No. 1340 amending Chapters 14.05 (Construction
5 Codes), 14.48 (Green Building Standards) and 15.04 (Fire Prevention) of the Mill Valley
6 Municipal Code, adopting by reference the 2022 Editions of the California Fire, Administrative,
7 Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building, Historical
8 Building, Existing Building, Referenced Standards Codes and Appendix A of the 2021
9 International Wildland-Urban Interface Code, with amendments to reflect local conditions.

10
11 **Recommendations:**

- 12 1. Adopt Resolution No. 22-____.
13 2. Adopt Ordinance No. 1340.

14
15 **Background:** Every three years, the California Building Standards Commission reviews and
16 revises the California Building, Fire, Plumbing, Mechanical, Residential, Green Building and
17 Electrical Codes. The model codes from which the California Codes are adopted are based on
18 codes published by the International Code Council (ICC). In addition, the National Fire Protection
19 Association, the International Association of Plumbing and Mechanical Codes, and the National
20 Electrical Code have continued to publish the model codes on which the California State Codes
21 are based. Once published, local agencies have 180 days to make additions or amendments to the

City Council
Building/Fire Code Amendments
December 5, 2022

22 California Codes based on local conditions, specifically climate, topography, and geology. The
23 amendments or additions are adopted by local ordinance and become part of the Municipal Code.
24 The City of Mill Valley adopted its current codes, incorporating and modifying the 2019 California
25 Building Standards Code in December 2019. The current California Codes were published on July
26 1, 2022; therefore, any amendments or additions by local ordinance must be in effect by January
27 1, 2023.

28
29 At the October 17, 2022 City Council meeting, after conducting the public hearing, City Council
30 introduced the Ordinance for first reading (refer to Attachment 1).

31
32 **Discussion:** The attached Ordinance (Attachment 3) would amend Chapters 14.05 (Construction
33 Codes), 14.48 (Green Building Standards) and 15.04 (Fire Prevention) of the Mill Valley
34 Municipal Code and adopts by reference the respective 2022 California Fire, Administrative,
35 Plumbing, Energy, Historical Building, Existing Building, Referenced Standards Codes, and
36 Appendix A of the 2021 International Wildland-Urban Interface Code, with Amendments to reflect
37 local conditions as required by state law.

38
39 Pursuant to California Government Code Section 50022, the adoption of the Building and Fire
40 Codes requires a public hearing prior to the adoption (second reading) of the ordinance.
41 Government Code section 6066 requires a public notice period of at least 14 days after the
42 introduction of the ordinance and that a public notice be posted twice in the City’s newspaper of
43 general circulation (the Mill Valley Herald) before the public hearing and adoption. All of those
44 requirements have been met and the City Council can adopt the ordinance after opening the public
45 hearing, taking any public comment, closing the hearing and then acting to adopt the Ordinance.

46
47 **Environmental Review:** The Ordinance is exempt from the requirements of the California
48 Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*), under
49 California Code of Regulations, Title 14, § 15061(b)(3), as it can be seen with certainty that there
50 is no possibility that the adoption of this ordinance may have a significant effect on the
51 environment.

52
53 **Fiscal Impact:** The fiscal impact associated with this ordinance includes staff time for plan review
54 as well as inspection, development of ordinance language; purchase of code books; and
55 coordination with the City Clerk and City Attorney.

56
57 **Attachments:**
58 1. City Council Staff Report: Building/Fire Code Amendments, October 17, 2022
59 2. Draft Resolution No. 22-____
60 3. Draft Ordinance No. 1340



STAFF REPORT

TO: Mayor and City Council

FROM: Patrick Kelly, Planning and Building Director
Fred Hilliard, Division Chief / Fire Marshal

SUBJECT: Introduce for First Reading an Ordinance Amending Chapters 14.05, 14.48 and 15.04 of the Mill Valley Municipal Code, adopting by reference the 2022 California Building Standards Code as referenced herein.

DATE: October 17, 2022

Approved for Forwarding:



Todd A. Cusimano, City Manager

1 **Issue:** Consideration of: 1) a Resolution adopting findings and determinations that modifications
2 to the 2022 California Building Code, California Residential Code and California Fire Code are
3 reasonably necessary because of local climatic, geologic and/or topographic conditions and 2) an
4 Ordinance amending Chapters 14.05, 14.48 and 15.04 of the Mill Valley Municipal Code
5 adopting by reference the 2022 California Fire, Administrative, Plumbing, Energy, Historical
6 Building, Existing Building, Referenced Standards Codes, and Appendix A of the 2021
7 International Wildland-Urban Interface Code, with Amendments to reflect local conditions as
8 required by state law.
9

10 **Recommendation:**

- 11 1. Adopt Resolution No. 22-___, and Introduction of Ordinance for first reading, read by
12 title only, and waive further reading.
13 2. Set a public hearing date for the November 21, 2022 regular City Council meeting.
14

15 **Background and Discussion:** The 2022 California Building Standards Codes (CBSC), which
16 includes the Fire Code, becomes effective in California cities on January 1, 2023. Typically,
17 every three years, the California Building Standards Commission reviews and revises the
18 California Building, Fire, Plumbing, Mechanical, Residential, Green Building and Electrical

**City Council Staff Report
CFC, CBC, & CRC Update
October 17, 2022**

19 Codes. California Health and Safety Code Section 17958 requires local agencies to adopt the
20 building standards contained in these uniform statewide codes but allows cities to modify the
21 codes to reflect local conditions. The City of Mill Valley adopted its current codes, incorporating
22 and modifying the 2019 California Building Standards Code in December 2019.

23
24 Modifications to the Mill Valley Municipal Code are needed to comply with the State’s updated
25 building and fire safety requirements. State law provides the opportunity for local government to
26 either adopt the state’s building standards or to review and modify them, provided that the
27 changes to state law made by cities and counties impose equal or more restrictive requirements.

28
29 The building related codes that will be adopted by reference in the proposed ordinance are:

- 30
31 2022 California Fire Code
32 2022 Administrative Code
33 2022 California Building Code
34 2022 California Residential Code
35 2022 California Electrical Code
36 2022 California Mechanical Code
37 2022 California Plumbing Code
38 2022 California Energy Code
39 2022 California Green Building Standards Code
40 2022 California Historical Building Code
41 2022 California Existing Building Code
42 2022 Referenced Standards Code

43
44 Appendix A of the 2021 International Wildland-Urban Interface Code, with amendments to
45 reflect local conditions.

46
47 The ordinance adopts by reference the 2022 California Fire Code, which consists of certain
48 portions of the 2021 edition of the International Fire Code as amended by the California Building
49 Standards Commission, and Appendix A of the 2021 International Wildland-Urban Interface
50 Code, with certain amendments regarding fire prevention and fire safety regulations in structures
51 and on property located within the jurisdiction of the City of Mill Valley. This adoption process
52 is required of the City of Mill Valley once every three years to stay current with the minimum
53 requirements of the State of California Building and Fire standards as determined by the
54 California Building Standards Commission.

55
56 The attached proposed ordinance adopting the 2022 CBSC represents a continuation of existing
57 City practice with regard to local modifications. It revalidates and readopts the City’s current
58 local amendments which includes the City of Mill Valley’s minor modifications due to local
59 climatic, geologic and topographic conditions, and minor administrative changes.

60
61 The Building Division personnel and the Southern Marin Fire District jointly reviewed the new
62 state building code standards and the existing City Code. The amendments are being presented to
63 the City Council with the recommendation of the Building Division and the Fire Department.

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**City Council Staff Report
CFC, CBC, & CRC Update
October 17, 2022**

65 **Fiscal Impact:** The fiscal impact associated with this ordinance includes staff time for plan
66 review as well as inspection, development of ordinance language; purchase of code books; and
67 coordination with the City Clerk and City Attorney.
68

69 **Attachments:**

- 70 1. Draft Resolution
- 71 2. Draft Ordinance Amending Chapters 14.05, 14.48 & 15.04 of the Mill Valley Municipal
- 72 Code

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RESOLUTION NO. 22-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY MAKING EXPRESS FINDINGS AND DETERMINATIONS THAT MODIFICATIONS TO THE 2022 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

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1: California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 allow the City, by ordinance, to make modifications or changes to building standards within the California Building Standards Code in Title 24 of the California Code of Regulations and other regulations adopted pursuant to Health and Safety Code Section 17922.

SECTION 2. The Health and Safety Code requires such changes to be determined to be reasonably necessary because of local climatic, geologic, or topographic conditions.

SECTION 3. The Health and Safety Code requires that the City, before making any modifications or changes, makes an express finding that each such modification or change is needed.

SECTION 4. The Health and Safety Code requires such findings be made available as a public record and a copy of such findings be filed with the California Building Standards Commission.

SECTION 5. Staff has recommended that changes and modifications be made to the 2022 editions of the California Building Code, California Residential Code, California Fire Code, and California Green Building Standards Code, as are reasonably necessary due to the unique local climatic, geologic, or topographic conditions in the City of Mill Valley.

SECTION 6: The facts contained in the Recitals in Section 1 above are true and correct.

SECTION 7: The City Council finds that certain local climatic, geologic, or topographic conditions exist as follows:

- A. The City of Mill Valley has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush-covered slopes; narrow winding streets used by residents

47 of the area and the Fire Department for ingress and egress, steep hills which hinder
48 Fire Department response time; older and inadequate water systems in certain areas
49 of the community; and the location of buildings and structures with relation to these
50 dangerous areas. (Topography)

51
52 B. A great number of structures located within the City of Mill Valley were built in the
53 late 1800's and early 1900's, thus lacking the built-in protection of modern
54 construction. Many of the residential structures had been built on steep slopes with
55 boxed canyons and large percentages are located in areas of heavy natural growth.
56 Many structures (new and old) are constructed of highly combustible material, which
57 offer little resistance to fire and could contribute to the spread of fire. (Topography)

58
59 C. Most of the City's street and pathway system was laid out in the late 1800's and early
60 1900's. Many of the City's streets have less than 20 feet of unobstructed width and
61 turning radius. Roadways with less than 20 feet of unobstructed paved surface are
62 considered hazardous in terms of fire access and protection. In the event that the Fire
63 Department is called to respond to a fire emergency in any of these areas, its response
64 time to an emergency is increased by these topographic conditions. (Topography)

65
66 D. The City was plagued many times in the late 1800's and early 1900's by brush and
67 forest fires, which not only threaten destruction, but on a number of occasions
68 devastated large portions of the town. The desire of the community to preserve
69 natural vegetation has resulted in the encroachment of brush and grass on fire roads,
70 trails, breaks and streets within the City, thus rendering such separations ineffective
71 against the spread of fires. Natural growth, which is highly flammable during the
72 summer and fall months, encroaches upon many properties, thus posing a potential
73 fire threat to many structures and creating a substantial hindrance to the control of
74 such fires. (Climate, Topography)

75
76 E. The City's precipitation ranges from 15 to 42 inches per year with an average of
77 approximately 25 inches per year. Approximately 90% of the precipitation falls
78 during the months of November through April and 10% from May through October.
79 Times of little or no rainfall, of low humidity, and high temperatures create extremely
80 hazardous fire conditions. (Climate)

81
82 F. The City's natural topographic and geological features create an increased risk from
83 flooding, hillside runoff, landslides, and debris flows due to a combination of factors
84 including periodic heavy winter rainfalls, soil conditions, proximity to Richardson
85 Bay, and other related factors. Low lying areas can also be subject to tidal fluctuations
86 and liquefaction following an earthquake. (Topography, Geology)

87
88 G. Seismically, the City sits between two active earthquake faults (San Andreas and
89 Hayward) and numerous potentially active faults. Fire following an earthquake has
90 the potential of causing greater loss of life and damage than the earthquake itself.

Should a significant seismic event 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 8: 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 2022 editions of the California Building Code, California Residential Code, California Fire Code, and California Green Building Standards Code, as adopted via Ordinance No. 1340 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
108.1.1	Special Permit	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
107.1.1	Special Permit	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
104.13	Fire prevention resource sharing	Administrative
105.5	Required Operational Permits	Administrative
105.5.55	Local Operational Permits	Administrative
105.6	Required Construction Permits	Administrative
105.6.25	Local Construction Permits	Administrative
107.7	Damages and Expense Recovery	Administrative
112.4	Violation penalties	Administrative
112.4.2	Abatement of clearance of brush or vegetative growth from structures	Administrative
202	Definitions	Administrative, Climate, Topography
302.1	Definitions	Administrative
324	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
403.9.1.4	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
503.6.3	Gate Setback Required	Topography, Geology
506.1	Key Entry Systems	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
907.2.13.1.2	Duct smoke detection	Climate, Topography
907.6.6	Monitoring	Climate, Topography
907.8.5	Smoke alarm documentation	Climate, Topography
918	Exterior Wildfire Protection Systems	Climate, Topography, Geology
1103.1	Required construction	Climate, Topography
1103.2	Emergency responder radio coverage in existing buildings	Climate, Topography, Geology
1103.3-1103.6.2	Existing Elevators	Climate, Topography, Geology
1103.4	Vertical Openings	Climate, Topography, Geology
1103.5	Sprinkler Systems	Climate, Topography, Geology

1103.6	Standpipes	Climate, Topography, Geology
1103.6.1	Existing Multiple-Story Buildings	Climate, Topography, Geology
1103.6.2	Existing Helistops and Heliports	Climate, Topography, Geology
1103.9	CO2 Detection	Climate, Topography, Geology
1104	Means of Egress for Existing Buildings	Climate, Topography, Geology
1105	Constriction Requirements for Existing Group I-2	Climate, Topography, Geology
1201.4	Construction Documents	Topography, Geology
1201.5	Signs and Labels	Topography, Geology
1201.6	Disconnect	Topography, Geology
1201.7	Operational Testing	Topography, Geology
1202.1	Definitions	Topography, Geology
1208	Home Backup Generator	Topography, Geology
Ch. 26	Fumigation and Fogging	Topography, Geology
3314.3	Detailed requirements	Climate, Topography
3315.3	Where required	Climate, Topography, Geology
3315.4	Buildings being demolished	Climate, Topography, Geology
3315.5	Detailed requirements	Climate, Topography, Geology
4902.1	Definitions	Administrative
4903.2.1.1	Preliminary Fire Protection Plan	Climate, Topography, Geology
4903.2.1.2	Final Fire Protection Plan	Climate, Topography, Geology
4906.2	Application	Climate, Topography, Geology
4906.3	Vegetation Management Plan	Climate, Topography, Geology
4906.3.1	Content	Climate, Topography, Geology
4906.3.2	Cost	Administrative
4906.4.2.1	Tree Planting	Climate, Topography
4907.2	Application	Climate, Topography
4907.4	Fire Hazard Reduction	Climate, Topography
4907.5	Fire Hazard Reduction from Roadways	Climate, Topography
4911	Nuisance	Administrative
5001.1.2	Geographic Limits	Administrative, Climate, Topography
5304.3	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
5704.2.9.6.1	Locations where above-ground tanks are prohibited	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	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
IWUI Appendix A	General Requirements	Climate, Topography, Geology
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
5.106.5.3	EV charging	Climate
Appendix A4 - A4.106.8.2.1	New multifamily dwellings	Climate

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SECTION 9. This resolution shall become operative on January 1, 2023.

SECTION 10. The City Clerk is directed to file a copy of this resolution, together with Ordinance No. 1340, with the California Building Standards Commission.

121 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Mill
122 Valley on the 17th day of **October, 2022**, by the following vote:

123

124 **AYES:**

125 **NOES:**

126 **ABSENT:**

127 **ABSTAIN:**

128

129

Jim Wickham, Mayor

130

131 ATTEST:

132

133

Hannah Politzer, City Clerk/Management Analyst III

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DRAFT

1 **ORDINANCE NO. 1340**

2
3 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
4 **OF MILL VALLEY, AMENDING CHAPTERS 14.05, 14.48,**
5 **AND 15.04 OF THE MILL VALLEY MUNICIPAL CODE,**
6 **ADOPTING BY REFERENCE THE 2022 EDITIONS OF THE**
7 **CALIFORNIA FIRE, ADMINISTRATIVE, BUILDING,**
8 **RESIDENTIAL, ELECTRICAL, MECHANICAL,**
9 **PLUMBING, ENERGY, GREEN BUILDING, HISTORICAL**
10 **BUILDING, EXISTING BUILDING, REFERENCED**
11 **STANDARDS CODES, AND APPENDIX A OF THE 2021**
12 **INTERNATIONAL WILDLAND-URBAN INTERFACE**
13 **CODE, WITH AMENDMENTS TO REFLECT LOCAL**
14 **CONDITIONS**

15
16 **THE CITY COUNCIL OF THE CITY OF MILL VALLEY** does ordain as follows:

17
18 **SECTION 1:** Chapter 15.04 of the Mill Valley Municipal Code is hereby deleted and
19 replaced in its entirety to read as follows:

20
21 “15.04.020: Adoption of the California Fire Code

22
23 The City Council of the City of Mill Valley hereby adopts, for the purpose of prescribing
24 regulations governing conditions hazardous to life and property from fire or explosion, the
25 following:

- 26
27 1. The 2022 California Fire Code, which consists of certain portions of the 2021 edition of
28 the International Fire Code as amended by the California Building Standards Commission,
29 including:
- 30 a. Appendix 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND
 - 31 OCCUPANCY
 - 32 b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS, the whole
 - 33 thereof, save and except such portions as are hereafter deleted, modified or
 - 34 amended by Section 15.04.120 of this Code.
 - 35 c. Appendix BB FIRE FLOW REQUIREMENTS FOR BUILDINGS
 - 36 d. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION, the whole
 - 37 thereof, save and except such portions as are hereafter deleted, modified or
 - 38 amended by Section 15.04.120 of this Code.
 - 39 e. Appendix CC FIRE HYDRANTS LOCATIONS AND DISTRIBUTIONS
 - 40 f. Appendix E HAZARD CATEGORIES
 - 41 g. Appendix F HAZARD RANKING
 - 42 h. Appendix G CRYOGENIC FLUIDS – WEIGHT AND VOLUME
 - 43 EQUIVALENTS
 - 44 i. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLAN AND
 - 45 HAZARDOUS MATERIAL INVENTORY STATEMENTS
 - 46 j. Appendix I FIRE PROTECTION SYSTEMS- NONCOMPLIANT CONDITIONS

- 47 k. Appendix O TEMPORARY HAUNTED HOUSES, GHOST WALKS AND
48 SIMILAR AMUSEMENT USES.
- 49 2. The International Fire Code published by the International Fire Code Council, Inc., 2022
50 Edition hereof and the whole thereof, save and except such portions as are hereinafter
51 amended, added or deleted by Section 1 of this Ordinance.
- 52 3. Appendix A of the 2021 edition of the International Wildland-Urban Interface Code save
53 and except such portions as are hereinafter deleted, modified or amended by Section 1 of
54 this Ordinance.
55

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

61

62 15.04.030: Establishment and duties of the Fire Loss Prevention Division of the Mill Valley
63 Fire Department
64

65 The 2022 California Fire Code, which consists of certain portions of the 2021 edition of the
66 International Fire Code as amended by the California Building Standards Commission, shall be
67 enforced by the Fire Marshal of the Mill Valley Fire Department and shall be operated under the
68 supervision of the Fire Chief or his/her designee of the Mill Valley Fire Department.
69

70 15.04.040: Definitions
71

72 Wherever they appear in the California Fire Code, unless otherwise provided, the following words
73 shall have the meanings ascribed to them in this section:
74

- 75 (a) Whenever the words “Fire Code” are used they shall mean those Codes and
76 Standards adopted in this chapter.
- 77 (b) Wherever the words “agency having jurisdiction” are used in the Fire Code,
78 it shall be held to mean the Mill Valley Fire Department.
- 79 (c) Wherever the term “counsel” is used in the Fire Code, it shall be held to
80 mean the City Attorney for the City of Mill Valley.
- 81 (d) Wherever the words “Fire Code Official” are used in the Fire Code, they
82 shall be held to mean the Fire Chief or Fire Marshal of the Fire Loss
83 Prevention Division of the Mill Valley Fire Department or his/her designee.
84

85 15.04.050: Establishment of geographic limits of districts in which storage of Class I, Class II,
86 and Class III liquids in outside aboveground tanks is prohibited
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88 The geographic limits referred to in Section 5704.2.9.6.1 of the 2022 California Fire Code in which
89 storage of Class I, Class II, and Class III liquids in outside above-ground tanks is prohibited are
90 hereby established as follows: In all residential areas and in all heavily populated or congested

91 commercial areas as established by the City of Mill Valley, and agricultural land of less than two
92 (2) acres.

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94 15.04.060: Establishment of geographic limits of districts in which storage of Class I and Class
95 II liquids in aboveground tanks is prohibited

96
97 The geographic limits, referred to in Section 5706.2.4.4 of the 2022 California Fire Code in which
98 storage of Class I and Class II liquids in aboveground tanks is prohibited, are hereby established
99 as follows: In all residential areas and in all heavily populated or congested commercial areas as
100 established by City of Mill Valley, and agricultural land of less than two (2) acres.

101
102 15.04.065: Establishment of the geographic limits of districts in which the storage of stationary
103 tanks of flammable cryogenic fluids is to be prohibited

104
105 The geographic limits, referred to in Section 5806.2 of the 2022 California Fire Code in which the
106 storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby
107 established as follows: In all residential areas and in heavily populated or congested commercial
108 areas, as established by the City of Mill Valley.

109
110 15.04.070: Establishments of geographic limits in which storage of liquefied petroleum gases
111 is to be restricted

112
113 The geographic limits, referred to in Section 6104.2 of the 2022 California Fire Code in which
114 storage of liquefied petroleum gas is restricted, are hereby established as follows: In all residential
115 areas and in all heavily populated or congested commercial areas, and agricultural land less than
116 two (2) acres.

117
118 15.04.080: Establishment of geographic limits of districts in which storage of explosives and
119 blasting agents is to be prohibited

120
121 Section 5604 of the California Fire Code is hereby amended to add a new Section 5604.1.1 to read
122 as follows:

123
124 **5604.1.1 Geographic Limits.** The geographic limits in which storage of explosives and
125 blasting agents is prohibited are as follows: In all residential areas and in heavily populated
126 or congested commercial areas as established by the City of Mill Valley.

127
128 15.04.090: Establishment of the geographic limits of districts in which the storage of
129 compressed natural gas is to be prohibited

130
131 Section 5304 of the California Fire Code is hereby amended to add a new Section 5304.3 to read
132 as follows:

133

134 **5304.3 Geographic Limits.** The geographic limits, in which the storage of compressed
135 natural gas is prohibited, are hereby established as follows: In all residential areas and in
136 heavily populated or congested commercial areas, as established by the City of Mill Valley.
137

138 15.04.110: Establishment of the geographic limits of districts in which the storage of
139 hazardous materials is to be prohibited or limited
140

141 Section 5001 of the California Fire Code is hereby amended to add a new Section 5001.1.2 to read
142 as follows:
143

144 **5001.1.2 Geographic Limits.** The geographic limits, in which the storage of hazardous
145 materials is prohibited or limited, are hereby established as follows: In all residential areas
146 and in heavily populated or congested commercial areas, as established by City of Mill
147 Valley.
148

149 15.04.120: Amendments made to the 2022 California Fire Code
150

151 The following amendments, additions, and deletions are made to the 2022 California Fire Code
152 (CFC):
153

154 **CFC Chapter 1: Scope and Administration**

155

156 Section 101.1 of Chapter 1 is amended to read as follows:
157

158 **Section 101.1 Title.** These regulations and locally adopted standards shall be known as
159 the Fire Code of the City of Mill Valley, hereinafter referred to as “this code.”
160

161 Section 102.5 of Chapter 1 is hereby amended to read as follows:
162

163 **102.5 Application of residential code.** Where structures are designed and constructed in
164 accordance with the *California Residential Code* or the *International Residential Code*,
165 the provisions of this code shall apply as follows:
166

- 167 1. Construction and design provisions of this code pertaining to the exterior of the
168 structure shall apply including, but not limited to, premises identification, fire
169 apparatus access and water supplies. Construction and design provisions of this
170 code pertaining to the interior of the structure shall apply when specifically
171 required by this code, including but not limited to Section 903.2 and Chapter
172 12. Where interior or exterior systems or devices are installed, construction
173 permits required by Section 105.6 of this code shall also apply
174
- 175 2. Administrative, operational and maintenance provisions of this code shall apply.
176

177 Section 102.7.3 is hereby added to Chapter 1 and shall read as follows:
178

179 1. **Section 102.7.3 Nationally Recognized Listed Products.** Any products and
180 equipment required to be installed pursuant to permits required by this code shall
181 be Labeled and Listed, as defined in Section 202.
182

183 Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:
184

185 **Section 104.1.1 Supplemental Rules, Regulations and Standards or Policies.** The Fire
186 Code Official is authorized to render interpretations of this code and to make and enforce
187 rules and supplemental regulations, and to develop Fire Protection Standards or Policies to
188 carry out the application and intent of this code.
189

190 Section 104.13 is hereby added to Chapter 1 and shall read as follows:
191

192 **Section 104.13. Fire Prevention Resource Sharing.** Other enforcement agencies shall
193 have authority to render necessary assistance in plan review, inspection, code
194 interpretation, enforcement, investigation and other fire prevention services when
195 requested to do so.
196

197 Section 105.5 of Chapter 1 is hereby amended by adding the following additional operational
198 permits:
199

200 **105.5 Required Operational Permits.** The fire code official is authorized to issue
201 operational permits for operations set forth in Sections 105.5.1 through 105.5.55.
202

203 Section 105.5.55 is hereby added to Chapter 1 and shall read as follows:
204

205 **105.5.55 Local Operational Permits.** In addition to the permits required by Section 105.5,
206 the following permits shall be obtained from the Fire Loss Prevention Division of the Mill
207 Valley Fire Department prior to engaging in the following activities, operations, practices
208 or functions:
209

- 210 1. Fire Protection Plan. An operational permit is required to implement a fire
211 protection plan.
212
- 213 2. Radioactive material. An operational permit is required to store or handle at any
214 installation more than 1 micro curie (37,000 Becquerel) of radioactive material not
215 contained in a sealed source or more that 1 millicurie (37,000,000 Becquerel) of
216 radioactive material in a sealed source or sources, or any amount of radioactive
217 material for which specific license from the Nuclear Regulatory Commission is
218 required.
219

220 Section 105.6 of Chapter 1 is hereby amended by adding the following additional construction
221 permits:
222

223 **105.6 Required Construction Permits.** The fire code official is authorized to issue
224 construction permits for work as set forth in Sections 105.6.1 through 105.6.25
225

226 Section 105.6.25 of Chapter 1 is hereby added to read as follows:
227

228 **105.6.25 Local Construction Permits.** In addition to the permits required by section
229 105.6, the following permits shall be obtained from the Fire Prevention Division prior to
230 installation of the following:
231

- 232 1. **Exterior Wildfire Protection Systems.** A construction permit is required for the
233 installation of or design modification to an Exterior Wildfire Protection System as
234 regulated by section 918.
235
- 236 2. **Home Backup Generator.** A construction permit is required for the installation of
237 a home backup generator as regulated by section 1208.
238
- 239 3. **Vegetation Management Plan.** A construction permit is required to implement a
240 vegetation management plan.
241

242 Section 107.7 is hereby added to Chapter 1 and shall read as follows:
243

244 **Section 107.7 Damages and Expense Recovery.** The expense of securing any emergency
245 that is within the responsibility for enforcement of the Fire Chief as given in Section 104
246 is a charge against the person who caused the emergency. Damages and expenses incurred
247 by any public agency having jurisdiction or any public agency assisting the agency having
248 jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief
249 for proper distribution in the same manner as in the case of an obligation under contract
250 expressed or implied. Expenses as stated above shall include, but not be limited to,
251 equipment and personnel committed and any payments required by the public agency to
252 outside business firms requested by the public agency to secure the emergency, monitor
253 remediation, and clean up.
254

255 Section 112.4 of Chapter 1 is hereby amended to read as follows:
256

257 **Section 112.4 Violation Penalties.** Persons who shall violate a provision of this code or
258 shall fail to comply with any of the requirements thereof or who shall erect, install, alter,
259 repair or do work in violation of the approved construction documents or directive of the
260 Fire Code Official, or of a permit or certificate used under provisions of this code, shall
261 be subject to the penalties set forth in Title 8 of the Mill Valley Municipal Code. Each
262 day that a violation continues after due notice has been served shall be deemed a separate
263 offense. The imposition of one penalty for any violation shall not excuse the violation or
264 permit it to continue.
265

266 Section 112.4.2 is hereby added to Chapter 1 and shall read as follows:
267

268 **Section 112.4.2 Abatement of clearance of brush or vegetative growth from**
269 **structures.** The Mill Valley City Council is authorized to instruct the Fire Code Official
270 to give notice to the owner of the property upon which conditions regulated by section
271 304.1.2 of Chapter 3 and section 4907.4 of Chapter 49 exists to correct such conditions. If
272 the owner fails to correct such conditions, the Mill Valley City Council is authorized to
273 cause the same to be done and make the expense of such correction a lien upon the property
274 where such condition exists.

275

276 **CFC Chapter 2: Definitions**

277

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

280

281 **ALL WEATHER SURFACE** shall mean A/C paving, or concrete capable of supporting
282 55,000 pounds gross vehicle weight. Grades up to and including 18% may be of asphalt or
283 concrete paving. Grades greater than 18% shall be of ribbed concrete as to allow for water
284 run-off and traction.

285

286 Exception: Materials approved by the Fire Code Official.

287

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

292

293 **DRIVEWAY** is a vehicular ingress/egress access route that serves no more than four
294 dwelling units, not including accessory structures. Driveways shall provide a minimum
295 unobstructed width 16 feet and a minimum unobstructed height of 15 feet. Driveways in
296 excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of
297 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition
298 to turnarounds.

299

300 **EXTERIOR WILDFIRE PROTECTION SYSTEM** An approved system of devices
301 and equipment which is automatically or manually activated to discharge water and/or an
302 approved fire-extinguishing agent onto the structure and or the exterior of the structure to
303 hydrate the Immediate Zone 0 (0-5 feet from the home, including the home) and the
304 Intermediate Zone 1 (5-30 feet from the home).

305

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

308

309 **HOME BACKUP GENERATOR.** A permanent, fixed installation, internal combustion
310 engine-driven device that provides temporary electrical power to a Group R-3 and R-4
311 Occupancies.

312 **OCCUPANCY CLASSIFICATION** is modified to include:

313
314 [BG] **Factory Industrial F-1 Moderate-hazard occupancy** is amended to add to
315 the list of moderate-hazard factory industrial groups the following:
316

317 Agricultural crop production including cultivation, drying, processing and /or
318 storage.
319

320 **PRE-PLANS.** The detailed plans of target hazard buildings. The term ‘pre-plans’ includes
321 information on the building’s location, occupancy, hazards, fire department connections
322 and hydrants, building layout, and other pertinent data that would assist the fire department
323 in case of an emergency.
324

325 **PUBLIC STORAGE FACILITY.** Any business that sells, leases or rents space to the
326 public that is enclosed, whether it is a building, storage container or similar configuration.
327

328 **SPARK ARRESTOR.** A chimney device constructed in a skillful-like manner, consistent
329 with the following. The net free area of a spark arrestor shall not be less than four times
330 the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and
331 corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge
332 stainless steel. The opening shall not permit the passage of spheres having a diameter
333 larger than 1/2 inch and shall not block the passage of spheres having a diameter of less
334 than 3/8 inch.
335

336 **SUBSTANTIAL REMODEL** shall mean the renovation of any structure, which
337 combined with any additions to the structure, affects a floor area which exceeds fifty
338 percent of the existing floor area of the structure within any 36 month period. When any
339 changes are made in the building, such as walls, columns, beams or girders, floor or ceiling
340 joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or
341 similar components, the floor area of all rooms affected by such changes shall be included
342 in computing floor areas for the purposes of applying this definition. This definition does
343 not apply to the replacement and upgrading of residential roof coverings.
344

345 **TARGET HAZARD** is defined as a location or plausible scenario in which a fire
346 department or fire district could quickly become overwhelmed and for which additional
347 resources, now scarce, would be needed.
348

349 **TEMPORARY.** Any use for a period of less than 90 days, where not otherwise referenced.
350

351 **TENT.** A structure, enclosure, umbrella structure or shelter with or without sidewalls or
352 drops, constructed of fabric or pliable material supported by any manner except by air or
353 the contents that it protects.
354

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

358 activities, ordinary household activities, false alarm or other cause when no such danger
359 exists.

360

361 **CFC Chapter 3: General Requirements**

362

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

365

366 **PUBLIC STORAGE FACILITY.**

367

368 A new Section 324 is hereby added to Chapter 3 and shall read as follows:

369

370 **SECTION 324**

371 **PUBLIC STORAGE FACILITIES**

372

373 **Section 324.1 General.** Public Storage Facilities shall comply with the provisions of this
374 section.

375

376 **Section 324.2 Location on Property and Fire Resistance of Exterior.** All public storage
377 facilities shall meet the minimum requirements for setback from property lines or fire
378 resistive construction as set forth in Table 602 of the Building Code for Group S, Division
379 1 occupancies.

380

381 **Section 324.3. Fire apparatus access.** All public storage facilities shall have fire
382 apparatus access roads provided in accordance with Section 503.

383

384 **Section 324.4. Storage of Flammable and Combustible Liquids and Hazardous**
385 **Materials.** The storage of hazardous materials or flammable or combustible liquids in
386 public storage facilities is prohibited. Public storage facilities shall post legible and durable
387 sign(s) to indicate this prohibition in a manner and location(s) as specified by the Fire Code
388 Official. This section shall apply to new and existing public storage facilities.

389 Exception: Only those quantities of flammable and combustible liquids necessary for
390 maintenance of the facility may be stored by the facility management consistent with
391 Chapter 57 of this code.

392

393 **CFC Chapter 4: Emergency Planning and Preparedness**

394

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

396

397 **Section 401.1.1 Hazardous Occupancies.** In occupancies of a hazardous nature, where
398 access for fire apparatus is unduly difficult, or where special life and fire safety hazards
399 exist as determined by standards/policies of the City of Mill Valley, that facility or business
400 management shall be required to develop and implement an Emergency Response Plan,
401 and to provide for an onsite Emergency Response Team, Emergency Liaison Officer, staff

402 training and fire drills, in accordance with Sections 405 and 406 and standards developed
403 by the City of Mill Valley.

404

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

406

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

412

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

414

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

419

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

422

PRE-PLANS.

423

UNWARRANTED ALARMS.

424

TARGET HAZARDS

425

426

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

428

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

432

433 Section 403.9.1.4 is hereby added to Chapter 4 and shall read as follows:

434

435 **Section 403.9.1.4 Emergency Preparedness for Hotels, Lodging Houses and**
436 **Congregate Residences.** Hotels, lodging houses and congregate residences shall provide
437 guests with immediate access to a telephone to report emergencies. The exit diagram shall
438 indicate the location of the nearest telephone and instructions to dial 911.

439

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

441

442 Section 501.5 is hereby added to Chapter 5 and shall read as follows:

443

444 **Section 501.5 Failure to Comply.** Failure to comply with this section upon written or
445 verbal notice from the Fire Code Official shall result in a City of Mill Valley order to cease

446 operations and desist further operations until such time as adequate access and/or water for
447 fire protection is provided.

448
449 Section 502.1 of Chapter 5 is hereby amended by adding the following to the list of terms that are
450 defined in Chapter 2:

451
452 **FIRE ROAD.**
453 **DRIVEWAY.**

454
455 Section 503.1. of Chapter 5 is hereby amended to read as follows:

456
457 **Section 503.1 Where Required.** Fire apparatus access roads shall be provided and
458 maintained in accordance with Sections 503.1.1 through 503.1.5.

459
460 Section 503.1.4 is hereby added to Chapter 5 and shall read as follows:

461
462 **Section 503.1.4 Fire Roads.** Fire roads shall be provided for firefighting equipment,
463 apparatus and personnel to undeveloped areas of the City of Mill Valley so as to gain access
464 to improved, unimproved, and undeveloped areas of the City of Mill Valley, in a manner
465 approved by the Fire Code Official. Any vehicle or other obstructions may be towed away
466 at the owner's expense.

467
468 Section 503.1.5 is hereby added to Chapter 5 and shall read as follows:

469
470 **Section 503.1.5 Aerial fire apparatus access.** For buildings or facilities exceeding 30 feet
471 or three stories in height, approved aerial fire apparatus access roads shall be provided. For
472 the purposes of this section, the highest roof surface shall be determined by the
473 measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall,
474 or the top of parapet walls, whichever is greater.

475
476 **Section 503.1.5.1 Width.** Aerial fire apparatus access roads shall have a minimum
477 unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the
478 building or portion thereof.

479
480 **Section 503.1.5.2 Proximity to building.** One or more of the required access routes
481 meeting this condition shall be located not less than 15 feet and not more than 30 feet from
482 the building, and shall be positioned parallel to one entire side of the building. The side of
483 the building on which the aerial fire apparatus access road is positioned shall be approved
484 by the Fire Code Official.

485
486 **Section 503.1.5.3 Obstructions.** Overhead utility and power lines shall not be located
487 over the aerial fire apparatus access road or between the aerial fire apparatus access road
488 and the building. Other obstructions shall be permitted to be placed with the approval of
489 the Fire Code Official.

490

491 Section 503.2.1 of Chapter 5 is hereby amended by adding an exception, which shall read as
492 follows:

493

494 **Exception:** Driveways serving as fire apparatus access roads that serve fewer than five
495 structures may reduce the required unobstructed width to 16 feet.

496

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

498

499 **Section 503.2.6.1 Evaluation and maintenance.** All existing private bridges and elevated
500 surfaces that are a part of a fire apparatus access road shall be evaluated by a California
501 licensed civil engineer experienced in structural engineering or a California licensed
502 structural engineer, for safety and weight rating, in accordance with American Association
503 of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for
504 Bridge Evaluation," Second Edition, or other approved standard. Vehicle load limits shall
505 be posted at both entrances to bridges. All bridges and elevated structures providing fire
506 department access shall be routinely maintained in accordance with Section 503.2.6 or
507 when directed by the Fire Code Official or authorized designee.

508

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

510

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

515

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

517

518 **503.4.2 Prohibition of vehicular parking on private access ways.** If, in the judgment of
519 the Fire Code Official, it is necessary to prohibit vehicular parking along private access
520 ways serving existing facilities, buildings, or portions of buildings in order to keep them
521 clear and unobstructed for fire apparatus access, the Fire Code Official may issue an Order
522 to the owner, lessee or other person in charge of the premises to paint the curbs red or
523 install signs or other appropriate notices to the effect that parking is prohibited by Order of
524 the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person
525 in charge of the premises to fail to install or maintain in good condition, the form of notice
526 so prescribed. When such areas are marked or signed as provided herein, no person shall
527 park a vehicle adjacent to any such curb or in the private access way contrary to such
528 markings or signs. Any vehicle so parked in the private access way may be towed away at
529 the expense of the owner of the vehicle.

530

531 Sections 503.6.1, 503.6.2, and 503.6.3 are hereby added to Chapter 5 and shall read as follows:

532

533 **Section 503.6.1 Width.** All gates shall open fully to provide an unobstructed passage width
534 of not less than 16 feet or a minimum of two feet wider than the approved net clear opening

535 of the required all weather roadway or driveway and a minimum net vertical clearance of
536 15 feet.

537
538 **Section 503.6.2 Electronic gates.** All electronic operated gates shall have installed an
539 approved key switch override system mounted on a stanchion or wall as approved by the
540 Fire Code Official in accordance with Standards/Policies adopted by the Fire Code Official.
541 All electronic or motorized gates shall incorporate in their design the means for fast,
542 effective manual operation of the gates in the event of a power or mechanical failure (i.e.,
543 easily removable hinge pins for separating power linkage from gates; undercut, weakened
544 or frangible members requiring 40 pounds or less pressure against the gates to cause their
545 failure and the gates to open). All electrical wiring and components of motorized gates
546 shall be UL listed and installed in accordance with the National Electric Code.

547
548 **Section 503.6.3 Gate Setback Required.** Gates shall be set back from roadways a
549 minimum of 30 feet or more so as not to cause cross traffic to stop or create a hazardous
550 traffic condition on the roadway approach to the driveway.

551
552 Exception: The Fire Code Official is authorized to modify the setback if fire apparatus
553 access onto the property is not required to achieve 150 foot access to the most remote
554 portion of the building per 503.1.1.

555
556 Section 506.1 of Chapter 5 is hereby amended to read as follows:

557
558 **Section 506.1 Key Entry Systems.** When access to or within a structure or an area is
559 restricted because of secured openings or where immediate access is necessary for life-
560 saving or firefighting purposes, and in commercial structures that have an automatic fire
561 sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a
562 key entry system to be installed in an approved location. The key entry system shall be of
563 an approved type listed in accordance with UL1037, and if it is a key entry box, shall
564 contain keys necessary to gain access as required by the Fire Code Official.

565
566 Section 507.5.1 of Chapter 5 is hereby amended by deleting the Exception.

567
568 Section 507.5.1.1 of Chapter 5 is hereby amended to read in its entirety as follows:

569
570 **Section 507.5.1.1 Hydrant for fire department connections.** Buildings equipped with a
571 water-based fire protection system installed in accordance with Section 903 through 905
572 shall have a fire hydrant within 100 feet of the fire department connections.

573
574 Exception: The distance shall be permitted to exceed 100 feet where approved by the Fire
575 Code Official.

576
577 Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:

578

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

584
585 Exceptions:

- 586 1. If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on
587 the building permit valuation.
- 588
- 589 2. One and two family dwellings equipped throughout with an approved automatic
590 sprinkler system.
- 591

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

593 **CFC Chapter 9: Fire Protection and Life Safety Systems**

594
595 Section 901.7 of Chapter 9 is hereby amended to read as follows:

596
597 **Section 901.7 Systems out of Service.** Where a required fire protection system is out of
598 service, the fire department and the Fire Code Official shall be notified immediately and,
599 where required by the Fire Code Official, the building shall be either evacuated or an
600 approved fire watch shall be provided for all occupants left unprotected by the shutdown
601 until the fire protection system has been returned to service. This section shall also apply
602 to residential fire sprinkler systems.

603
604 Where utilized, fire watches shall be provided with not less than one approved means
605 for notification of the fire department and their only duty shall be to perform constant
606 patrols of the protected premises and keep watch for fires.

607
608 Section 903.2 of Chapter 9 is hereby deleted and replaced with the following provisions, with the
609 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,
610 903.2.16, 903.2.17, 903.2.18, 903.2.19, 903.2.20 and 903.2.21 which shall remain in effect.

611
612 Section 903.2 is hereby added to Chapter 9 and shall read as follows:

613
614 **Section 903.2 Where required.** Approved automatic sprinkler systems in new and
615 existing buildings shall be provided in the locations described in this section.

616
617 Section 903.2.1 through 903.2.4 are hereby added to Chapter 9 and shall read as follows:

618
619 **Section 903.2.1 Required Installations.** An automatic sprinkler system shall be installed
620 and maintained in all newly constructed buildings or structures, regardless of occupancy
621 classification.

622
623 Exceptions:

- 624 1. Free standing Group U occupancies not more than 1,000 square feet and provided with
625 exterior wall and opening protection as required under Section 602, Table 602 of the
626 California Building Code.
627 2. Group B or M occupancies less than 1000 square feet.
628 3. Detached restroom facilities associated with golf courses, ball fields, parks and similar
629 uses as approved by the Fire Code Official.
630 4. Agricultural buildings, as defined in Appendix C of the California Building Code, that
631 do not exceed 2,000 square feet and that have a clear unobstructed side yard of
632 combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in
633 height.
634

635 **Section 903.2.2 Additions and Alterations.** An automatic sprinkler system shall be
636 installed in all buildings that are in excess of 3,000 square feet and to which ten per cent
637 (10%) or more floor area is added within any 36 month period.
638

639 Exception: R-3 occupancies. See 903.2.3.
640

641 **Section 903.2.2.1 Substantial Remodels.** An automatic sprinkler system shall be installed
642 in all buildings to which fifty per cent (50%) or more floor area is added, or that undergo
643 any substantial remodel as defined in this code, within any 36 month period.
644

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

651 **Section 903.2.4 Change of Occupancy or Use.** For any change of occupancy or use, when
652 the proposed new occupancy classification is more hazardous based on a fire and life safety
653 evaluation by the Fire Code Official, including but not limited to conversion of buildings
654 to single family residences, bed and breakfast, inns, lodging houses or congregate
655 residences or other similar uses, an automatic sprinkler system shall be installed
656 throughout.
657

658 Section 903.3.9 of Chapter 9 is hereby amended by revising subsection 2 to read as follows:
659

- 660 2. Buildings that are two or more stories in height.
661

662 Section 903.4 is hereby amended by deleting Exceptions 1, 2, and 3.
663

664 Section 903.6.1 is hereby added to Chapter 9 and shall read as follows:
665

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

669
670 Section 906.11 is hereby added to Chapter 9 and shall read as follows:
671

672 **Section 906.11 Fire Extinguisher Documentation.** The owner and/or operator of every
673 Group R-2 occupancy shall annually provide the Fire Code Official with written
674 documentation that fire extinguishers are installed and have been serviced as required by
675 Title 19 of the California Code of Regulations when such extinguishers are installed in
676 residential units in lieu of common areas.
677

678 Section 907.2.13.1.2 of Chapter 9 is hereby amended by adding a new subsection 3, which shall
679 read as follows:
680

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

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

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

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

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

691 Section 907.8.5 is hereby added to Chapter 9 and shall read as follows:
692

693 **Section 907.8.5 Smoke Alarm Documentation.** The owner and/or operator of every
694 Group R-1, R-2, R-3.1, and R-4 occupancy shall annually provide the Fire Code Official
695 with written documentation that the smoke alarms installed pursuant to the Building Code
696 have been tested and are operational. If alarms are found to be inoperable or are missing,
697 such alarms shall be repaired or replaced immediately.
698

699 Section 918 of Chapter 9 is hereby added and shall read as follows:
700

701 **SECTION 918 EXTERIOR WILDFIRE PROTECTION SYSTEMS**

702

703 Section 918.1 of Chapter 9 is hereby added and shall read as follows:
704

705 **Section 918.1 General.** Exterior Wildfire Protection Systems shall comply with this
706 section.
707

708 Section 918.2 of Chapter 9 is hereby added and shall read as follows:
709

710 **Section 918.2 Construction documents.** Documentation of the system shall be submitted
711 per section 901.2.
712

713 Section 918.3 of Chapter 9 is hereby added and shall read as follows:

714
715 **Section 918.3 Permits.** Permits shall be required as set forth in section 901.3
716

717 **CFC Chapter 11: Construction Requirements for Existing Buildings**
718

719 Section 1103.1 of Chapter 11 is hereby amended to read as follows:
720

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

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

727 **Exceptions:**

- 728 1. Where a change in fire-resistance rating has been approved in accordance with
729 Section 501.2 or 802.6 of the California Existing Building Code.
730 2. Group U occupancies.
731

732 Section 1103.2 of Chapter 11 is hereby amended by deleting subsection 1.
733

734 Sections 1103.3 through 1103.6.2, Section 1103.9, Section 1104, and Section 1105 of Chapter 11
735 are hereby deleted.
736

737 **CFC Chapter 12: Energy Systems**
738

739 Section 1201.4 of Chapter 12 is hereby added and shall read as follows:
740

741 **Section 1201.4 Construction Documents.** A scaled and dimensioned site plan showing
742 the location of all energy systems, property lines, buildings, service and electrical panels,
743 transfer switches, disconnects, underground wiring and piping, fuel type and piping, map
744 placard and signage. Site Plan shall clearly designate property frontage for viewer
745 orientation.
746

747 Section 1201.5 of Chapter 12 is hereby added and shall read as follows:
748

749 **Section 1201.5 Signs and Labels.** Caution signs or labels are required to identify the
750 quantity and type of additional power source(s) located on site. Signs shall be required at
751 the main service panel, and on disconnect equipment. Additional locations may be required
752 by the fire code official.
753

754 Section 1201.6 of Chapter 12 is hereby added and shall read as follows:
755

756 **Section 1201.6 Disconnect.** An approved and readily accessible independent and clearly
757 labeled single exterior disconnect shall be located prior to any load/service panel and
758 installed as close as possible to the main service panel or as approved by the Fire Code

759 Official. Integrated equipment toggle, rocker, or electronic switches shall not be utilized as
760 an independent disconnects.

761

762 Section 1201.7 of Chapter 12 is hereby added and shall read as follows:

763

764 **Section 1201.7 Operational Testing.** New installations shall be tested for complete power
765 and energy system shutdown. A normal power failure shall be simulated by closing the
766 main service breaker supplying normal power to the building. Upon transfer from main
767 power to alternate power source(s), the single disconnect(s) shall be used to disconnect
768 alternate power from all alternate energy sources. A successful result of the shutdown test
769 shall include termination of all alternate energy power sources serving the building (i.e.
770 main service, photovoltaic system, energy storage systems, and generators, when
771 installed).

772

773 Section 1202.1 in Chapter 12 is hereby amended to add the following:

774

775 **HOME BACKUP GENERATOR**

776

777 Section 1208 of Chapter 12 is hereby added and shall read as follows:

778

779 **SECTION 1208 HOME BACKUP GENERATOR**

780

781 Section 1208.1 of Chapter 12 is hereby added and shall read as follows:

782

783 **Section 1208.1 General.** The use, operation and maintenance of home backup generators
784 in Group R-3 and R-4 occupancies shall comply with this section.

785

786 Section 1208.2 of Chapter 12 is hereby added and shall read as follows:

787

788 **Section 1208.2 Use.** Home backup generators shall be installed in accordance with the
789 California Building Code, the California Electrical Code, and NFPA 110.

790

791 Section 1208.3 of Chapter 12 is hereby added and shall read as follows:

792

793 **Section 1208.3 Permits.** Permits shall be obtained for Home Backup Generators as set
794 forth in Section 105.

795

796 Section 1208.4 of Chapter 12 is hereby added and shall read as follows:

797

798 **Section 1208.4 Listing.** Home backup generators shall be listed and labeled in accordance
799 with UL 2200.

800

801 Section 1208.5 of Chapter 12 is hereby added and shall read as follows:

802

803 **Section 1208.5. Maintenance.** Home backup generators shall be operated and maintained
804 in accordance with the manufacturer's instructions.

805
806 **CFC Chapter 26: Fumigation and Insecticidal Fogging**

807
808 Chapter 26 is hereby deleted in its entirety.

809
810 **CFC Chapter 33: Fire Safety During Construction**

811
812 Section 3314.3 of Chapter 33 is hereby amended by revising the exception to read as follows:

813
814 **Exception:** Standpipes shall be either temporary or permanent in nature, and with
815 or without a water supply, provided that such standpipes comply with the
816 requirements of Section 905 as to capacity, outlets and materials, as approved by
817 the Fire Code Official.

818
819 Sections 3315.3, 3315.4, and 3315.5 are hereby added to Chapter 33 and shall read as
820 follows:

821
822 **Section 3315.3 Where required.** In buildings of combustible construction required
823 to have an automatic sprinkler system by Section 903, the automatic sprinkler
824 system shall be installed prior to construction exceeding two stories in height above
825 the lowest level of fire department vehicle access. Such automatic sprinkler system
826 shall be extended as construction progresses to within one floor of the highest point
827 of construction having secured decking or flooring.

828
829 **Section 3315.4 Buildings being demolished.** Where a building is being
830 demolished and an automatic sprinkler system is existing within such a building,
831 the automatic sprinkler system shall be maintained in an operable condition so as
832 to be available for use by the fire department. Such automatic sprinkler system
833 shall be demolished with the building but shall not be demolished more than one
834 floor below the floor being demolished.

835
836 **Section 3315.5 Detailed requirements.** Automatic sprinkler systems shall be
837 installed in accordance with the provisions of Section 903.

838
839 **CFC Chapter 49: Requirements for Wildland-Urban Interface Fire Areas**

840
841 Section 4902.1 of Chapter 49 is hereby amended to read as follows:

842
843 **FIRE PROTECTION PLAN.** A document prepared for a specific project or
844 development proposed for construction and development in areas designated as
845 Wildland-Urban Interface (WUI), and/or Moderate, High, or Very High Fire Hazard
846 Severity Zone. It describes ways to minimize and mitigate potential for loss from wildfire
847 exposure.

848
849 **WILDLAND-URBAN INTERFACE FIRE AREA.** A geographical area identified by
850 the City of Mill Valley as a “Fire Hazard Severity Zone” in accordance with the Public
851 Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175
852 through 51189, or other areas designated by the enforcing agency to be at a significant
853 risk from wildfires, as designated on the map titled Wildland-Urban Interface Fire Area,
854 dated October 20, 2010, on file in Mill Valley City Hall.
855

856 Section 4903.2.1.1 of Chapter 49 is amended to read as follows:
857

858 **Section 4903.2.1.1 Preliminary fire protection plan.** When a preliminary fire protection
859 plan is submitted, it shall include, at a minimum, the following:
860

- 861 1. Total size of the project.
- 862 2. Information on the adjoining properties on all sides, including current land uses, and
863 if known, existing structures and densities, planned construction, natural vegetation,
864 environmental restoration plans, roads and parks.
- 865 3. A map with all project boundary lines, property lines, slope contour lines, proposed
866 structure foundation footprints, and proposed roads and driveways. The map shall
867 identify project fuel modification zones and method of identifying the fuel
868 modification zone boundaries.
- 869 4. The map shall include all existing emergency water supplies.
870

871 Section 4903.2.1.2 of Chapter 49 is amended to include the following:
872

873 The final fire protection plan shall include items listed in Section 4903.2.1.1 and the
874 following:
875

- 876 1. A map identifying all proposed plants in the fuel modification zones with a legend
877 that includes a symbol for each proposed plant species. The plan shall include specific
878 information on each species proposed, including but not limited to:
 - 879 a. The plant life-form;
 - 880 b. The scientific and common name; and
 - 881 c. The expected height and width for mature growth.
- 882 2. Identification of irrigated and non-irrigated zones.
- 883 3. Requirements for vegetation reduction around emergency access and evacuation
884 routes.
- 885 4. Identification of points of access for equipment and personnel to maintain vegetation
886 in common areas.
- 887 5. Legally binding statements regarding community responsibility for maintenance of
888 fuel modification zones.
- 889 6. Legally binding statements to be included in covenants, conditions and restrictions
890 regarding property owner responsibilities for vegetation maintenance.
- 891 7. Identification of the location of fire protection systems or equipment.
- 892 8. Identification of any power sources, meters, and shut downs.

893
894 Section 4906.2 of Chapter 49 is hereby amended to read as follows:
895

896 **Section 4906.2 Application.** Buildings and structures located in any Fire Hazard
897 Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the
898 enforcing agency shall maintain the required hazardous vegetation and fuel
899 management per Sections 4906.3 through 4906.5.3
900

901 Sections 4906.3 is hereby amended to read as follows:
902

903 **Section 4906.3. Vegetation Management Plan.** A Vegetation Management plan shall be
904 required for new construction, substantial remodels, and landscape modifications including
905 new plantings, modifications to existing plantings, and/or excavation.
906

907 Section 4906.3.1 of Chapter 49 is deleted in its entirety.
908

909 Section 4906.3.2 of Chapter 49 is hereby added to read as follows:
910

911 **Section 4906.3.2 Cost.** The cost of VMP preparation and review shall be the responsibility
912 of the applicant.
913

914 Section 4906.4.2.1 of Chapter 49 is amended to read as follows:
915

916 **Section 4906.4.2.1 Tree Planting.** New trees classified as fire-resistant vegetation shall be
917 permitted provided the tree is planted and maintained so that the tree's drip line at maturity
918 is a minimum 5 feet (9144 mm) from any combustible structure.
919

920 Section 4907.2 of Chapter 49 is hereby added to read as follows:
921

922 **Section 4907.2 Application.** Buildings and structures located in any Fire Hazard Severity
923 Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing
924 agency shall maintain the required hazardous vegetation and fuel management:
925

926 Section 4907.4 is hereby added to Chapter 49 and shall read as follows:
927

928 **Section 4907.4 Fire Hazard Reduction.** Any person who owns, leases, controls or
929 maintains any building or structure, and/or lands within specific Wildland-Urban Interface
930 Areas of the jurisdiction of the City of Mill Valley shall comply with the following:
931

- 932 1. Cut and remove all pyrophytic combustible vegetation and ground coverings
933 within 10 feet of property lines and driveways and within 100 feet of structures,
934 up to 200 feet (but not beyond the property line) when topographic or
935 pyrophytic vegetative types necessitate removal as determined by the Fire Chief
936 or his/her designee. After removal of pyrophytic combustible vegetation, the
937 area shall be maintained free of such vegetation. "Pyrophytic combustible

938 vegetation” means vegetation that is highly flammable and endangers public
 939 safety by creating a fire hazard, including but not limited to seasonal and
 940 recurrent weeds, stubble, brush, dry leaves, and other hazardous vegetation such
 941 as but not limited to Coyote brush, Chaparral, Chamise, Manzanita, Rosemary,
 942 Tan Oak, Yew and Coastal Sagebrush.

943
 944 2. Commencing May 1, 2021 (except as provided in section 9 below), remove of
 945 all the following from the entirety of the parcel and maintain the property free
 946 of such vegetation:
 947

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

948
 949 3. Owners of property within the Wildland-Urban Interface Area are encouraged
 950 to voluntarily clear and create hardscape within the first 3 feet surrounding any
 951 residential or commercial structure. A deck or patio is considered to be a part
 952 of the structure. Hardscape may consist of gravel, concrete, brick, pavers,
 953 decomposed granite, and like materials, or bare ground. Organic mulches
 954 derived from plant materials such as pine needles, pine bark nuggets, wood
 955 chips, or shredded redwood or cedar bark, or from ground or shredded rubber,
 956 should not be within the 3 foot hardscape area. Succulent plants are acceptable
 957 in the 3 foot hardscape area. This hardscape area should be maintained clear of
 958 vegetation and organic material, other than succulent plants.

959
 960 4. Remove piles of accumulated dead vegetation on the property.

961
 962 5. Cut and remove tree limbs that overhang and are within 10 vertical feet of wood
 963 decks and roofs.

964
 965 6. Remove that portion of any tree which extends within 10 feet of any chimney
 966 or stovepipe.

967
 968 7. Clean any leaves and needles from roof and gutters.

969
 970 8. Raise the crowns of all trees by cutting and removing growth less than 3-inches
 971 in diameter, from the ground up to a minimum height of 10 feet, provided that

972 no crown shall be raised to a point so as to remove branches from more than the
973 lower one-third of the tree's total height.

974
975 9. Ladder fuels shall be removed within 30 feet of the structure.

976
977 10. When required by the Fire Code Official, cut and remove trees that are six
978 inches of diameter or less at breast height, or four feet, six inches above ground,
979 to achieve canopy separation within 30 feet of the structure.

980
981 11. Vegetation clearance requirements for new construction and substantial
982 remodels in Wildland-Urban Interface Areas shall be in accordance with the
983 2006 International Wildland-Urban Interface Code, as amended by the City of
984 Mill Valley. Notwithstanding anything to the contrary herein, commencing on
985 the effective date of this ordinance new construction and substantial remodels
986 shall also comply with the vegetation removal requirements in section 2 above.

987
988 12. Removal of trees shall comply with the requirements of Chapter 20.67 of the
989 Mill Valley Municipal Code.

990
991 **Exception 1:** When approved by the Fire Code Official, single specimens of trees
992 (including but not limited redwood trees and other heritage trees) or other
993 vegetation that are well-pruned and maintained so as to effectively manage fuels
994 and do not form a means of rapidly transmitting fire from the native growth to
995 any structure.

996
997 **Exception 2:** When approved by the Fire Code Official, grass and other vegetation
998 located more than 30 feet from buildings or structures and less than 18 inches
999 in height above the ground need not be removed, where necessary to stabilize
1000 soil, prevent erosion, or otherwise protect against landslides or slope failures.
1001 Grasses shall be cut and maintained at a height of 3 inches or shorter.

1002
1003 **Exception 3:** Where necessary to mitigate potential impacts to special status species,
1004 including but not limited to nesting birds, the Fire Code Official may approve
1005 deferred removal of trees or vegetation. Where the removal of multiple trees or
1006 significant amounts of vegetation is proposed, the Fire Chief may require a
1007 property owner to hire a qualified biologist to conduct a species survey and
1008 prepare a mitigation plan.”

1009
1010 Section 4907.5 is hereby added to Chapter 49 and shall read as follows:

1011
1012 **Section 4907.5 Fire Hazard Reduction from Roadways.** The Fire Code Official is
1013 authorized to cause areas within 10 feet (3048 cm) on each side of portions of highways,
1014 fire apparatus access roads (improved or unimproved), and driveways (improved or
1015 unimproved), which are improved, designed, or ordinarily used for vehicular traffic to be
1016 cleared of flammable vegetation and other combustible growth. Corrective action, if

1017 necessary, shall be the same as the actions required in Section 4907.4. The Fire Code
1018 Official is authorized to enter upon private property to do so in accordance with Section
1019 8.04.120 of the Mill Valley Municipal Code.

1020
1021 Exception: When approved by the Fire Code Official, single specimens of trees,
1022 ornamental shrubbery or similar plants, or plants used as ground covers may remain,
1023 provided that they do not form a means of rapidly transmitting fire from the native growth
1024 to any structure.

1025
1026 Section 4911 is hereby added to Chapter 49 and shall read as follows:

1027
1028 **SECTION 4911**
1029 **NUISANCE**

1030
1031 **Section 4911 Nuisance.** Failure to comply with the requirements of Section 4907.4 shall
1032 be deemed a public nuisance. The Fire Chief is hereby authorized to require the abatement
1033 of any nuisance condition described in Section 4907.3 or Section 4907.4. Abatement shall
1034 be accomplished in accordance with Title 8 of the Mill Valley Municipal Code.

1035
1036 **CFC Chapter 56: Explosives and Fireworks**

1037
1038 Section 5601.1.3 of Chapter 56 is hereby amended by deleting Exceptions 1, 2, and 4.

1039
1040 Section 5608.1.2 is hereby added to Chapter 56 and shall read as follows:

1041
1042 **Section 5608.1.2 Permit required.** A permit shall be obtained from the Fire Code
1043 Official in accordance with Section 105.6 prior to the performance of any firework
1044 display. An application for such permit shall be made in writing no less than twenty
1045 (20) days prior to the proposed display. The application shall be considered and
1046 acted upon by the Fire Code Official or authorized designee pursuant to this Chapter
1047 and Title 19, Chapter 6, Article 3 (Licenses) of the California Code of Regulations.
1048 Any permit for a fireworks display may be suspended or revoked at any time by the
1049 Fire Code Official or authorized designee.

1050
1051 Section 5608.2 is hereby added to Chapter 56 and shall read as follows:

1052
1053 **Section 5608.2 Limitations.** To possess, store, offer or expose for sale, sell at retail,
1054 gift or give away, use, explode, discharge, or in any manner dispose of fireworks is
1055 prohibited within the limits of the City of Mill Valley.

1056 **Exception:** Firework displays authorized pursuant to Section 5608.1 for
1057 which a permit has been issued.

1058
1059 **CFC Chapter 80: Referenced Standards**

1060

1061 Chapter 80 is hereby amended by revising Section 29.4.1 within NFPA 13-22: Standard for the
1062 Installation of Sprinkler Systems as amended, to read as follows:

1063
1064 **29.4.1** The installing contractor shall identify a hydraulically designed sprinkler system
1065 with permanently raised, stamped or etched marked weatherproof metal or rigid plastic
1066 sign secured with corrosion resistant wire, chain, or other approved means. Such signs
1067 shall be placed at the alarm valve, dry pipe valve, preaction valve, or deluge valve
1068 supplying the corresponding hydraulically designed area. Pipe schedule systems shall be
1069 provided with a sign indicating that the system was designed and installed as a pipe
1070 schedule system and the hazard classification(s) included in the design.

1071
1072 **CFC Appendix B: Fire-Flow Requirements for Buildings**

1073
1074 Table B105.1(1) and Table B105.2 in Appendix B are hereby amended to read as follows:

1075
1076 **TABLE B105.1(1)**
1077 **REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3**
1078 **AND R-4 BUILDINGS AND TOWNHOUSES**

1079

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>	1,000	1
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	½ value in Table B105.1(2) ^a	Duration in Table B105.1(2) at The required fire-flow rate

1080 For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

1081 *a. The reduced fire-flow shall be not less than 1,500 gallons per minute.*

1082
1083 **TABLE B105.2**
1084 **REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND**
1085 **TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND**
1086 **TOWNHOUSES**

1087

AUTOMATIC SPRINKLER	MINIMUM FIRE-	FLOW DURATION
----------------------------	----------------------	----------------------

SYSTEM (Design Standard)	FLOW (gallons per minute)	(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

1088 For SI: 1 gallon per minute = 3.785 L/m.

1089 *a. The reduced fire-flow shall be not less than 1,500 gallons per minute.*

1090

1091 **CFC Appendix C: Fire Hydrant Locations and Distribution**

1092

1093 Section C103.1 of Appendix C is amended to read as follows:

1094

1095 **Section C103.1 Hydrant spacing.** Fire apparatus access roads and public streets
1096 providing required access to buildings in accordance with Section 503 of the
1097 *California Fire Code* shall be provided with one or more fire hydrants, as
1098 determined by Section C102.1. Where more than one fire hydrant is required, the
1099 distance between required fire hydrants shall be approved by the Fire Code
1100 Official.

1101

1102 Sections C103.2 and C103.3 of Appendix C are hereby deleted.

1103

1104 **International Wildland-Urban Interface Code Appendix A**

1105

1106 Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended
1107 to read as follows:

1108

1109 **Section A104.7.2 Permits.** The Fire Code Official is authorized to stipulate conditions
1110 for permits. Permits shall not be issued when public safety would be at risk, as
1111 determined by the Fire Code Official.

1112

1113 Section A104.11 of Appendix A of the International Wildland-Urban Interface Code is hereby
1114 added and shall read as follows:

1115

1116 **Section A104.11 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft.** Tracer
1117 bullets and tracer charges shall not be possessed, fired or caused to be fired into or across
1118 hazardous fire areas. Rockets, model planes, gliders and balloons powered with an
1119 engine, propellant or other feature liable to start or cause a fire shall not be fired or
1120 projected into or across hazardous fire areas.

1121

1122 Section A104.12 of Appendix A of the International Wildland-Urban Interface Code is hereby
1123 added and shall read as follows:

1124

1125 Section A104.12 **Explosives and Blasting**. Explosives shall not be possessed, kept,
1126 stored, sold, offered for sale, given away, used, discharged, transported or disposed of
1127 within hazardous fire areas except by permit from the Fire Code Official.
1128

1129 Section A104.13 of Appendix A of the International Wildland-Urban Interface Code is hereby
1130 added and shall read as follows:

1131
1132 Section A104.13 **APIARIES**. Lighted or smoldering material shall not be used in
1133 connection with smoking bees in or upon hazardous fire areas except by permit from the
1134 Fire Code Official.”
1135

1136
1137 **SECTION 2:** Section 14.05.020 of Chapter 14.05 of the Mill Valley Municipal Code is
1138 hereby amended to read as follows:

1139
1140 “14.05.020: Building and Construction Codes – Adoption by reference.
1141

1142 Except as hereinafter provided, the following parts of Title 24, “California Building Standards
1143 Code,” 2022 edition, of the California Code of Regulations and associated appendices and
1144 annexes, are hereby adopted by reference and incorporated as though fully set forth in this
1145 Section: Part 1, California Administrative Code; Part 2, California Building Code (CBC); Part
1146 2.5, California Residential Code (CRC); Part 6, California Energy Code; Part 8, California
1147 Historical Building Code; Part 10, California Existing Building Code; and Part 12, California
1148 Referenced Standards Code.
1149

1150 This code, together with amendments, additions, and deletions set forth in Chapter 14.05, shall
1151 constitute the Building and Construction Code of the City of Mill Valley and may be cited as
1152 such.”
1153

1154
1155 **SECTION 3:** Section 14.05.021 of Chapter 14.05 of the Mill Valley Municipal Code is
1156 hereby amended to read as follows:

1157
1158 “14.05.021: Amendments to California Building and Residential Codes.
1159

1160 Notwithstanding the provisions of Section 14.05.020 of this Code, the following sections and
1161 appendices of the 2022 CBC and CRC are adopted and amended as set forth below.
1162

1163 **A. Administration, Organization and Enforcement.** The administration, organization
1164 and enforcement of the Building Code of the City of Mill Valley is set forth in
1165 Sections 14.05.030 through 14.05.040 of the Mill Valley Municipal Code, as modified by
1166 the following sections of the 2022 CBC Chapter 1, Division II and the 2022 CRC Chapter
1167 1, Division II. The following sections are the only sections being adopted by reference
1168 from Chapter 1, Division II of the 2022 CBC and 2022 CRC:

- 1169 1. Duties and Powers of the Building Official. CBC: 104.9.1, 104.11; CRC:
1170 R104.9.1, R104.11.
1171 2. Permits. Sections: CBC: 105.2; CRC: R105.2.
1172 3. Construction Documents. CBC: 107.3.4.1, 107.4.
1173 4. Temporary Structures and Uses. CBC: 108; CRC: R107.
1174

1175 B. **Board of Appeals.** The CBC is hereby amended to provide that all references to a
1176 “Board of Appeals” or “board” shall be deemed for purposes of the Building Code of the
1177 City of Mill Valley to be references to the City Council of Mill Valley.

1178 C. **Permits.** Subsection 1 under “Building” in CBC Section 105.2 and in CRC Section
1179 105.2 is hereby amended to read as follows:

- 1180 1. One-story detached accessory structures used as tool and storage sheds,
1181 children’s playhouses, or similar uses, provided that (a) the floor area does not
1182 exceed 120 square feet; (b) the building contains no plumbing, electrical or
1183 heating installations; and (c) the building is not located in an interior or exterior
1184 setback area.
1185

1186 D. **Approval of Fire Marshal Required.** In the case of a proposed occupancy and use
1187 other than an R-3 or U occupancy, before issuing a certificate of occupancy, the Building
1188 Official shall submit the application to the Fire Marshal, who shall examine the same and
1189 indicate approval or disapproval thereof based on applicable sections of the California
1190 Fire Code and other related statutes and ordinances. In such case, no certificate of
1191 occupancy shall be issued, except for an R-3 or U Occupancy, without the approval of the
1192 Fire Marshal or the Fire Marshal’s designated representative.
1193

1194 E. **Definitions.** Section 202 of Chapter 2 of the CBC is hereby amended by revising
1195 the definition for “Kitchen or Kitchenette,” which shall read as follows:
1196

1197 **KITCHEN OR KITCHENETTE.** Any room or portion thereof containing
1198 facilities designed or used for the regular storage and preparation of food. Such
1199 facilities may include, without limitation, stoves, ranges, ovens, or hot plates;
1200 refrigeration equipment; dish washing equipment; and built-in dish or utensil
1201 storage spaces.
1202

1203 F. **Address Identification.** Section 502.1 in Chapter 5 of the CBC is hereby amended
1204 by adding the following requirement to the end of the paragraph therein: Approved
1205 address numbers shall be internally or externally illuminated.
1206

1207 G. **Soils and Foundations.** CBC Section 1805.1.2 is hereby amended by adding a new
1208 subsection 1805.1.2.2, to read as follows:
1209

1210 **1805.1.2.2 Under-floor Drainage.** The underfloor grade beneath the floor
1211 system of a building shall be graded to a low point so as to provide positive
1212 drainage to the exterior in the event of water intrusion. If the exterior grade is

1213 higher than the grade beneath the floor system, a positive drainage system or
1214 sump shall be installed subject to approval of the Building Official.
1215

1216 **H. Moved Buildings.** No permit for the moving of a building or structure shall be
1217 granted unless the applicant meets the following requirements:
1218

1219 1. A performance bond in favor of the City, of not less than \$1,000.00 nor more
1220 than \$100,000.00, as the Fire Marshal or Building Official may determine, shall
1221 be conditioned to require the applicant to comply strictly with all conditions and
1222 provisions of this chapter, and of any provision of the Mill Valley Municipal
1223 Code relating to the moving of buildings or structures, and of any order, rule or
1224 regulation which may be hereafter passed or adopted by the City Council. The
1225 applicant also shall be required to pay any and all damages to any fence, hedge,
1226 tree, pavement, sidewalk, street, curb, gas, sewer or water pipe, electric wire or
1227 pole supporting the same, or to any public or private property that may result from
1228 moving the building or structure.
1229

1230 2. The Director of Planning and Building and the Building Official shall inspect
1231 the structure prior to being moved to determine that said structure is suitable for
1232 the intended use and structurally adequate.
1233

1234 3. The applicant shall indemnify, defend and hold harmless the City and its
1235 elective officers, agents and employees against all liabilities, claims, actions,
1236 judgments, cost or any expense which may for any reason arise out of the
1237 issuance of said permit or moving of such buildings or structures. An undertaking
1238 may be required for this purpose.
1239

1240 **I. Temporary Structures.** Section 108.1.1 is added to CBC Chapter 1 and Section
1241 R107.1.1 is added to CRC Chapter 1, to read as follows:
1242

1243 **108.1.1. Special Permit.** Temporary structures such as sheds, construction
1244 trailers, canopies or fences used for the protection of the public and/or in
1245 conjunction with construction work may be erected by special permit from the
1246 Fire Marshal or Building Official for a limited period of time. Such buildings or
1247 structures need not comply with the type of construction or fire-resistive time
1248 periods required by this code. Temporary buildings or structures shall be
1249 completely removed upon the expiration of the time limit stated in the permit.
1250

1251 **R107.1.1. Special Permit.** Temporary structures such as sheds, construction
1252 trailers, canopies or fences used for the protection of the public and/or in
1253 conjunction with construction work may be erected by special permit from the
1254 Fire Marshal or Building Official for a limited period of time. Such buildings or
1255 structures need not comply with the type of construction or fire-resistive time
1256 periods required by this code. Temporary buildings or structures shall be
1257 completely removed upon the expiration of the time limit stated in the permit.

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

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

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

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

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

Exceptions:

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

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

R337.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings,

1302 additions, repairs, re-roofs, and exterior alterations located within a Wildland
1303 Urban Interface Fire Areas as defined in Section R337.2.

1304
1305 **R337.1.3 Application.** New buildings, additions, repairs, re-roofs and exterior
1306 alterations to buildings located in any Fire Hazard Severity Zone or any Wildland-
1307 Urban Interface Fire Area designated by the enforcing agency constructed after
1308 the application date shall comply with the provisions of this chapter.

1309 **Exceptions:**

- 1310 1. Detached trellises, patios, carports, gazebos, and similar buildings
1311 open on all sides when located at least 10 feet from an applicable building.
1312 2. Buildings of an accessory character classified as a Group U
1313 occupancy and not exceeding 120 square feet in floor area, when located
1314 at least 30 feet from an applicable building.
1315 3. Buildings of an accessory character classified as Group U occupancy
1316 of any size located least 50 feet an applicable building.
1317 4. Buildings classified as a Group U Agricultural Building, as defined in
1318 Section 202 of this code, when located at least 50 feet from an applicable
1319 building.

1320 For the purposes of this section and Section 337.10, applicable building includes
1321 all buildings that have residential, commercial, educational, institutional, or
1322 similar occupancy type use.”

1323
1324
1325 **SECTION 4:** Section 14.05.022 of Chapter 14.05 of the Mill Valley Municipal Code is
1326 hereby amended to read as follows:

1327
1328 “14.05.022 Adoption of California Electrical Code.

1329
1330 Except as hereinafter provided, Title 24, Part 3 of the California Code of Regulations, known as
1331 the 2022 California Electrical Code (CEC), incorporating the 2021 edition of the National
1332 Electrical Code, published by the National Fire Protection Association, and the annexes thereof,
1333 is hereby adopted by reference and incorporated as though fully set forth in this Section. This
1334 code shall constitute the Electrical Code of the City of Mill Valley, and may be cited as such.

- 1335
1336 A. CEC Section 89.108.8, inclusive of sections 89.108.8.1 through 89.108.8.3, is hereby
1337 deleted and replaced as follows:

1338
1339 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1340 the Electrical Code of the City of Mill Valley to be references to the City Council of
1341 Mill Valley. Appeals of the Electrical Code of the City of Mill Valley shall be
1342 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1343 Code.”

1344
1345

1346 **SECTION 5:** Section 14.05.024 of Chapter 14.05 of the Mill Valley Municipal Code is
1347 hereby amended to read as follows:

1348
1349 “14.05.024 Adoption of California Mechanical Code.

1350
1351 Except as hereinafter provided, Title 24, Part 4 of the California Code of Regulations, known as
1352 the 2022 California Mechanical Code (CMC), incorporating the 2021 edition of the Uniform
1353 Mechanical Code including the appendix thereof, published by the International Association of
1354 Plumbing and Mechanical Officials, is hereby adopted by reference and incorporated as though
1355 fully set forth in this Section. This code shall constitute the Mechanical Code of the City of Mill
1356 Valley, and may be cited as such.

- 1357
1358 A. CMC section 107.0, inclusive of section 107.1 and 107.2, is hereby deleted and replaced
1359 as follows:

1360
1361 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1362 the Mechanical Code of the City of Mill Valley to be references to the City Council
1363 of Mill Valley. Appeals of the Mechanical Code of the City of Mill Valley shall be
1364 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1365 Code.”

1366
1367
1368 **SECTION 6:** Section 14.05.026 of Chapter 14.05 of the Mill Valley Municipal Code is
1369 hereby amended to read as follows:

1370
1371 “14.05.026 California Plumbing Code, 2019 Edition, adopted by reference.

1372
1373 Except as hereinafter provided, Title 24, Part 5 of the California Code of Regulations, known as
1374 the 2022 California Plumbing Code (CPC), incorporating the 2021 edition of the Uniform
1375 Plumbing Code, published by the International Association of Plumbing and Mechanical
1376 Officials, and the appendices thereof, is hereby adopted by reference and incorporated as though
1377 fully set forth in this Section. This code shall constitute the Plumbing Code of the City of Mill
1378 Valley, and may be cited as such.

- 1379
1380 A. CPC section 107.0, inclusive of section 107.1 and 107.2, is hereby deleted and replaced
1381 as follows:

1382
1383 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1384 the Mechanical Code of the City of Mill Valley to be references to the City Council
1385 of Mill Valley. Appeals of the Plumbing Code of the City of Mill Valley shall be
1386 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1387 Code.”

1388
1389

1390 **SECTION 7:** Section 14.48.010 of Chapter 14.48 of the Mill Valley Municipal Code is
1391 hereby amended to read as follows:

1392
1393 “14.48.010 California Green Building Standards Code adopted by reference.

1394
1395 The City hereby adopts by reference the 2022 edition of the California Green Building Standards
1396 Code, Title 24, Part 11 of the California Code of Regulations (“CALGreen”), including the
1397 following Appendix chapters and together with those amendments, additions, and deletions set
1398 forth in this Chapter 14.48 of the Mill Valley Municipal Code:

- 1399 A. Appendix Chapter A4 - Residential Voluntary Measures (Tier 1 levels for new
1400 construction, as defined in Section 14.48.030)
1401 B. Appendix Chapter A5 - Nonresidential Voluntary Measures (Tier 1 levels for new
1402 construction, as defined in Section 14.48.030)
1403

1404 This code, together with amendments, additions, and deletions set forth in Chapter 14.48, shall
1405 constitute the Green Building Standards of the City of Mill Valley and may be cited as such.”

1406
1407
1408 **SECTION 8:** Section 14.48.020 of Chapter 14.48 of the Mill Valley Municipal Code is
1409 hereby amended to read as follows:

1410
1411 “14.48.020 Local amendments to the California Green Building Standards Code.

1412
1413 The 2022 California Green Building Standards Code (“CALGreen”) adopted herein by reference
1414 is hereby amended by the following additions, deletions, and amendments, together with such
1415 changes made by Sections 14.48.030 through 14.48.070:

1416
1417 Section 202 of Chapter 2 is hereby amended by revising the definitions of Electric Vehicle
1418 Charging Station and of Newly Constructed (or New Construction) to read as follows:

1419
1420 **ELECTRIC VEHICLE CHARGING STATION (EVCS).** One or more electric
1421 vehicle charging spaces served by electric vehicle charger(s) or other charging equipment
1422 allowing charging of electric vehicles. For purposes of determining compliance with
1423 accessibility requirements, when the permitted length of time a vehicle may occupy an
1424 electric vehicle charging station differs from the permitted duration of stay in publicly
1425 accessible parking spaces in the same parking area, electric vehicle charging stations are
1426 not considered parking spaces. When the permitted duration of stay in a space served by
1427 electric vehicle charger(s) is the same as other publicly accessible parking spaces in the
1428 same parking area, EVCS may be considered parking spaces. The EVCS need not be
1429 reserved exclusively for electric vehicle charging.

1430
1431 **NEWLY CONSTRUCTED (or NEW CONSTRUCTION).** A newly constructed
1432 building (or new construction) includes the production of new or replacement building(s)
1433 and major remodels.
1434

1435 Section 301.1 of Chapter 3 is hereby amended by replacing the first sentence with the following:

1436

1437 **301.1 Scope.** Buildings shall be designed to comply with the applicable requirements of
1438 the Mill Valley Municipal Code beginning at Chapter 14.48.010, and shall also include the
1439 green building measures specified as mandatory in the application checklists contained in
1440 this code.

1441

1442 Section 301.1.1 of Chapter 3 is hereby amended by replacing the first sentence with the following:

1443

1444 **301.1.1 Additions and alterations.** The mandatory provisions of Chapter 4 shall be
1445 applied to additions and alterations of existing residential buildings, in accordance with
1446 applicable requirements of Chapter 14.48 of the Mill Valley Municipal Code.

1447

1448 Section 301.3 of Chapter 3 is hereby amended by replacing the first sentence with the following:

1449

1450 **301.3 Nonresidential additions and alterations.** The provisions of individual sections
1451 of Chapter 5 apply to newly constructed buildings and building additions and alterations
1452 (for occupancies within the authority of California Building Standards Commission).

1453

1454 Section 4.106.4.2 of Chapter 4 is hereby amended to read in its entirety as follows:

1455

1456 **Section 4.106.4.2 New multifamily dwellings, Hotel and Motels and New Residential**
1457 **Parking Facilities.** If residential parking is available, the number of spaces designated
1458 for the project type as outlined in Table 1 of Section 14.48.040 of the Mill Valley
1459 Municipal Code, provided for all types of parking facilities, shall be electric vehicle
1460 charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the
1461 required number of EV spaces shall be rounded up to the nearest whole number.

1462

1463 Section 5.106.5.3 of Chapter 5 is hereby amended by replacing the first sentence with the
1464 following:

1465

1466 **Section 5.106.5.3 Electric vehicle (EV) Charging.** Construction shall comply with
1467 Section 5.106.5.3.1, using the space requirements designated for the project type as
1468 outlined in Table 1 of Section 14.48.040 of the Mill Valley Municipal Code, to facilitate
1469 future installation of electric vehicle supply equipment (EVSE).

1470

1471 Section A4.106.8.2.1 of Appendix A4 is hereby amended by revising “Tier 1” to read as follows:

1472

1473 The number of spaces designated for the project type as outlined in Table 1 of Section
1474 14.48.040 of the Mill Valley Municipal Code, provided for all types of parking facilities,
1475 but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable
1476 of supporting future EVSE. Calculations for the required number of EV spaces shall be
1477 rounded up to the nearest whole number.”

1478

1479

1480 **SECTION 9:** Section 14.48.040 of Chapter 14.48 of the Mill Valley Municipal Code is
 1481 hereby amended to read as follows:

1482

1483 “14.48.040 Green building requirements by project type.

1484

1485 The Mill Valley Municipal Code defines compliance thresholds for different projects that are
 1486 covered by this chapter. These standards are outlined below in Table 1.

1487

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 2022 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 2022 Building Energy Efficiency Standards	

<p>Multifamily New Construction 3 stories or less</p>	<p>CALGreen Tier 1, including Section A4.2 (Energy Efficiency)</p>	<p>“All-electric”, meeting the requirements outlined for the project in the 2022 Building Energy Efficiency Standards <u>OR</u> “Limited mixed-fuel”, prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 0.5, demonstrated on Title 24 energy reports <u>OR</u> “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. See Section 14.48.030 for applicable definitions of “All-electric”, “Limited mixed-fuel”, and “Mixed-fuel”</p>	<p>Build one electric vehicle charging space¹ 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</p>
<p>Multifamily New Construction 4 stories or greater</p>	<p>CALGreen Tier 1, less Section A4.2 (Energy Efficiency)</p>	<p>“All-electric”, meeting the requirements outlined for the project in the 2022 Building Energy Efficiency Standards <u>OR</u> “Limited mixed-fuel”, prewired for future induction cooking, with a compliance margin of 5%, demonstrated on Title 24 energy reports <u>OR</u> “Mixed-fuel”, prewired for future induction cooking, with a compliance margin of 10%, demonstrated on Title 24 energy reports See Section 14.48.030 for applicable definitions of “All-electric”, “Limited mixed-fuel”, and “Mixed-fuel”</p>	<p>Build one electric vehicle charging space¹ 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</p>
<p>Nonresidential Additions and Alterations less than 3,000 square feet</p>	<p>CALGreen Tier 1, less Section A4.2 (Energy Efficiency)</p>	<p>Meet the standards outlined for the project in the 2022 Building Energy Efficiency Standards</p>	<p>If the service panel is modified, add designated electrical capacity for 20%</p>

<p>Nonresidential Additions and Alterations 3,000 square feet or greater</p>		<p>Meet the standards outlined for the project in the 2022 Building Energy Efficiency Standards</p>	<p>of onsite parking spaces to be EV Capable¹.</p>
<p>New construction of hotels or motels</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>

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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SECTION 10: The City Council of the City of Mill Valley finds that adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) under California Code of Regulations, Title 14, § 15061(b)(3), as it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

SECTION 11: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Mill Valley hereby declares that it would have adopted this ordinance and each section, subsection, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions thereof may be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared severable.

SECTION 12: Effective Date and Publication. This ordinance shall become at 12:01 a.m. on January 1, 2023. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

1507 **SECTION 13:** The City Clerk is hereby directed to cause a copy of this ordinance to be
1508 filed with the California Building Standards Commission as required by Health and Safety Code
1509 Section 17958.7.
1510

1511 **INTRODUCED** at a regular meeting of the City Council of the City of Mill Valley on the
1512 **17th** day of **October, 2022**, and
1513

1514 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Mill
1515 Valley on the ____ day of _____ **2022**, by the following vote:
1516

1517 **AYES:**

1518 **NOES:**

1519 **ABSENT:**

1520 **ABSTAIN:**

1521

1522

Jim Wickham, Mayor

1523

1524

1525 **ATTEST:**

1526

1527

1528 _____
Hannah Politzer, City Clerk/Management Analyst III

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RESOLUTION NO. 22-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY MAKING EXPRESS FINDINGS AND DETERMINATIONS THAT MODIFICATIONS TO THE 2022 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

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1: Recitals.

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

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

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

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

WHEREAS, Staff has recommended that changes and modifications be made to the 2022 editions of the California Building Code, California Residential Code, California Fire Code, and California Green Building Standards Code, as are reasonably necessary due to the unique local climatic, geologic, or topographic conditions in the City of Mill Valley.

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

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

- A. The City of Mill Valley has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush-covered slopes; narrow winding streets used by residents

- 49 of the area and the Fire Department for ingress and egress, steep hills which hinder
50 Fire Department response time; older and inadequate water systems in certain areas
51 of the community; and the location of buildings and structures with relation to these
52 dangerous areas. (Topography)
53
- 54 B. A great number of structures located within the City of Mill Valley were built in the
55 late 1800's and early 1900's, thus lacking the built-in protection of modern
56 construction. Many of the residential structures had been built on steep slopes with
57 boxed canyons and large percentages are located in areas of heavy natural growth.
58 Many structures (new and old) are constructed of highly combustible material, which
59 offer little resistance to fire and could contribute to the spread of fire. (Topography)
60
- 61 C. Most of the City's street and pathway system was laid out in the late 1800's and early
62 1900's. Many of the City's streets have less than 20 feet of unobstructed width and
63 turning radius. Roadways with less than 20 feet of unobstructed paved surface are
64 considered hazardous in terms of fire access and protection. In the event that the Fire
65 Department is called to respond to a fire emergency in any of these areas, its response
66 time to an emergency is increased by these topographic conditions. (Topography)
67
- 68 D. The City was plagued many times in the late 1800's and early 1900's by brush and
69 forest fires, which not only threaten destruction, but on a number of occasions
70 devastated large portions of the town. The desire of the community to preserve natural
71 vegetation has resulted in the encroachment of brush and grass on fire roads, trails,
72 breaks and streets within the City, thus rendering such separations ineffective against
73 the spread of fires. Natural growth, which is highly flammable during the summer
74 and fall months, encroaches upon many properties, thus posing a potential fire threat
75 to many structures and creating a substantial hindrance to the control of such fires.
76 (Climate, Topography)
77
- 78 E. The City's precipitation ranges from 15 to 42 inches per year with an average of
79 approximately 25 inches per year. Approximately 90% of the precipitation falls during
80 the months of November through April and 10% from May through October. Times
81 of little or no rainfall, of low humidity, and high temperatures create extremely
82 hazardous fire conditions. (Climate)
83
- 84 F. The City's natural topographic and geological features create an increased risk from
85 flooding, hillside runoff, landslides, and debris flows due to a combination of factors
86 including periodic heavy winter rainfalls, soil conditions, proximity to Richardson
87 Bay, and other related factors. Low lying areas can also be subject to tidal fluctuations
88 and liquefaction following an earthquake. (Topography, Geology)
89
- 90 G. Seismically, the City sits between two active earthquake faults (San Andreas and
91 Hayward) and numerous potentially active faults. Fire following an earthquake has
92 the potential of causing greater loss of life and damage than the earthquake itself.
93 Should a significant seismic event occur, public safety resources would have to be
94 prioritized to mitigate the greatest threat and may not be available for every structural

95 fire. In such event, individual structures should be equipped to help in mitigating the
96 risk of damage. (Geology)

97
98 H. The United Nations Intergovernmental Panel on Climate Change (IPCC) has warned
99 that failure to address the causes of global climate change within the next few years
100 will result in significant sea level increases and frequency of wildland fires and
101 reduced freshwater resources, which will significantly increase the cost of providing
102 local governmental services and protecting public infrastructure. (Climate)

103
104 I. Sea levels could rise from as little as 2 to 3 feet if emissions trend downward to as
105 much as 8.5 to 35 feet by the end of the century if emissions continue to rise in a
106 “business as usual” scenario. Sea level rise will expand the areas subject to flooding
107 and will directly impact low-lying areas of Mill Valley from Bothin Marsh to
108 Sycamore Park. (Climate, Topography)

109
110 **SECTION 4:** Pursuant to Health and Safety Code Section 17958, 17958.5, and 17958.7,
111 the Mill Valley City Council hereby expressly finds that the local amendments to the building
112 standards within the 2022 editions of the California Building Code, California Residential Code,
113 California Fire Code, and California Green Building Standards Code, as adopted via Ordinance
114 No. 1340 concurrent with this Resolution, are necessary for the protection of public health, safety,
115 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
108.1.1	Special Permit	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
107.1.1	Special Permit	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
104.13	Fire prevention resource sharing	Administrative
105.5	Required Operational Permits	Administrative
105.5.55	Local Operational Permits	Administrative
105.6	Required Construction Permits	Administrative
105.6.25	Local Construction Permits	Administrative
107.7	Damages and Expense Recovery	Administrative
112.4	Violation penalties	Administrative
112.4.2	Abatement of clearance of brush or vegetative growth from structures	Administrative
202	Definitions	Administrative, Climate, Topography
302.1	Definitions	Administrative
324	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
403.9.1.4	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
503.6.3	Gate Setback Required	Topography, Geology
506.1	Key Entry Systems	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
907.2.13.1.2	Duct smoke detection	Climate, Topography
907.6.6	Monitoring	Climate, Topography
907.8.5	Smoke alarm documentation	Climate, Topography
918	Exterior Wildfire Protection Systems	Climate, Topography, Geology
1103.1	Required construction	Climate, Topography
1103.2	Emergency responder radio coverage in existing buildings	Climate, Topography, Geology
1103.3-1103.6.2	Existing Elevators	Climate, Topography, Geology
1103.4	Vertical Openings	Climate, Topography, Geology
1103.5	Sprinkler Systems	Climate, Topography, Geology
1103.6	Standpipes	Climate, Topography, Geology
1103.6.1	Existing Multiple-Story Buildings	Climate, Topography, Geology
1103.6.2	Existing Helistops and Heliports	Climate, Topography, Geology
1103.9	CO2 Detection	Climate, Topography, Geology
1104	Means of Egress for Existing Buildings	Climate, Topography, Geology
1105	Constriction Requirements for Existing Group I-2	Climate, Topography, Geology
1201.4	Construction Documents	Topography, Geology
1201.5	Signs and Labels	Topography, Geology

1201.6	Disconnect	Topography, Geology
1201.7	Operational Testing	Topography, Geology
1202.1	Definitions	Topography, Geology
1208	Home Backup Generator	Topography, Geology
Ch. 26	Fumigation and Fogging	Topography, Geology
3314.3	Detailed requirements	Climate, Topography
3315.3	Where required	Climate, Topography, Geology
3315.4	Buildings being demolished	Climate, Topography, Geology
3315.5	Detailed requirements	Climate, Topography, Geology
4902.1	Definitions	Administrative
4903.2.1.1	Preliminary Fire Protection Plan	Climate, Topography, Geology
4903.2.1.2	Final Fire Protection Plan	Climate, Topography, Geology
4906.2	Application	Climate, Topography, Geology
4906.3	Vegetation Management Plan	Climate, Topography, Geology
4906.3.1	Content	Climate, Topography, Geology
4906.3.2	Cost	Administrative
4906.4.2.1	Tree Planting	Climate, Topography
4907.2	Application	Climate, Topography
4907.4	Fire Hazard Reduction	Climate, Topography
4907.5	Fire Hazard Reduction from Roadways	Climate, Topography
4911	Nuisance	Administrative
5001.1.2	Geographic Limits	Administrative, Climate, Topography
5304.3	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
5704.2.9.6.1	Locations where above-ground tanks are prohibited	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	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
IWUI Appendix A	General Requirements	Climate, Topography, Geology
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
5.106.5.3	EV charging	Climate
Appendix A4 - A4.106.8.2.1	New multifamily dwellings	Climate

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SECTION 5. This resolution shall become operative on January 1, 2023.

SECTION 6. The City Clerk is directed to file a copy of this resolution, together with Ordinance No. 1340, with the California Building Standards Commission.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the 5th day of **December, 2022**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jim Wickham, Mayor

ATTEST:

Hannah Politzer, City Clerk/Management Analyst III

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ORDINANCE NO. 1340

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AMENDING CHAPTERS 14.05, 14.48, AND 15.04 OF THE MILL VALLEY MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2022 EDITIONS OF THE CALIFORNIA FIRE, ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, GREEN BUILDING, HISTORICAL BUILDING, EXISTING BUILDING, REFERENCED STANDARDS CODES, AND APPENDIX A OF THE 2021 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, WITH AMENDMENTS TO REFLECT LOCAL CONDITIONS

THE CITY COUNCIL OF THE CITY OF MILL VALLEY does ordain as follows:

SECTION 1: Chapter 15.04 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 2022 California Fire Code, which consists of certain portions of the 2021 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a. Appendix 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY
 - b. 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.
 - c. Appendix BB FIRE FLOW REQUIREMENTS FOR BUILDINGS
 - d. 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.
 - e. Appendix CC FIRE HYDRANTS LOCATIONS AND DISTRIBUTIONS
 - f. Appendix E HAZARD CATEGORIES
 - g. Appendix F HAZARD RANKING
 - h. Appendix G CRYOGENIC FLUIDS – WEIGHT AND VOLUME EQUIVALENTS
 - i. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLAN AND HAZARDOUS MATERIAL INVENTORY STATEMENTS
 - j. Appendix I FIRE PROTECTION SYSTEMS- NONCOMPLIANT CONDITIONS

46 k. Appendix O TEMPORARY HAUNTED HOUSES, GHOST WALKS AND
47 SIMILAR AMUSEMENT USES.
48

- 49 2. The International Fire Code published by the International Fire Code Council, Inc., 2022
50 Edition hereof and the whole thereof, save and except such portions as are hereinafter
51 amended, added or deleted by Section 1 of this Ordinance.
52 3. Appendix A of the 2021 edition of the International Wildland-Urban Interface Code save
53 and except such portions as are hereinafter deleted, modified or amended by Section 1 of
54 this Ordinance.
55

56 Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the
57 Fire Marshal of the Mill Valley Fire Department, and the same are hereby adopted and
58 incorporated fully as if set out at length herein, and from the date on which this Ordinance shall
59 take effect, and the provisions thereof shall be controlling within the limits of the City of Mill
60 Valley.
61

62 15.04.030: Establishment and duties of the Fire Loss Prevention Division of the Mill Valley
63 Fire Department
64

65 The 2022 California Fire Code, which consists of certain portions of the 2021 edition of the
66 International Fire Code as amended by the California Building Standards Commission, shall be
67 enforced by the Fire Marshal of the Mill Valley Fire Department and shall be operated under the
68 supervision of the Fire Chief or his/her designee of the Mill Valley Fire Department.
69

70 15.04.040: Definitions
71

72 Wherever they appear in the California Fire Code, unless otherwise provided, the following words
73 shall have the meanings ascribed to them in this section:
74

- 75 (a) Whenever the words “Fire Code” are used they shall mean those Codes and
76 Standards adopted in this chapter.
77
78 (b) Wherever the words “agency having jurisdiction” are used in the Fire Code,
79 it shall be held to mean the Mill Valley Fire Department.
80
81 (c) Wherever the term “counsel” is used in the Fire Code, it shall be held to
82 mean the City Attorney for the City of Mill Valley.
83
84 (d) Wherever the words “Fire Code Official” are used in the Fire Code, they
85 shall be held to mean the Fire Chief or Fire Marshal of the Fire Loss
86 Prevention Division of the Mill Valley Fire Department or his/her designee.
87

88 15.04.050: Establishment of geographic limits of districts in which storage of Class I, Class II,
89 and Class III liquids in outside aboveground tanks is prohibited
90

91 The geographic limits referred to in Section 5704.2.9.6.1 of the 2022 California Fire Code in which
92 storage of Class I, Class II, and Class III liquids in outside above-ground tanks is prohibited are
93 hereby established as follows: In all residential areas and in all heavily populated or congested
94 commercial areas as established by the City of Mill Valley, and agricultural land of less than two
95 (2) acres.

96
97 15.04.060: Establishment of geographic limits of districts in which storage of Class I and Class
98 II liquids in aboveground tanks is prohibited

99
100 The geographic limits, referred to in Section 5706.2.4.4 of the 2022 California Fire Code in which
101 storage of Class I and Class II liquids in aboveground tanks is prohibited, are hereby established
102 as follows: In all residential areas and in all heavily populated or congested commercial areas as
103 established by City of Mill Valley, and agricultural land of less than two (2) acres.

104
105 15.04.065: Establishment of the geographic limits of districts in which the storage of stationary
106 tanks of flammable cryogenic fluids is to be prohibited

107
108 The geographic limits, referred to in Section 5806.2 of the 2022 California Fire Code in which the
109 storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby
110 established as follows: In all residential areas and in heavily populated or congested commercial
111 areas, as established by the City of Mill Valley.

112
113 15.04.070: Establishments of geographic limits in which storage of liquefied petroleum gases
114 is to be restricted

115
116 The geographic limits, referred to in Section 6104.2 of the 2022 California Fire Code in which
117 storage of liquefied petroleum gas is restricted, are hereby established as follows: In all residential
118 areas and in all heavily populated or congested commercial areas, and agricultural land less than
119 two (2) acres.

120
121 15.04.080: Establishment of geographic limits of districts in which storage of explosives and
122 blasting agents is to be prohibited

123
124 Section 5604 of the California Fire Code is hereby amended to add a new Section 5604.1.1 to read
125 as follows:

126
127 **5604.1.1 Geographic Limits.** The geographic limits in which storage of explosives and
128 blasting agents is prohibited are as follows: In all residential areas and in heavily populated
129 or congested commercial areas as established by the City of Mill Valley.

130
131 15.04.090: Establishment of the geographic limits of districts in which the storage of
132 compressed natural gas is to be prohibited

133
134 Section 5304 of the California Fire Code is hereby amended to add a new Section 5304.3 to read
135 as follows:

136

137 **5304.3 Geographic Limits.** The geographic limits, in which the storage of compressed
138 natural gas is prohibited, are hereby established as follows: In all residential areas and in
139 heavily populated or congested commercial areas, as established by the City of Mill Valley.
140

141 15.04.110: Establishment of the geographic limits of districts in which the storage of
142 hazardous materials is to be prohibited or limited
143

144 Section 5001 of the California Fire Code is hereby amended to add a new Section 5001.1.2 to read
145 as follows:
146

147 **5001.1.2 Geographic Limits.** The geographic limits, in which the storage of hazardous
148 materials is prohibited or limited, are hereby established as follows: In all residential areas
149 and in heavily populated or congested commercial areas, as established by City of Mill
150 Valley.
151

152 15.04.120: Amendments made to the 2022 California Fire Code
153

154 The following amendments, additions, and deletions are made to the 2022 California Fire Code
155 (CFC):
156

157 **CFC Chapter 1: Scope and Administration**
158

159 Section 101.1 of Chapter 1 is amended to read as follows:
160

161 **Section 101.1 Title.** These regulations and locally adopted standards shall be known as
162 the Fire Code of the City of Mill Valley, hereinafter referred to as “this code.”
163

164 Section 102.5 of Chapter 1 is hereby amended to read as follows:
165

166 **102.5 Application of residential code.** Where structures are designed and constructed in
167 accordance with the *California Residential Code* or the *International Residential Code*,
168 the provisions of this code shall apply as follows:
169

- 170 1. Construction and design provisions of this code pertaining to the exterior of the
171 structure shall apply including, but not limited to, premises identification, fire
172 apparatus access and water supplies. Construction and design provisions of this
173 code pertaining to the interior of the structure shall apply when specifically
174 required by this code, including but not limited to Section 903.2 and Chapter
175 12. Where interior or exterior systems or devices are installed, construction
176 permits required by Section 105.6 of this code shall also apply
177
- 178 2. Administrative, operational and maintenance provisions of this code shall apply.
179

180 Section 102.7.3 is hereby added to Chapter 1 and shall read as follows:
181

182 1. **Section 102.7.3 Nationally Recognized Listed Products.** Any products and
183 equipment required to be installed pursuant to permits required by this code shall
184 be Labeled and Listed, as defined in Section 202.
185

186 Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:
187

188 **Section 104.1.1 Supplemental Rules, Regulations and Standards or Policies.** The Fire
189 Code Official is authorized to render interpretations of this code and to make and enforce
190 rules and supplemental regulations, and to develop Fire Protection Standards or Policies to
191 carry out the application and intent of this code.
192

193 Section 104.13 is hereby added to Chapter 1 and shall read as follows:
194

195 **Section 104.13. Fire Prevention Resource Sharing.** Other enforcement agencies shall
196 have authority to render necessary assistance in plan review, inspection, code
197 interpretation, enforcement, investigation and other fire prevention services when
198 requested to do so.
199

200 Section 105.5 of Chapter 1 is hereby amended by adding the following additional operational
201 permits:
202

203 **105.5 Required Operational Permits.** The fire code official is authorized to issue
204 operational permits for operations set forth in Sections 105.5.1 through 105.5.55.
205

206 Section 105.5.55 is hereby added to Chapter 1 and shall read as follows:
207

208 **105.5.55 Local Operational Permits.** In addition to the permits required by Section 105.5,
209 the following permits shall be obtained from the Fire Loss Prevention Division of the Mill
210 Valley Fire Department prior to engaging in the following activities, operations, practices
211 or functions:
212

213 1. Fire Protection Plan. An operational permit is required to implement a fire
214 protection plan.
215

216 2. Radioactive material. An operational permit is required to store or handle at any
217 installation more than 1 micro curie (37,000 Becquerel) of radioactive material not
218 contained in a sealed source or more that 1 millicurie (37,000,000 Becquerel) of
219 radioactive material in a sealed source or sources, or any amount of radioactive
220 material for which specific license from the Nuclear Regulatory Commission is
221 required.
222

223 Section 105.6 of Chapter 1 is hereby amended by adding the following additional construction
224 permits:
225

226 **105.6 Required Construction Permits.** The fire code official is authorized to issue
227 construction permits for work as set forth in Sections 105.6.1 through 105.6.25

228
229 Section 105.6.25 of Chapter 1 is hereby added to read as follows:
230

231 **105.6.25 Local Construction Permits.** In addition to the permits required by section
232 105.6, the following permits shall be obtained from the Fire Prevention Division prior to
233 installation of the following:
234

- 235 1. **Exterior Wildfire Protection Systems.** A construction permit is required for the
236 installation of or design modification to an Exterior Wildfire Protection System as
237 regulated by section 918.
238
- 239 2. **Home Backup Generator.** A construction permit is required for the installation of
240 a home backup generator as regulated by section 1208.
241
- 242 3. **Vegetation Management Plan.** A construction permit is required to implement a
243 vegetation management plan.
244

245 Section 107.7 is hereby added to Chapter 1 and shall read as follows:
246

247 **Section 107.7 Damages and Expense Recovery.** The expense of securing any emergency
248 that is within the responsibility for enforcement of the Fire Chief as given in Section 104
249 is a charge against the person who caused the emergency. Damages and expenses incurred
250 by any public agency having jurisdiction or any public agency assisting the agency having
251 jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief
252 for proper distribution in the same manner as in the case of an obligation under contract
253 expressed or implied. Expenses as stated above shall include, but not be limited to,
254 equipment and personnel committed and any payments required by the public agency to
255 outside business firms requested by the public agency to secure the emergency, monitor
256 remediation, and clean up.
257

258 Section 112.4 of Chapter 1 is hereby amended to read as follows:
259

260 **Section 112.4 Violation Penalties.** Persons who shall violate a provision of this code or
261 shall fail to comply with any of the requirements thereof or who shall erect, install, alter,
262 repair or do work in violation of the approved construction documents or directive of the
263 Fire Code Official, or of a permit or certificate used under provisions of this code, shall
264 be subject to the penalties set forth in Title 8 of the Mill Valley Municipal Code. Each
265 day that a violation continues after due notice has been served shall be deemed a separate
266 offense. The imposition of one penalty for any violation shall not excuse the violation or
267 permit it to continue.

268
269 Section 112.4.2 is hereby added to Chapter 1 and shall read as follows:
270

271 **Section 112.4.2 Abatement of clearance of brush or vegetative growth from**
272 **structures.** The Mill Valley City Council is authorized to instruct the Fire Code Official
273 to give notice to the owner of the property upon which conditions regulated by section
274 304.1.2 of Chapter 3 and section 4907.4 of Chapter 49 exists to correct such conditions. If
275 the owner fails to correct such conditions, the Mill Valley City Council is authorized to
276 cause the same to be done and make the expense of such correction a lien upon the property
277 where such condition exists.
278

279 **CFC Chapter 2: Definitions**

280
281 Section 202 of Chapter 2 is hereby amended by adding the following new terms and definitions in
282 alphabetical order:
283

284 **ALL WEATHER SURFACE** shall mean A/C paving, or concrete capable of supporting
285 55,000 pounds gross vehicle weight. Grades up to and including 18% may be of asphalt or
286 concrete paving. Grades greater than 18% shall be of ribbed concrete as to allow for water
287 run-off and traction.
288

289 Exception: Materials approved by the Fire Code Official.
290

291 **COVERINGS.** Materials including, but not limited to gypsum board, paneling, floor
292 boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to
293 rough framing of the building elements. ‘Coverings’ do not include carpet, linoleum, tile,
294 wall paper, or other decorative finishes.
295

296 **DRIVEWAY** is a vehicular ingress/egress access route that serves no more than four
297 dwelling units, not including accessory structures. Driveways shall provide a minimum
298 unobstructed width 16 feet and a minimum unobstructed height of 15 feet. Driveways in
299 excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of
300 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition
301 to turnarounds.
302

303 **EXTERIOR WILDFIRE PROTECTION SYSTEM** An approved system of devices
304 and equipment which is automatically or manually activated to discharge water and/or an
305 approved fire-extinguishing agent onto the structure and or the exterior of the structure to
306 hydrate the Immediate Zone 0 (0-5 feet from the home, including the home) and the
307 Intermediate Zone 1 (5-30 feet from the home).
308

309 **FIRE ROAD.** An improved or unimproved road, public or private, that provides access
310 for firefighting equipment and personnel to undeveloped areas.
311

312 **HOME BACKUP GENERATOR.** A permanent, fixed installation, internal combustion
313 engine-driven device that provides temporary electrical power to a Group R-3 and R-4
314 Occupancies.
315

316 **OCCUPANCY CLASSIFICATION** is modified to include:

317 [BG] **Factory Industrial F-1 Moderate-hazard occupancy** is amended to add to
318 the list of moderate-hazard factory industrial groups the following:

319
320 Agricultural crop production including cultivation, drying, processing and /or
321 storage.

322
323 **PRE-PLANS.** The detailed plans of target hazard buildings. The term ‘pre-plans’ includes
324 information on the building's location, occupancy, hazards, fire department connections
325 and hydrants, building layout, and other pertinent data that would assist the fire department
326 in case of an emergency.

327
328 **PUBLIC STORAGE FACILITY.** Any business that sells, leases or rents space to the
329 public that is enclosed, whether it is a building, storage container or similar configuration.

330
331 **SPARK ARRESTOR.** A chimney device constructed in a skillful-like manner, consistent
332 with the following. The net free area of a spark arrestor shall not be less than four times
333 the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and
334 corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge
335 stainless steel. The opening shall not permit the passage of spheres having a diameter
336 larger than 1/2 inch and shall not block the passage of spheres having a diameter of less
337 than 3/8 inch.

338
339 **SUBSTANTIAL REMODEL** shall mean the renovation of any structure, which
340 combined with any additions to the structure, affects a floor area which exceeds fifty
341 percent of the existing floor area of the structure within any 36 month period. When any
342 changes are made in the building, such as walls, columns, beams or girders, floor or ceiling
343 joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or
344 similar components, the floor area of all rooms affected by such changes shall be included
345 in computing floor areas for the purposes of applying this definition. This definition does
346 not apply to the replacement and upgrading of residential roof coverings.

347
348 **TARGET HAZARD** is defined as a location or plausible scenario in which a fire
349 department or fire district could quickly become overwhelmed and for which additional
350 resources, now scarce, would be needed.

351
352 **TEMPORARY.** Any use for a period of less than 90 days, where not otherwise referenced.

353
354 **TENT.** A structure, enclosure, umbrella structure or shelter with or without sidewalls or
355 drops, constructed of fabric or pliable material supported by any manner except by air or
356 the contents that it protects.

357
358 **UNWARRANTED ALARM.** The giving, signaling or transition of an alarm notification
359 to a public fire station or emergency communication center when such alarm is the result
360 of a defective condition of an alarm system, system servicing testing, construction

361 activities, ordinary household activities, false alarm or other cause when no such danger
362 exists.

363

364 **CFC Chapter 3: General Requirements**

365

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

368

369 **PUBLIC STORAGE FACILITY.**

370

371 A new Section 324 is hereby added to Chapter 3 and shall read as follows:

372

373

374

375

SECTION 324 PUBLIC STORAGE FACILITIES

376

377

378

Section 324.1 General. Public Storage Facilities shall comply with the provisions of this section.

379

380

381

382

383

Section 324.2 Location on Property and Fire Resistance of Exterior. All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

384

385

386

Section 324.3. Fire apparatus access. All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

387

388

389

390

391

Section 324.4. Storage of Flammable and Combustible Liquids and Hazardous Materials. The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Public storage facilities shall post legible and durable sign(s) to indicate this prohibition in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

392

393

394

395

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

396

397

396 **CFC Chapter 4: Emergency Planning and Preparedness**

397

398

399

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

400

401

402

403

404

405

406

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

407
408 Section 401.3.2.1 is hereby added to Chapter 4 and shall read as follows:
409

410 **Section 401.3.2.1 Unwarranted Alarm Notification.** Notification of emergency
411 responders based on an unwarranted alarm may be punishable by a fine in accordance with
412 the adopted fee schedule. In addition, the responsible party may be liable for the operational
413 and administrative costs incurred from the emergency response or mitigation procedures
414 resulting from an unwarranted alarm notification.
415

416 Section 401.3.2.2 is hereby added to Chapter 4 and shall read as follows:
417

418 **Section 401.3.2.2 Multiple Unwarranted or Nuisance Alarm Activations.** Any
419 occupancy that has more than 3 unwarranted or nuisance alarms causing emergency
420 response within a 12-month period may be required to modify, repair, upgrade or replace
421 their system and or monitoring station as determined by the Fire Code Official.
422

423 Section 402.1 of Chapter 4 is hereby amended to add the following to the list of terms that are
424 defined in Chapter 2:
425

426 **PRE-PLANS.**
427 **UNWARRANTED ALARMS.**
428 **TARGET HAZARDS**
429

430 Section 403.1.1 is hereby added to Chapter 4 and shall read as follows:
431

432 **Section 403.1.1 Pre-plans:** When required by the Fire Code Official, pre-plans shall be
433 developed for target hazard buildings according to the written standards developed by the
434 authority having jurisdiction.
435

436 Section 403.9.1.4 is hereby added to Chapter 4 and shall read as follows:
437

438 **Section 403.9.1.4 Emergency Preparedness for Hotels, Lodging Houses and**
439 **Congregate Residences.** Hotels, lodging houses and congregate residences shall provide
440 guests with immediate access to a telephone to report emergencies. The exit diagram shall
441 indicate the location of the nearest telephone and instructions to dial 911.
442

443 **CFC Chapter 5: Fire Service Features** 444

445 Section 501.5 is hereby added to Chapter 5 and shall read as follows:
446

447 **Section 501.5 Failure to Comply.** Failure to comply with this section upon written or
448 verbal notice from the Fire Code Official shall result in a City of Mill Valley order to cease
449 operations and desist further operations until such time as adequate access and/or water for
450 fire protection is provided.
451

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

454
455 **FIRE ROAD.**
456 **DRIVEWAY.**

457
458 Section 503.1. of Chapter 5 is hereby amended to read as follows:
459

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

462
463 Section 503.1.4 is hereby added to Chapter 5 and shall read as follows:
464

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

470
471 Section 503.1.5 is hereby added to Chapter 5 and shall read as follows:
472

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

478
479 **Section 503.1.5.1 Width.** Aerial fire apparatus access roads shall have a minimum
480 unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the
481 building or portion thereof.

482
483 **Section 503.1.5.2 Proximity to building.** One or more of the required access routes
484 meeting this condition shall be located not less than 15 feet and not more than 30 feet from
485 the building, and shall be positioned parallel to one entire side of the building. The side of
486 the building on which the aerial fire apparatus access road is positioned shall be approved
487 by the Fire Code Official.

488
489 **Section 503.1.5.3 Obstructions.** Overhead utility and power lines shall not be located
490 over the aerial fire apparatus access road or between the aerial fire apparatus access road
491 and the building. Other obstructions shall be permitted to be placed with the approval of
492 the Fire Code Official.

493
494 Section 503.2.1 of Chapter 5 is hereby amended by adding an exception, which shall read as
495 follows:

496
497 **Exception:** Driveways serving as fire apparatus access roads that serve fewer than five

498 structures may reduce the required unobstructed width to 16 feet.

499

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

501

502 **Section 503.2.6.1 Evaluation and maintenance.** All existing private bridges and elevated
503 surfaces that are a part of a fire apparatus access road shall be evaluated by a California
504 licensed civil engineer experienced in structural engineering or a California licensed
505 structural engineer, for safety and weight rating, in accordance with American Association
506 of State Highway and Transportation Officials (AASHTO) Manual: “The Manual for
507 Bridge Evaluation,” Second Edition, or other approved standard. Vehicle load limits shall
508 be posted at both entrances to bridges. All bridges and elevated structures providing fire
509 department access shall be routinely maintained in accordance with Section 503.2.6 or
510 when directed by the Fire Code Official or authorized designee.

511

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

513

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

518

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

520

521 **503.4.2 Prohibition of vehicular parking on private access ways.** If, in the judgment of
522 the Fire Code Official, it is necessary to prohibit vehicular parking along private access
523 ways serving existing facilities, buildings, or portions of buildings in order to keep them
524 clear and unobstructed for fire apparatus access, the Fire Code Official may issue an Order
525 to the owner, lessee or other person in charge of the premises to paint the curbs red or
526 install signs or other appropriate notices to the effect that parking is prohibited by Order of
527 the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person
528 in charge of the premises to fail to install or maintain in good condition, the form of notice
529 so prescribed. When such areas are marked or signed as provided herein, no person shall
530 park a vehicle adjacent to any such curb or in the private access way contrary to such
531 markings or signs. Any vehicle so parked in the private access way may be towed away at
532 the expense of the owner of the vehicle.

533

534 Sections 503.6.1, 503.6.2, and 503.6.3 are hereby added to Chapter 5 and shall read as follows:

535

536 **Section 503.6.1 Width.** All gates shall open fully to provide an unobstructed passage width
537 of not less than 16 feet or a minimum of two feet wider than the approved net clear opening
538 of the required all weather roadway or driveway and a minimum net vertical clearance of
539 15 feet.

540

541 **Section 503.6.2 Electronic gates.** All electronic operated gates shall have installed an
542 approved key switch override system mounted on a stanchion or wall as approved by the

543 Fire Code Official in accordance with Standards/Policies adopted by the Fire Code Official.
544 All electronic or motorized gates shall incorporate in their design the means for fast,
545 effective manual operation of the gates in the event of a power or mechanical failure (i.e.,
546 easily removable hinge pins for separating power linkage from gates; undercut, weakened
547 or frangible members requiring 40 pounds or less pressure against the gates to cause their
548 failure and the gates to open). All electrical wiring and components of motorized gates
549 shall be UL listed and installed in accordance with the National Electric Code.
550

551 **Section 503.6.3 Gate Setback Required.** Gates shall be set back from roadways a
552 minimum of 30 feet or more so as not to cause cross traffic to stop or create a hazardous
553 traffic condition on the roadway approach to the driveway.
554

555 Exception: The Fire Code Official is authorized to modify the setback if fire apparatus
556 access onto the property is not required to achieve 150 foot access to the most remote
557 portion of the building per 503.1.1.
558

559 Section 506.1 of Chapter 5 is hereby amended to read as follows:
560

561 **Section 506.1 Key Entry Systems.** When access to or within a structure or an area is
562 restricted because of secured openings or where immediate access is necessary for life-
563 saving or firefighting purposes, and in commercial structures that have an automatic fire
564 sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a
565 key entry system to be installed in an approved location. The key entry system shall be of
566 an approved type listed in accordance with UL1037, and if it is a key entry box, shall
567 contain keys necessary to gain access as required by the Fire Code Official.
568

569 Section 507.5.1 of Chapter 5 is hereby amended by deleting the Exception.
570

571 Section 507.5.1.1 of Chapter 5 is hereby amended to read in its entirety as follows:
572

573 **Section 507.5.1.1 Hydrant for fire department connections.** Buildings equipped with a
574 water-based fire protection system installed in accordance with Section 903 through 905
575 shall have a fire hydrant within 100 feet of the fire department connections.
576

577 Exception: The distance shall be permitted to exceed 100 feet where approved by the Fire
578 Code Official.
579

580 Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:
581

582 **Section 507.5.7 Fire hydrant upgrades.** When additions or modifications to structures
583 are made, the nearest fire hydrant (if a new one is not required) located by the Fire Code
584 Official or his/her designee shall be upgraded to the minimum standard of one 4 1/2" outlet
585 and one 2 1/2" outlet for single family dwellings and the minimum standard of one 4 1/2"
586 outlet and two 2 1/2" outlets for commercial structures.
587

588 Exceptions:

- 589 1. If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on
590 the building permit valuation.
591
592 2. One and two family dwellings equipped throughout with an approved automatic
593 sprinkler system.
594

595 Section 510.1 of Chapter 5 is hereby amended by deleting Exception 1.
596

597 **CFC Chapter 9: Fire Protection and Life Safety Systems** 598

599 Section 901.7 of Chapter 9 is hereby amended to read as follows:
600

601 **Section 901.7 Systems out of Service.** Where a required fire protection system is out of
602 service, the fire department and the Fire Code Official shall be notified immediately and,
603 where required by the Fire Code Official, the building shall be either evacuated or an
604 approved fire watch shall be provided for all occupants left unprotected by the shutdown
605 until the fire protection system has been returned to service. This section shall also apply
606 to residential fire sprinkler systems.

607 Where utilized, fire watches shall be provided with not less than one approved means
608 for notification of the fire department and their only duty shall be to perform constant
609 patrols of the protected premises and keep watch for fires.
610

611 Section 903.2 of Chapter 9 is hereby deleted and replaced with the following provisions, with the
612 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,
613 903.2.16, 903.2.17, 903.2.18, 903.2.19, 903.2.20 and 903.2.21 which shall remain in effect.
614

615 Section 903.2 is hereby added to Chapter 9 and shall read as follows:
616

617 **Section 903.2 Where required.** Approved automatic sprinkler systems in new and
618 existing buildings shall be provided in the locations described in this section.
619

620 Section 903.2.1 through 903.2.4 are hereby added to Chapter 9 and shall read as follows:
621

622 **Section 903.2.1 Required Installations.** An automatic sprinkler system shall be installed
623 and maintained in all newly constructed buildings or structures, regardless of occupancy
624 classification.
625

626 **Exceptions:**

- 627 1. Free standing Group U occupancies not more than 1,000 square feet and provided with
628 exterior wall and opening protection as required under Section 602, Table 602 of the
629 California Building Code.
630 2. Group B or M occupancies less than 1000 square feet.
631 3. Detached restroom facilities associated with golf courses, ball fields, parks and similar
632 uses as approved by the Fire Code Official.

633 4. Agricultural buildings, as defined in Appendix C of the California Building Code, that
634 do not exceed 2,000 square feet and that have a clear unobstructed side yard of
635 combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in
636 height.

637
638 **Section 903.2.2 Additions and Alterations.** An automatic sprinkler system shall be
639 installed in all buildings that are in excess of 3,000 square feet and to which ten per cent
640 (10%) or more floor area is added within any 36 month period.

641
642 Exception: R-3 occupancies. See 903.2.3.

643
644 **Section 903.2.2.1 Substantial Remodels.** An automatic sprinkler system shall be installed
645 in all buildings to which fifty per cent (50%) or more floor area is added, or that undergo
646 any substantial remodel as defined in this code, within any 36 month period.

647
648 **Section 903.2.3 Group R-3.** An automatic sprinkler system installed in accordance with
649 Section 903.3.1.3 shall be permitted in Group R-3 occupancies, and shall be provided
650 throughout all one- and two-family dwellings regardless of square footage in accordance
651 with the California Residential Code. An automatic sprinkler system shall be installed in
652 all mobile homes, manufactured homes and multi-family manufactured homes with two or
653 more dwelling units in accordance with Title 25 of the California Code of Regulations.

654 **Section 903.2.4 Change of Occupancy or Use.** For any change of occupancy or use, when
655 the proposed new occupancy classification is more hazardous based on a fire and life safety
656 evaluation by the Fire Code Official, including but not limited to conversion of buildings
657 to single family residences, bed and breakfast, inns, lodging houses or congregate
658 residences or other similar uses, an automatic sprinkler system shall be installed
659 throughout.

660
661 Section 903.3.9 of Chapter 9 is hereby amended by revising subsection 2 to read as follows:

662
663 2. Buildings that are two or more stories in height.

664
665 Section 903.4 is hereby amended by deleting Exceptions 1, 2, and 3.

666
667 Section 903.6.1 is hereby added to Chapter 9 and shall read as follows:

668
669 **Section 903.6.1 Application.** In all existing buildings, when the addition of automatic fire
670 sprinklers are required by the provisions of this code, automatic fire sprinklers shall be
671 extended into all unprotected areas of the building.

672
673 Section 906.11 is hereby added to Chapter 9 and shall read as follows:

674
675 **Section 906.11 Fire Extinguisher Documentation.** The owner and/or operator of every
676 Group R-2 occupancy shall annually provide the Fire Code Official with written
677 documentation that fire extinguishers are installed and have been serviced as required by

678 Title 19 of the California Code of Regulations when such extinguishers are installed in
679 residential units in lieu of common areas.

680
681 Section 907.2.13.1.2 of Chapter 9 is hereby amended by adding a new subsection 3, which shall
682 read as follows:

683
684 3. Duct smoke detectors shall be capable of being reset by a readily accessible, remote
685 push button or key activated switch as approved by the Fire Code Official.

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

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

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

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

694 Section 907.8.5 is hereby added to Chapter 9 and shall read as follows:

695
696 **Section 907.8.5 Smoke Alarm Documentation.** The owner and/or operator of every
697 Group R-1, R-2, R-3.1, and R-4 occupancy shall annually provide the Fire Code Official
698 with written documentation that the smoke alarms installed pursuant to the Building Code
699 have been tested and are operational. If alarms are found to be inoperable or are missing,
700 such alarms shall be repaired or replaced immediately.

701
702 Section 918 of Chapter 9 is hereby added and shall read as follows:

703
704 **SECTION 918 EXTERIOR WILDFIRE PROTECTION SYSTEMS**

705
706 Section 918.1 of Chapter 9 is hereby added and shall read as follows:

707
708 **Section 918.1 General.** Exterior Wildfire Protection Systems shall comply with this
709 section.

710
711 Section 918.2 of Chapter 9 is hereby added and shall read as follows:

712
713 **Section 918.2 Construction documents.** Documentation of the system shall be submitted
714 per section 901.2.

715
716 Section 918.3 of Chapter 9 is hereby added and shall read as follows:

717
718 **Section 918.3 Permits.** Permits shall be required as set forth in section 901.3
719

720 **CFC Chapter 11: Construction Requirements for Existing Buildings**

721

722 Section 1103.1 of Chapter 11 is hereby amended to read as follows:

723

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

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

730 **Exceptions:**

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

734

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

736

737 Sections 1103.3 through 1103.6.2, Section 1103.9, Section 1104, and Section 1105 of Chapter 11
738 are hereby deleted.

739

740 **CFC Chapter 12: Energy Systems**

741

742 Section 1201.4 of Chapter 12 is hereby added and shall read as follows:

743

744 **Section 1201.4 Construction Documents.** A scaled and dimensioned site plan showing
745 the location of all energy systems, property lines, buildings, service and electrical panels,
746 transfer switches, disconnects, underground wiring and piping, fuel type and piping, map
747 placard and signage. Site Plan shall clearly designate property frontage for viewer
748 orientation.

749

750 Section 1201.5 of Chapter 12 is hereby added and shall read as follows:

751

752 **Section 1201.5 Signs and Labels.** Caution signs or labels are required to identify the
753 quantity and type of additional power source(s) located on site. Signs shall be required at
754 the main service panel, and on disconnect equipment. Additional locations may be required
755 by the fire code official.

756

757 Section 1201.6 of Chapter 12 is hereby added and shall read as follows:

758

759 **Section 1201.6 Disconnect.** An approved and readily accessible independent and clearly
760 labeled single exterior disconnect shall be located prior to any load/service panel and
761 installed as close as possible to the main service panel or as approved by the Fire Code
762 Official. Integrated equipment toggle, rocker, or electronic switches shall not be utilized as
763 an independent disconnects.

764

765 Section 1201.7 of Chapter 12 is hereby added and shall read as follows:

766
767 **Section 1201.7 Operational Testing.** New installations shall be tested for complete power
768 and energy system shutdown. A normal power failure shall be simulated by closing the
769 main service breaker supplying normal power to the building. Upon transfer from main
770 power to alternate power source(s), the single disconnect(s) shall be used to disconnect
771 alternate power from all alternate energy sources. A successful result of the shutdown test
772 shall include termination of all alternate energy power sources serving the building (i.e.
773 main service, photovoltaic system, energy storage systems, and generators, when
774 installed).

775
776 Section 1202.1 in Chapter 12 is hereby amended to add the following:

777
778 **HOME BACKUP GENERATOR**

779
780 Section 1208 of Chapter 12 is hereby added and shall read as follows:

781
782 **SECTION 1208 HOME BACKUP GENERATOR**

783
784 Section 1208.1 of Chapter 12 is hereby added and shall read as follows:

785
786 **Section 1208.1 General.** The use, operation and maintenance of home backup generators
787 in Group R-3 and R-4 occupancies shall comply with this section.

788
789 Section 1208.2 of Chapter 12 is hereby added and shall read as follows:

790
791 **Section 1208.2 Use.** Home backup generators shall be installed in accordance with the
792 California Building Code, the California Electrical Code, and NFPA 110.

793
794 Section 1208.3 of Chapter 12 is hereby added and shall read as follows:

795
796 **Section 1208.3 Permits.** Permits shall be obtained for Home Backup Generators as set
797 forth in Section 105.

798
799 Section 1208.4 of Chapter 12 is hereby added and shall read as follows:

800
801 **Section 1208.4 Listing.** Home backup generators shall be listed and labeled in accordance
802 with UL 2200.

803
804 Section 1208.5 of Chapter 12 is hereby added and shall read as follows:

805
806 **Section 1208.5. Maintenance.** Home backup generators shall be operated and maintained
807 in accordance with the manufacturer's instructions.

808
809 **CFC Chapter 26: Fumigation and Insecticidal Fogging**

810

811 Chapter 26 is hereby deleted in its entirety.

812

813 **CFC Chapter 33: Fire Safety During Construction**

814

815 Section 3314.3 of Chapter 33 is hereby amended by revising the exception to read as follows:

816

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

821

822 Sections 3315.3, 3315.4, and 3315.5 are hereby added to Chapter 33 and shall read as
823 follows:

824

825 **Section 3315.3 Where required.** In buildings of combustible construction required
826 to have an automatic sprinkler system by Section 903, the automatic sprinkler
827 system shall be installed prior to construction exceeding two stories in height above
828 the lowest level of fire department vehicle access. Such automatic sprinkler system
829 shall be extended as construction progresses to within one floor of the highest point
830 of construction having secured decking or flooring.

831

832 **Section 3315.4 Buildings being demolished.** Where a building is being
833 demolished and an automatic sprinkler system is existing within such a building,
834 the automatic sprinkler system shall be maintained in an operable condition so as
835 to be available for use by the fire department. Such automatic sprinkler system
836 shall be demolished with the building but shall not be demolished more than one
837 floor below the floor being demolished.

838

839 **Section 3315.5 Detailed requirements.** Automatic sprinkler systems shall be
840 installed in accordance with the provisions of Section 903.

841

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

843

844 Section 4902.1 of Chapter 49 is hereby amended to read as follows:

845

846 **FIRE PROTECTION PLAN.** A document prepared for a specific project or
847 development proposed for construction and development in areas designated as
848 Wildland-Urban Interface (WUI), and/or Moderate, High, or Very High Fire Hazard
849 Severity Zone. It describes ways to minimize and mitigate potential for loss from wildfire
850 exposure.

851

852 **WILDLAND-URBAN INTERFACE FIRE AREA.** A geographical area identified by
853 the City of Mill Valley as a “Fire Hazard Severity Zone” in accordance with the Public
854 Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175
855 through 51189, or other areas designated by the enforcing agency to be at a significant

856 risk from wildfires, as designated on the map titled Wildland-Urban Interface Fire Area,
857 dated October 20, 2010, on file in Mill Valley City Hall.

858

859 Section 4903.2.1.1 of Chapter 49 is amended to read as follows:

860

861 **Section 4903.2.1.1 Preliminary fire protection plan.** When a preliminary fire protection
862 plan is submitted, it shall include, at a minimum, the following:

863

864

865

866

867

868

869

870

871

872

873

874

Section 4903.2.1.2 of Chapter 49 is amended to include the following:

875

876

877

878

The final fire protection plan shall include items listed in Section 4903.2.1.1 and the following:

879

880

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897

Section 4906.2 of Chapter 49 is hereby amended to read as follows:

898

899

900

Section 4906.2 Application. Buildings and structures located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the

901 enforcing agency shall maintain the required hazardous vegetation and fuel
902 management per Sections 4906.3 through 4906.5.3

903

904 Sections 4906.3 is hereby amended to read as follows:

905

906 **Section 4906.3. Vegetation Management Plan.** A Vegetation Management plan shall be
907 required for new construction, substantial remodels, and landscape modifications including
908 new plantings, modifications to existing plantings, and/or excavation.

909

910 Section 4906.3.1 of Chapter 49 is deleted in its entirety.

911

912 Section 4906.3.2 of Chapter 49 is hereby added to read as follows:

913

914 **Section 4906.3.2 Cost.** The cost of VMP preparation and review shall be the responsibility
915 of the applicant.

916

917 Section 4906.4.2.1 of Chapter 49 is amended to read as follows:

918

919 **Section 4906.4.2.1 Tree Planting.** New trees classified as fire-resistant vegetation shall be
920 permitted provided the tree is planted and maintained so that the tree's drip line at maturity
921 is a minimum 5 feet (9144 mm) from any combustible structure.

922

923 Section 4907.2 of Chapter 49 is hereby added to read as follows:

924

925 **Section 4907.2 Application.** Buildings and structures located in any Fire Hazard Severity
926 Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing
927 agency shall maintain the required hazardous vegetation and fuel management:

928

929 Section 4907.4 is hereby added to Chapter 49 and shall read as follows:

930

931 **Section 4907.4 Fire Hazard Reduction.** Any person who owns, leases, controls or
932 maintains any building or structure, and/or lands within specific Wildland-Urban Interface
933 Areas of the jurisdiction of the City of Mill Valley shall comply with the following:

934

935 1. Cut and remove all pyrophytic combustible vegetation and ground coverings
936 within 10 feet of property lines and driveways and within 100 feet of structures,
937 up to 200 feet (but not beyond the property line) when topographic or
938 pyrophytic vegetative types necessitate removal as determined by the Fire Chief
939 or his/her designee. After removal of pyrophytic combustible vegetation, the
940 area shall be maintained free of such vegetation. "Pyrophytic combustible
941 vegetation" means vegetation that is highly flammable and endangers public
942 safety by creating a fire hazard, including but not limited to seasonal and
943 recurrent weeds, stubble, brush, dry leaves, and other hazardous vegetation such
944 as but not limited to Coyote brush, Chaparral, Chamise, Manzanita, Rosemary,
945 Tan Oak, Yew and Coastal Sagebrush.

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2. Commencing May 1, 2021 (except as provided in section 9 below), remove of all the following from the entirety of the parcel and maintain the property free of such vegetation:

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

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3. Owners of property within the Wildland-Urban Interface Area are encouraged to voluntarily clear and create hardscape within the first 3 feet surrounding any residential or commercial structure. A deck or patio is considered to be a part of the structure. Hardscape may consist of gravel, concrete, brick, pavers, decomposed granite, and like materials, or bare ground. Organic mulches derived from plant materials such as pine needles, pine bark nuggets, wood chips, or shredded redwood or cedar bark, or from ground or shredded rubber, should not be within the 3 foot hardscape area. Succulent plants are acceptable in the 3 foot hardscape area. This hardscape area should be maintained clear of vegetation and organic material, other than succulent plants.
4. Remove piles of accumulated dead vegetation on the property.
5. Cut and remove tree limbs that overhang and are within 10 vertical feet of wood decks and roofs.
6. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe.
7. Clean any leaves and needles from roof and gutters.
8. Raise the crowns of all trees by cutting and removing growth less than 3-inches in diameter, from the ground up to a minimum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.
9. Ladder fuels shall be removed within 30 feet of the structure.

980 10. When required by the Fire Code Official, cut and remove trees that are six
981 inches of diameter or less at breast height, or four feet, six inches above ground,
982 to achieve canopy separation within 30 feet of the structure.
983

984 11. Vegetation clearance requirements for new construction and substantial
985 remodels in Wildland-Urban Interface Areas shall be in accordance with the
986 2006 International Wildland-Urban Interface Code, as amended by the City of
987 Mill Valley. Notwithstanding anything to the contrary herein, commencing on
988 the effective date of this ordinance new construction and substantial remodels
989 shall also comply with the vegetation removal requirements in section 2 above.
990

991 12. Removal of trees shall comply with the requirements of Chapter 20.67 of the
992 Mill Valley Municipal Code.
993

994 **Exception 1:** When approved by the Fire Code Official, single specimens of trees
995 (including but not limited redwood trees and other heritage trees) or other
996 vegetation that are well-pruned and maintained so as to effectively manage fuels
997 and do not form a means of rapidly transmitting fire from the native growth to
998 any structure.
999

1000 **Exception 2:** When approved by the Fire Code Official, grass and other vegetation
1001 located more than 30 feet from buildings or structures and less than 18 inches
1002 in height above the ground need not be removed, where necessary to stabilize
1003 soil, prevent erosion, or otherwise protect against landslides or slope failures.
1004 Grasses shall be cut and maintained at a height of 3 inches or shorter.
1005

1006 **Exception 3:** Where necessary to mitigate potential impacts to special status species,
1007 including but not limited to nesting birds, the Fire Code Official may approve
1008 deferred removal of trees or vegetation. Where the removal of multiple trees or
1009 significant amounts of vegetation is proposed, the Fire Chief may require a
1010 property owner to hire a qualified biologist to conduct a species survey and
1011 prepare a mitigation plan.”
1012

1013 Section 4907.5 is hereby added to Chapter 49 and shall read as follows:
1014

1015 **Section 4907.5 Fire Hazard Reduction from Roadways.** The Fire Code Official is
1016 authorized to cause areas within 10 feet (3048 cm) on each side of portions of highways,
1017 fire apparatus access roads (improved or unimproved), and driveways (improved or
1018 unimproved), which are improved, designed, or ordinarily used for vehicular traffic to be
1019 cleared of flammable vegetation and other combustible growth. Corrective action, if
1020 necessary, shall be the same as the actions required in Section 4907.4. The Fire Code
1021 Official is authorized to enter upon private property to do so in accordance with Section
1022 8.04.120 of the Mill Valley Municipal Code.
1023

1024 Exception: When approved by the Fire Code Official, single specimens of trees,

1025 ornamental shrubbery or similar plants, or plants used as ground covers may remain,
1026 provided that they do not form a means of rapidly transmitting fire from the native growth
1027 to any structure.
1028

1029 Section 4911 is hereby added to Chapter 49 and shall read as follows:
1030

1031 **SECTION 4911**
1032 **NUISANCE**
1033

1034 **Section 4911 Nuisance.** Failure to comply with the requirements of Section 4907.4 shall
1035 be deemed a public nuisance. The Fire Chief is hereby authorized to require the abatement
1036 of any nuisance condition described in Section 4907.3 or Section 4907.4. Abatement shall
1037 be accomplished in accordance with Title 8 of the Mill Valley Municipal Code.
1038

1039 **CFC Chapter 56: Explosives and Fireworks**
1040

1041 Section 5601.1.3 of Chapter 56 is hereby amended by deleting Exceptions 1, 2, and 4.
1042

1043 Section 5608.1.2 is hereby added to Chapter 56 and shall read as follows:
1044

1045 **Section 5608.1.2 Permit required.** A permit shall be obtained from the Fire Code
1046 Official in accordance with Section 105.6 prior to the performance of any firework
1047 display. An application for such permit shall be made in writing no less than twenty
1048 (20) days prior to the proposed display. The application shall be considered and
1049 acted upon by the Fire Code Official or authorized designee pursuant to this Chapter
1050 and Title 19, Chapter 6, Article 3 (Licenses) of the California Code of Regulations.
1051 Any permit for a fireworks display may be suspended or revoked at any time by the
1052 Fire Code Official or authorized designee.
1053

1054 Section 5608.2 is hereby added to Chapter 56 and shall read as follows:
1055

1056 **Section 5608.2 Limitations.** To possess, store, offer or expose for sale, sell at retail,
1057 gift or give away, use, explode, discharge, or in any manner dispose of fireworks is
1058 prohibited within the limits of the City of Mill Valley.

1059 **Exception:** Firework displays authorized pursuant to Section 5608.1 for
1060 which a permit has been issued.
1061

1062 **CFC Chapter 80: Referenced Standards**
1063

1064 Chapter 80 is hereby amended by revising Section 29.4.1 within NFPA 13-22: Standard for the
1065 Installation of Sprinkler Systems as amended, to read as follows:
1066

1067 **29.4.1** The installing contractor shall identify a hydraulically designed sprinkler system
1068 with permanently raised, stamped or etched marked weatherproof metal or rigid plastic
1069 sign secured with corrosion resistant wire, chain, or other approved means. Such signs

shall be placed at the alarm valve, dry pipe valve, preaction valve, or deluge valve supplying the corresponding hydraulically designed area. Pipe schedule systems shall be provided with a sign indicating that the system was designed and installed as a pipe schedule system and the hazard classification(s) included in the design.

CFC Appendix B: Fire-Flow Requirements for Buildings

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

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

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>	1,000	1
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	½ value in Table B105.1(2) ^a	Duration in Table B105.1(2) at The required fire-flow rate

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

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

**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	50% of the value in	Duration in Table B105.1(2) at the

<i>California Fire Code</i>	Table B105.1(2) ^a	reduced flow rate
-----------------------------	------------------------------	-------------------

1091 For SI: 1 gallon per minute = 3.785 L/m.

1092 *a. The reduced fire-flow shall be not less than 1,500 gallons per minute.*

1093

1094 **CFC Appendix C: Fire Hydrant Locations and Distribution**

1095

1096 Section C103.1 of Appendix C is amended to read as follows:

1097

1098 **Section C103.1 Hydrant spacing.** Fire apparatus access roads and public streets
1099 providing required access to buildings in accordance with Section 503 of the
1100 *California Fire Code* shall be provided with one or more fire hydrants, as
1101 determined by Section C102.1. Where more than one fire hydrant is required, the
1102 distance between required fire hydrants shall be approved by the Fire Code
1103 Official.

1104

1105 Sections C103.2 and C103.3 of Appendix C are hereby deleted.

1106

1107 **International Wildland-Urban Interface Code Appendix A**

1108

1109 Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended
1110 to read as follows:

1111

1112 Section A104.7.2 **Permits.** The Fire Code Official is authorized to stipulate conditions
1113 for permits. Permits shall not be issued when public safety would be at risk, as
1114 determined by the Fire Code Official.

1115

1116 Section A104.11 of Appendix A of the International Wildland-Urban Interface Code is hereby
1117 added and shall read as follows:

1118

1119 Section A104.11 **Tracer Bullets, Tracer Charges, Rockets and Model Aircraft.** Tracer
1120 bullets and tracer charges shall not be possessed, fired or caused to be fired into or across
1121 hazardous fire areas. Rockets, model planes, gliders and balloons powered with an
1122 engine, propellant or other feature liable to start or cause a fire shall not be fired or
1123 projected into or across hazardous fire areas.

1124

1125 Section A104.12 of Appendix A of the International Wildland-Urban Interface Code is hereby
1126 added and shall read as follows:

1127

1128 Section A104.12 **Explosives and Blasting.** Explosives shall not be possessed, kept,
1129 stored, sold, offered for sale, given away, used, discharged, transported or disposed of
1130 within hazardous fire areas except by permit from the Fire Code Official.

1131

1132 Section A104.13 of Appendix A of the International Wildland-Urban Interface Code is hereby
1133 added and shall read as follows:

1134

1135 Section A104.13 **APIARIES**. Lighted or smoldering material shall not be used in
1136 connection with smoking bees in or upon hazardous fire areas except by permit from the
1137 Fire Code Official.”

1138
1139 **SECTION 2:** Section 14.05.020 of Chapter 14.05 of the Mill Valley Municipal Code is
1140 hereby amended to read as follows:

1141
1142 “14.05.020: Building and Construction Codes – Adoption by reference.

1143
1144 Except as hereinafter provided, the following parts of Title 24, “California Building Standards
1145 Code,” 2022 edition, of the California Code of Regulations and associated appendices and
1146 annexes, are hereby adopted by reference and incorporated as though fully set forth in this
1147 Section: Part 1, California Administrative Code; Part 2, California Building Code (CBC); Part
1148 2.5, California Residential Code (CRC); Part 6, California Energy Code; Part 8, California
1149 Historical Building Code; Part 10, California Existing Building Code; and Part 12, California
1150 Referenced Standards Code.

1151
1152 This code, together with amendments, additions, and deletions set forth in Chapter 14.05, shall
1153 constitute the Building and Construction Code of the City of Mill Valley and may be cited as
1154 such.”

1155
1156 **SECTION 3:** Section 14.05.021 of Chapter 14.05 of the Mill Valley Municipal Code is
1157 hereby amended to read as follows:

1158
1159 “14.05.021: Amendments to California Building and Residential Codes.

1160
1161 Notwithstanding the provisions of Section 14.05.020 of this Code, the following sections and
1162 appendices of the 2022 CBC and CRC are adopted and amended as set forth below.

1163
1164 **A. Administration, Organization and Enforcement.** The administration, organization
1165 and enforcement of the Building Code of the City of Mill Valley is set forth in
1166 Sections 14.05.030 through 14.05.040 of the Mill Valley Municipal Code, as modified by
1167 the following sections of the 2022 CBC Chapter 1, Division II and the 2022 CRC Chapter
1168 1, Division II. The following sections are the only sections being adopted by reference
1169 from Chapter 1, Division II of the 2022 CBC and 2022 CRC:

- 1170 1. Duties and Powers of the Building Official. CBC: 104.9.1, 104.11; CRC:
1171 R104.9.1, R104.11.
- 1172 2. Permits. Sections: CBC: 105.2; CRC: R105.2.
- 1173 3. Construction Documents. CBC: 107.3.4.1, 107.4.
- 1174 4. Temporary Structures and Uses. CBC: 108; CRC: R107.

1175
1176 **B. Board of Appeals.** The CBC is hereby amended to provide that all references to a
1177 “Board of Appeals” or “board” shall be deemed for purposes of the Building Code of the
1178 City of Mill Valley to be references to the City Council of Mill Valley.

1179 C. **Permits.** Subsection 1 under “Building” in CBC Section 105.2 and in CRC Section
1180 105.2 is hereby amended to read as follows:

1181 1. One-story detached accessory structures used as tool and storage sheds,
1182 children’s playhouses, or similar uses, provided that (a) the floor area does not
1183 exceed 120 square feet; (b) the building contains no plumbing, electrical or
1184 heating installations; and (c) the building is not located in an interior or exterior
1185 setback area.
1186

1187 D. **Approval of Fire Marshal Required.** In the case of a proposed occupancy and use
1188 other than an R-3 or U occupancy, before issuing a certificate of occupancy, the Building
1189 Official shall submit the application to the Fire Marshal, who shall examine the same and
1190 indicate approval or disapproval thereof based on applicable sections of the California
1191 Fire Code and other related statutes and ordinances. In such case, no certificate of
1192 occupancy shall be issued, except for an R-3 or U Occupancy, without the approval of the
1193 Fire Marshal or the Fire Marshal’s designated representative.
1194

1195 E. **Definitions.** Section 202 of Chapter 2 of the CBC is hereby amended by revising
1196 the definition for “Kitchen or Kitchenette,” which shall read as follows:
1197

1198 **KITCHEN OR KITCHENETTE.** Any room or portion thereof containing
1199 facilities designed or used for the regular storage and preparation of food. Such
1200 facilities may include, without limitation, stoves, ranges, ovens, or hot plates;
1201 refrigeration equipment; dish washing equipment; and built-in dish or utensil
1202 storage spaces.
1203

1204 F. **Address Identification.** Section 502.1 in Chapter 5 of the CBC is hereby amended
1205 by adding the following requirement to the end of the paragraph therein: Approved
1206 address numbers shall be internally or externally illuminated.
1207

1208 G. **Soils and Foundations.** CBC Section 1805.1.2 is hereby amended by adding a new
1209 subsection 1805.1.2.2, to read as follows:
1210

1211 **1805.1.2.2 Under-floor Drainage.** The underfloor grade beneath the floor
1212 system of a building shall be graded to a low point so as to provide positive
1213 drainage to the exterior in the event of water intrusion. If the exterior grade is
1214 higher than the grade beneath the floor system, a positive drainage system or
1215 sump shall be installed subject to approval of the Building Official.
1216

1217 H. **Moved Buildings.** No permit for the moving of a building or structure shall be
1218 granted unless the applicant meets the following requirements:
1219

1220 1. A performance bond in favor of the City, of not less than \$1,000.00 nor more
1221 than \$100,000.00, as the Fire Marshal or Building Official may determine, shall
1222 be conditioned to require the applicant to comply strictly with all conditions and

1223 provisions of this chapter, and of any provision of the Mill Valley Municipal
1224 Code relating to the moving of buildings or structures, and of any order, rule or
1225 regulation which may be hereafter passed or adopted by the City Council. The
1226 applicant also shall be required to pay any and all damages to any fence, hedge,
1227 tree, pavement, sidewalk, street, curb, gas, sewer or water pipe, electric wire or
1228 pole supporting the same, or to any public or private property that may result from
1229 moving the building or structure.
1230

1231 2. The Director of Planning and Building and the Building Official shall inspect
1232 the structure prior to being moved to determine that said structure is suitable for
1233 the intended use and structurally adequate.
1234

1235 3. The applicant shall indemnify, defend and hold harmless the City and its
1236 elective officers, agents and employees against all liabilities, claims, actions,
1237 judgments, cost or any expense which may for any reason arise out of the
1238 issuance of said permit or moving of such buildings or structures. An undertaking
1239 may be required for this purpose.
1240

1241 I. **Temporary Structures.** Section 108.1.1 is added to CBC Chapter 1 and Section
1242 R107.1.1 is added to CRC Chapter 1, to read as follows:
1243

1244 **108.1.1. Special Permit.** Temporary structures such as sheds, construction
1245 trailers, canopies or fences used for the protection of the public and/or in
1246 conjunction with construction work may be erected by special permit from the
1247 Fire Marshal or Building Official for a limited period of time. Such buildings or
1248 structures need not comply with the type of construction or fire-resistive time
1249 periods required by this code. Temporary buildings or structures shall be
1250 completely removed upon the expiration of the time limit stated in the permit.
1251

1252 **R107.1.1. Special Permit.** Temporary structures such as sheds, construction
1253 trailers, canopies or fences used for the protection of the public and/or in
1254 conjunction with construction work may be erected by special permit from the
1255 Fire Marshal or Building Official for a limited period of time. Such buildings or
1256 structures need not comply with the type of construction or fire-resistive time
1257 periods required by this code. Temporary buildings or structures shall be
1258 completely removed upon the expiration of the time limit stated in the permit.
1259

1260 J. **Roof Assemblies - General.** Section 1505.1 of Chapter 15 of the CBC is amended to
1261 read as follows:
1262

1263 **1505.1 General.** Roof assemblies shall be divided into classes A, B, and C. Class
1264 A, B, and C roof assemblies and roof coverings required to be listed by this
1265 section shall be tested in accordance with ASTM E108 or UL 790. In addition,
1266 fire-retardant-treated wood roof coverings shall be tested in accordance with
1267 ASTM D2898. The minimum roof covering on the entire roof covering of every
1268 existing structure where more than 50 percent of the total roof area is altered,

1269 repaired, replaced, or remodeled within any one-year period and the entire roof
1270 covering of every new structure shall be a fire-retardant roof covering that is at
1271 least Class A.
1272

1273 **K. Materials and Construction Methods for Exterior Wildfire Exposure.** Sections
1274 701A.1 and 701A.3 of Chapter 7A of the CBC, and Sections R337.1.1 and R337.1.3 of
1275 the CRC, are hereby amended to read as follows:
1276

1277 **701A.1 Scope.** This chapter applies to building materials, systems and/or
1278 assemblies used in the exterior design and construction of new buildings,
1279 additions, repairs, re-roofs, and exterior alterations located within a Wildland
1280 Urban Interface Fire Areas as defined in Section 702A .
1281

1282 **701A.3 Application.** New buildings, additions, repairs, re-roofs and exterior
1283 alterations to buildings located in any Fire Hazard Severity Zone or any Wildland-
1284 Urban Interface Fire Area designated by the enforcing agency constructed after
1285 the application date shall comply with the provisions of this chapter.
1286

1287 **Exceptions:**

- 1288 1. Detached trellises, patios, carports, gazebos, and similar buildings
1289 open on all sides when located at least 10 feet from an applicable building.
- 1290 2. Buildings of an accessory character classified as a Group U
1291 occupancy and not exceeding 120 square feet in floor area, when located
1292 at least 30 feet from an applicable building.
- 1293 3. Buildings of an accessory character classified as Group U occupancy
1294 of any size located least 50 feet an applicable building.
- 1295 4. Buildings classified as a Group U Agricultural Building, as defined in
1296 Section 202 of this code, when located at least 50 feet from an applicable
1297 building.

1298 For the purposes of this section and Section 710A, applicable building includes all
1299 buildings that have residential, commercial, educational, institutional, or similar
1300 occupancy type use.

1301 **R337.1.1 Scope.** This chapter applies to building materials, systems and/or
1302 assemblies used in the exterior design and construction of new buildings,
1303 additions, repairs, re-roofs, and exterior alterations located within a Wildland
1304 Urban Interface Fire Areas as defined in Section R337.2.
1305

1306 **R337.1.3 Application.** New buildings, additions, repairs, re-roofs and exterior
1307 alterations to buildings located in any Fire Hazard Severity Zone or any Wildland-
1308 Urban Interface Fire Area designated by the enforcing agency constructed after
1309 the application date shall comply with the provisions of this chapter.
1310

1311 **Exceptions:**

- 1312 1. Detached trellises, patios, carports, gazebos, and similar buildings
open on all sides when located at least 10 feet from an applicable building.

- 1313 2. Buildings of an accessory character classified as a Group U
1314 occupancy and not exceeding 120 square feet in floor area, when located
1315 at least 30 feet from an applicable building.
1316 3. Buildings of an accessory character classified as Group U occupancy
1317 of any size located least 50 feet an applicable building.
1318 4. Buildings classified as a Group U Agricultural Building, as defined in
1319 Section 202 of this code, when located at least 50 feet from an applicable
1320 building.

1321 For the purposes of this section and Section 337.10, applicable building includes
1322 all buildings that have residential, commercial, educational, institutional, or
1323 similar occupancy type use.”
1324

1325 **SECTION 4:** Section 14.05.022 of Chapter 14.05 of the Mill Valley Municipal Code is
1326 hereby amended to read as follows:

1327
1328 “14.05.022 Adoption of California Electrical Code.

1329
1330 Except as hereinafter provided, Title 24, Part 3 of the California Code of Regulations, known as
1331 the 2022 California Electrical Code (CEC), incorporating the 2021 edition of the National
1332 Electrical Code, published by the National Fire Protection Association, and the annexes thereof,
1333 is hereby adopted by reference and incorporated as though fully set forth in this Section. This
1334 code shall constitute the Electrical Code of the City of Mill Valley, and may be cited as such.

- 1335
1336 A. CEC Section 89.108.8, inclusive of sections 89.108.8.1 through 89.108.8.3, is hereby
1337 deleted and replaced as follows:

1338
1339 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1340 the Electrical Code of the City of Mill Valley to be references to the City Council of
1341 Mill Valley. Appeals of the Electrical Code of the City of Mill Valley shall be
1342 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1343 Code.”
1344

1345 **SECTION 5:** Section 14.05.024 of Chapter 14.05 of the Mill Valley Municipal Code is
1346 hereby amended to read as follows:

1347
1348 “14.05.024 Adoption of California Mechanical Code.

1349
1350 Except as hereinafter provided, Title 24, Part 4 of the California Code of Regulations, known as
1351 the 2022 California Mechanical Code (CMC), incorporating the 2021 edition of the Uniform
1352 Mechanical Code including the appendix thereof, published by the International Association of
1353 Plumbing and Mechanical Officials, is hereby adopted by reference and incorporated as though
1354 fully set forth in this Section. This code shall constitute the Mechanical Code of the City of Mill
1355 Valley, and may be cited as such.

- 1356
1357 A. CMC section 107.0, inclusive of section 107.1 and 107.2, is hereby deleted and replaced
1358 as follows:

1359
1360 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1361 the Mechanical Code of the City of Mill Valley to be references to the City Council
1362 of Mill Valley. Appeals of the Mechanical Code of the City of Mill Valley shall be
1363 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1364 Code.”

1365
1366
1367 **SECTION 6:** Section 14.05.026 of Chapter 14.05 of the Mill Valley Municipal Code is
1368 hereby amended to read as follows:

1369
1370 “14.05.026 California Plumbing Code, 2019 Edition, adopted by reference.

1371
1372 Except as hereinafter provided, Title 24, Part 5 of the California Code of Regulations, known as
1373 the 2022 California Plumbing Code (CPC), incorporating the 2021 edition of the Uniform
1374 Plumbing Code, published by the International Association of Plumbing and Mechanical
1375 Officials, and the appendices thereof, is hereby adopted by reference and incorporated as though
1376 fully set forth in this Section. This code shall constitute the Plumbing Code of the City of Mill
1377 Valley, and may be cited as such.

1378
1379 A. CPC section 107.0, inclusive of section 107.1 and 107.2, is hereby deleted and replaced
1380 as follows:

1381
1382 All references to a “Board of Appeals” or “board” shall be deemed for purposes of
1383 the Mechanical Code of the City of Mill Valley to be references to the City Council
1384 of Mill Valley. Appeals of the Plumbing Code of the City of Mill Valley shall be
1385 consistent with the same processes found in 14.05.030 of the Mill Valley Municipal
1386 Code.”

1387
1388
1389 **SECTION 7:** Section 14.48.010 of Chapter 14.48 of the Mill Valley Municipal Code is
1390 hereby amended to read as follows:

1391
1392 “14.48.010 California Green Building Standards Code adopted by reference.

1393
1394 The City hereby adopts by reference the 2022 edition of the California Green Building Standards
1395 Code, Title 24, Part 11 of the California Code of Regulations (“CALGreen”), including the
1396 following Appendix chapters and together with those amendments, additions, and deletions set
1397 forth in this Chapter 14.48 of the Mill Valley Municipal Code:

- 1398 A. Appendix Chapter A4 - Residential Voluntary Measures (Tier 1 levels for new
1399 construction, as defined in Section 14.48.030)
- 1400 B. Appendix Chapter A5 - Nonresidential Voluntary Measures (Tier 1 levels for new
1401 construction, as defined in Section 14.48.030)

1402

1403 This code, together with amendments, additions, and deletions set forth in Chapter 14.48, shall
1404 constitute the Green Building Standards of the City of Mill Valley and may be cited as such.”

1405
1406
1407 **SECTION 8:** Section 14.48.020 of Chapter 14.48 of the Mill Valley Municipal Code is
1408 hereby amended to read as follows:

1409
1410 “14.48.020 Local amendments to the California Green Building Standards Code.

1411
1412 The 2022 California Green Building Standards Code (“CALGreen”) adopted herein by reference
1413 is hereby amended by the following additions, deletions, and amendments, together with such
1414 changes made by Sections 14.48.030 through 14.48.070:

1415
1416 Section 202 of Chapter 2 is hereby amended by revising the definitions of Electric Vehicle
1417 Charging Station and of Newly Constructed (or New Construction) to read as follows:

1418
1419 **ELECTRIC VEHICLE CHARGING STATION (EVCS).** One or more electric
1420 vehicle charging spaces served by electric vehicle charger(s) or other charging equipment
1421 allowing charging of electric vehicles. For purposes of determining compliance with
1422 accessibility requirements, when the permitted length of time a vehicle may occupy an
1423 electric vehicle charging station differs from the permitted duration of stay in publicly
1424 accessible parking spaces in the same parking area, electric vehicle charging stations are
1425 not considered parking spaces. When the permitted duration of stay in a space served by
1426 electric vehicle charger(s) is the same as other publicly accessible parking spaces in the
1427 same parking area, EVCS may be considered parking spaces. The EVCS need not be
1428 reserved exclusively for electric vehicle charging.

1429
1430 **NEWLY CONSTRUCTED (or NEW CONSTRUCTION).** A newly constructed
1431 building (or new construction) includes the production of new or replacement building(s)
1432 and major remodels.

1433
1434 Section 301.1 of Chapter 3 is hereby amended by replacing the first sentence with the following:

1435
1436 **301.1 Scope.** Buildings shall be designed to comply with the applicable requirements of
1437 the Mill Valley Municipal Code beginning at Chapter 14.48.010, and shall also include the
1438 green building measures specified as mandatory in the application checklists contained in
1439 this code.

1440
1441 Section 301.1.1 of Chapter 3 is hereby amended by replacing the first sentence with the following:

1442
1443 **301.1.1 Additions and alterations.** The mandatory provisions of Chapter 4 shall be
1444 applied to additions and alterations of existing residential buildings, in accordance with
1445 applicable requirements of Chapter 14.48 of the Mill Valley Municipal Code.

1446
1447 Section 301.3 of Chapter 3 is hereby amended by replacing the first sentence with the following:

1448

1449 **301.3 Nonresidential additions and alterations.** The provisions of individual sections
1450 of Chapter 5 apply to newly constructed buildings and building additions and alterations
1451 (for occupancies within the authority of California Building Standards Commission).
1452

1453 Section 4.106.4.2 of Chapter 4 is hereby amended to read in its entirety as follows:
1454

**Section 4.106.4.2 New multifamily dwellings, Hotel and Motels and New Residential
Parking Facilities.** If residential parking is available, the number of spaces designated
1456 for the project type as outlined in Table 1 of Section 14.48.040 of the Mill Valley
1457 Municipal Code, provided for all types of parking facilities, shall be electric vehicle
1458 charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the
1459 required number of EV spaces shall be rounded up to the nearest whole number.
1460

1461
1462 Section 5.106.5.3 of Chapter 5 is hereby amended by replacing the first sentence with the
1463 following:
1464

Section 5.106.5.3 Electric vehicle (EV) Charging. Construction shall comply with
1465 Section 5.106.5.3.1, using the space requirements designated for the project type as
1466 outlined in Table 1 of Section 14.48.040 of the Mill Valley Municipal Code, to facilitate
1467 future installation of electric vehicle supply equipment (EVSE).
1468

1469
1470 Section A4.106.8.2.1 of Appendix A4 is hereby amended by revising “Tier 1” to read as follows:
1471

The number of spaces designated for the project type as outlined in Table 1 of Section
1472 14.48.040 of the Mill Valley Municipal Code, provided for all types of parking facilities,
1473 but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable
1474 of supporting future EVSE. Calculations for the required number of EV spaces shall be
1475 rounded up to the nearest whole number.”
1476

1477
1478
1479 **SECTION 9:** Section 14.48.040 of Chapter 14.48 of the Mill Valley Municipal Code is
1480 hereby amended to read as follows:
1481

1482 “14.48.040 Green building requirements by project type.
1483

1484 The Mill Valley Municipal Code defines compliance thresholds for different projects that are
1485 covered by this chapter. These standards are outlined below in Table 1.
1486

Table 1: Requirements by Project Type and Size			
Project Type and Size	Green Building Requirements	Additional Energy Efficiency Requirements	Electric Vehicle Requirements

<p>Single and Two-Family New Construction</p>	<p>CALGreen Tier 1, including Section A4.2 (Energy Efficiency)</p>	<p>“All-electric”, meeting the requirements outlined for the project in the 2019 Building Energy Efficiency Standards <u>OR</u> “Limited mixed-fuel”, prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 3, demonstrated on Title 24 energy reports <u>OR</u> “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>	<p>Comply with CALGreen Measure A4.106.8.1</p>
<p>Single and Two-Family Additions and Alterations less than 1,200 square feet</p>	<p>CALGreen Mandatory</p>	<p>Meet the standards outlined for the project in the 2022 Building Energy Efficiency Standards</p>	<p>If the project is upgrading the main electrical service panel, comply with CALGreen Measure A4.106.8.1</p>
<p>Single and Two-Family Additions and Alterations 1,200 square feet or greater</p>	<p>CALGreen Tier 1 less Section A4.2 (Energy Efficiency)</p>	<p>Meet the standards outlined for the project in the 2022 Building Energy Efficiency Standards</p>	<p></p>

<p>Multifamily New Construction 3 stories or less</p>	<p>CALGreen Tier 1, including Section A4.2 (Energy Efficiency)</p>	<p>“All-electric”, meeting the requirements outlined for the project in the 2022 Building Energy Efficiency Standards <u>OR</u> “Limited mixed-fuel”, prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 0.5, demonstrated on Title 24 energy reports <u>OR</u> “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. See Section 14.48.030 for applicable definitions of “All-electric”, “Limited mixed-fuel”, and “Mixed-fuel”</p>	<p>Build one electric vehicle charging space¹ 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</p>
<p>Multifamily New Construction 4 stories or greater</p>	<p>CALGreen Tier 1, less Section A4.2 (Energy Efficiency)</p>	<p>“All-electric”, meeting the requirements outlined for the project in the 2022 Building Energy Efficiency Standards <u>OR</u> “Limited mixed-fuel”, prewired for future induction cooking, with a compliance margin of 5%, demonstrated on Title 24 energy reports <u>OR</u> “Mixed-fuel”, prewired for future induction cooking, with a compliance margin of 10%, demonstrated on Title 24 energy reports See Section 14.48.030 for applicable definitions of “All-electric”, “Limited mixed-fuel”, and “Mixed-fuel”</p>	<p>If the service panel is modified, add designated electrical capacity for 20%</p>
<p>Nonresidential Additions and Alterations less than 3,000 square feet</p>	<p>CALGreen Tier 1, less Section A4.2 (Energy Efficiency)</p>	<p>Meet the standards outlined for the project in the 2022 Building Energy Efficiency Standards</p>	<p>If the service panel is modified, add designated electrical capacity for 20%</p>

Nonresidential Additions and Alterations 3,000 square feet or greater		Meet the standards outlined for the project in the 2022 Building Energy Efficiency Standards	of onsite parking spaces to be EV Capable ¹ .
New construction of hotels or motels			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.

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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SECTION 10: The City Council of the City of Mill Valley finds that adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) under California Code of Regulations, Title 14, § 15061(b)(3), as it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

SECTION 11: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Mill Valley hereby declares that it would have adopted this ordinance and each section, subsection, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions thereof may be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared severable.

SECTION 12: Effective Date and Publication. This ordinance shall become at 12:01 a.m. on January 1, 2023. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

1506 **SECTION 13:** The City Clerk is hereby directed to cause a copy of this ordinance to be
1507 filed with the California Building Standards Commission as required by Health and Safety Code
1508 Section 17958.7.
1509

1510 **INTRODUCED** at a regular meeting of the City Council of the City of Mill Valley on the
1511 **17th** day of **October 2022**, and
1512

1513 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Mill
1514 Valley on the **5th** day of **December 2022**, by the following vote:
1515

1516 **AYES:**

1517 **NOES:**

1518 **ABSENT:**

1519 **ABSTAIN:**

1520 _____
1521 Jim Wickham, Mayor
1522

1523
1524 **ATTEST:**
1525

1526 _____
1527 Hannah Politzer, City Clerk/Management Analyst III