

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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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

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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

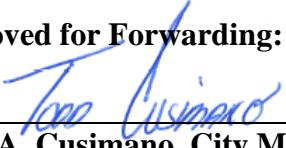
TO: Mayor and City Council

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

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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.

64

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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