

DOCKETED

Docket Number:	22-BSTD-07
Project Title:	Local Ordinance Applications Exceeding the 2022 Energy Code
TN #:	266550
Document Title:	City of Mill Valley Ordinance 1340 Staff Report
Description:	Plain text of City of Mill Valley Ordinance 1340 staff report
Filer:	Anushka Raut
Organization:	California Energy Commission
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Docketed Date:	10/13/2025



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

Issue: 1) Approval of Resolution adopting findings and determinations that modifications to the 2022 California Building Code, California Residential Code and California Fire Code are reasonably necessary because of local climatic, geologic and/or topographic conditions; and 2) second reading and adoption of Ordinance No. 1340 amending Chapters 14.05 (Construction Codes), 14.48 (Green Building Standards) and 15.04 (Fire Prevention) 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.

Recommendations:

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

Background: Every three years, the California Building Standards Commission reviews and revises the California Building, Fire, Plumbing, Mechanical, Residential, Green Building and Electrical Codes. The model codes from which the California Codes are adopted are based on codes published by the International Code Council (ICC). In addition, the National Fire Protection Association, the International Association of Plumbing and Mechanical Codes, and the National Electrical Code have continued to publish the model codes on which the California State Codes 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

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

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

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

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

Environmental Review: The Ordinance is exempt from the requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*), 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.

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

Attachments:

1. City Council Staff Report: Building/Fire Code Amendments, October 17, 2022
2. Draft Resolution No. 22-____
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**

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

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

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

- 2022 California Fire Code
- 2022 Administrative Code
- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Green Building Standards Code
- 2022 California Historical Building Code
- 2022 California Existing Building Code
- 2022 Referenced Standards Code

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

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

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

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

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

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

Attachments:

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