

DOCKETED

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STAFF REPORT

TO: Mayor and City Council

FROM: Danielle Staude, Principal Planner
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VIA: Patrick Kelly, Planning & Building Director
Emil Dilanian, Building Official

SUBJECT: **Introduction of an Ordinance to Amend Title 14 (“Buildings and Construction Code”) of the Mill Valley Municipal Code (MVMC)**

DATE: August 11, 2025

Approved for Forwarding:

Todd Cusimano, City Manager

1
2 **Issue:** First Reading and Introduction of an Ordinance to Amend Title 14 (“Buildings and
3 Construction Code”) of the Mill Valley Municipal Code (MVMC) to: 1) add a new Section
4 14.05.021.1 to Chapter 14.05 (“Construction Codes”) amending the 2022 California Energy
5 Code to require higher energy performance for certain single-family projects through various
6 options; 2) amend Table 1 of Section 14.48.040 of Chapter 14.48 (“Green Building Standards”)
7 to clarify energy requirements for single-family residential projects; and 3) find that the adoption
8 of the Ordinance is exempt from environmental review pursuant to California Environmental
9 Quality Act (CEQA) Guidelines Section 15061(b)(3), 15307 and 15308.

10
11 **Recommendation:** After reviewing all information, presentations, and public testimony, that
12 City Council introduce the proposed Ordinance (**ATTACHMENT 1**) by title only, and waive
13 further reading of an Ordinance to:

14 1. Amend MVMC Title 14 (“Building and Construction”), Chapter 14.05
15 (“Construction Codes”) to add new Section 14.05.021.1 amending the 2022
16 California Energy Code to require higher energy performance for certain Single-
17 Family projects through various options;

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18 2. Amend Table 1 of Section 14.48.040 of Chapter 14.48 (“Green Building Standards”)
19 to clarify energy requirements for single-family residential projects; and
20
21 3. Adopt Findings of Fact supporting the MVMC Codes Amendments and find that the
22 adoption of the Ordinance is exempt from environmental review pursuant to CEQA
23 Guidelines Section 15061(b)(3), 15307 and 15308.

24
25 **Background:** The California Building Standards Code (Title 24 of the State of California Code
26 of Regulations) is updated and published on a three-year cycle. The California Building
27 Standards Commission publishes the triennial codes, and State law mandates that these codes
28 become effective throughout California 180 days after the publication date. The current (2022)
29 cycle of State building codes became effective on January 1, 2023. Local jurisdictions may
30 amend the published codes to address local climatic, geological, or topographical conditions.
31 These amendments are called reach codes because they exceed or “reach” beyond the
32 requirements of the State’s base code.

33
34 In 2022, Marin County staff led the development of a set of three reach codes:

35 1. All-electric new construction,
36 2. Single-family remodel energy reach code, and
37 3. Enhanced electric vehicle (EV) requirements for new construction and certain remodels.

38 The County conducted an extensive engagement process during code development, including a
39 technical advisory committee with the City building officials, focus group interviews with
40 various developers including builders of affordable housing, a community survey, and a public
41 workshop.

42
43 The City’s Climate Action Plan (CAP) was updated and adopted in 2024 and indicates that the
44 City will work collaboratively with other local jurisdictions to consider reach codes to simplify
45 regulations for local contractors and builders that may be conducting work in various
46 communities while also achieving the intended results of reducing GHG emissions for the
47 community. During the CAP update outreach was conducted as part of updating the CAP
48 measures. See “General Plan Compliance” Section for details.

49
50 At the January 2024 City Council retreat, staff recommended waiting until the new building code
51 update to address green building requirements, however, due to recent legislation staff
52 recommends adopting the Ordinance this month. Assembly Bill (AB) 130, which went into
53 effect immediately upon signature by the Governor on June 30, 2025 imposes a moratorium on
54 local reach code provisions applicable to residential units from October 1, 2025 to June 1, 2031,
55 unless one of six exceptions apply. See “AB 130 Compliance” Section for details. As such, this
56 Ordinance builds upon interests expressed in the City’s recently adopted Climate Action Plan
57 and City Council direction. Included in the proposed Ordinance is a “reach” code amending the
58 2022 California Energy Code to address single-family building remodels. The proposed
59 regulations focus on Single-Family renovations, as the majority of Mill Valley’s land use is
60 Single-Family, resulting in the majority of building permit activity focusing on construction and
61 renovations to single-family homes.

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62 In addition to reducing emissions now, the proposed reach code contains measures that can help
63 residents reduce emissions more easily in the future by requiring electric readiness measures for
64 projects that include a laundry room or kitchen remodel, or an electrical service panel upgrade, to
65 prepare for future installation of electric appliances. By installing electric infrastructure when it
66 is most cost-effective, during major renovations, residents will be well positioned to transition to
67 electric appliances and vehicles in the future.

68
69 The proposed reach code can also help Mill Valley prepare for state and regional regulations that
70 will be going into effect in the coming years. The California Air Resources Board (CARB) will
71 require all space and water heaters sold in the state to be zero-emission by 2030 in order to meet
72 federal health-based standard for ozone, a major component of smog. This requirement will be
73 implemented sooner in the Bay Area, with the Bay Area Air Quality Management District
74 (BAAQMD) ruling that all water heaters sold or installed in the Bay Area must be zero-emission
75 by 2027, and space heaters by 2029. The electric readiness measures in the proposed reach code
76 can help prepare residents for these upcoming regulations by requiring electrical wiring and/or
77 capacity improvements during planned renovations, making the transition to electric appliances
78 easier and less costly in the future.

79
80 (Note that after further evaluation and discussion, staff has removed Electric Vehicle Readiness
81 Reach Code from the discussion and proposed Ordinance based on new 2025 Building Code
82 regulations that meets and/or exceed existing reach code standards).

83
84 **Discussion:** Based on state law, Staff has prepared an Ordinance (**ATTACHMENT 1**) for
85 Council consideration to allow the City to maintain its interest and ability to apply a building
86 “reach code” this cycle.

87
88 A summary of Green Building requirements by project type is provided in **ATTACHMENT 2** to
89 illustrate the proposed changes, particularly for single-family residential construction projects.
90 Redlines to the *State Code* are provided in **ATTACHMENT 3**.

91
92 **New Section 14.05.021.1: Energy Efficiency and Electrification “Reach Code”**
93 **(Attachment 1, Section 2, lines 82-199)**

94
95 The Ordinance focuses on single-family building remodel energy reach code, which represent
96 amendments to the 2022 California Energy Code for Single-Family renovations of 500 square
97 feet or more. As noted in the “background” section above, the majority of Mill Valley’s land use
98 consists of single-family homes (approximately 5,400 existing single-family units with almost
99 87% of these homes built before 1978), thus making the energy efficiency of these buildings the
100 most impactful means of the community achieving its emissions reduction targets. The CAP
101 indicates that emissions would be reduced by 2,651 MT CO₂E, representing approximately 15%
102 of the total share of emissions reductions strategy for Mill Valley. Additional analysis and
103 anticipated savings in terms of energy efficiency and cost savings is provided in the “Energy
104 Efficiency and Financial Impact” Section below.

105

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106 Summarized below are the new requirements outlined in the Draft Ordinance.

107
108 Requirements. The proposed energy reach code requires that additions and alterations which
109 equal or exceed 500 square feet of floor area in single-family homes satisfy the following items
110 as part of the proposed project:

111 1. Illustrate that the home includes energy and electrification measures by achieving a target
112 energy savings score of 6 points (Attachment 2, Table 1). The code provides a list of
113 energy efficiency and electrification measures that homeowners may select from to meet
114 the target energy score (6 points based on climate zone 3). The measure options include
115 improvements such as increasing attic and water heater insulation, replacing gas
116 appliances with electric heat pump appliances, and solar plus electric readiness measures.
117 Measures that already exist in the home may be counted towards meeting the target score
118 if they meet the requirements specified in the Ordinance. Projects that include a laundry
119 room or kitchen remodel, or an electrical service panel upgrade, must also install electric
120 readiness measures to prepare for future installation of electric appliances.
121

122 2. Install LED lightbulbs, if not already present, and photocell controls on exterior lights
123 (Attachment 2, Tables 1 and 2).
124

125 3. Include electric panel capacity for certain projects, such as those projects that include
126 laundry room and/or kitchen remodels.
127

128
129 Exemptions. The proposed reach code includes several exemptions (Attachment 2, line 62-93) to
130 provide flexibility, including waiving the reach code requirements for:

- 131 • Buildings constructed on or after January 1, 2011 are exempt from all requirements, as
132 these buildings are substantially more energy-efficient than older buildings.
- 133 • New Junior and Accessory Dwelling Units.
- 134 • Mobile Homes or Manufactured Homes.
- 135 • Low-income residents. Residents enrolled in the California Alternate Rates for Energy
136 (CARE) or Family Electric Rate Assistance (FERA) Programs are exempt from meeting
137 the target energy savings score but must still install lighting and water heater insulation
138 measures.
- 139 • Hardships/Limited Scope of Work. The Building Official also has the authority to reduce
140 or waive requirements in unique situations where compliance is technically or
141 economically infeasible.

142
143 Target Levels. The County's reach code sets slightly different target and measure scores for each
144 of the two Climate Zones in Marin County. Staff has developed the proposed checklist based on
145 the values set for Climate Zone 3, which Mill Valley is part of.¹ For each Climate Zone, the
146 County's code sets just one target score for all buildings built before 2011. Climate Zone 3 is

¹ The California Energy Commission determines these climate zones: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/climate-zone-tool-maps-and>.

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147 considered more moderate in terms of temperature fluctuations and therefore has a lower target
148 score. The target score of six points aligns with other jurisdictions in Climate Zone 3, including
149 some of the unincorporated areas of Marin County and Tiburon.

150
151 Assessment of Square Footage during Renovations. For consistency, staff plans to calculate
152 added/ altered square footage using the same methodology that the Fire Department uses when
153 determining whether fire sprinklers are required in major remodels. Alterations such as moving
154 or replacing a wall and removing drywall or other wall coverings would cause the affected floor
155 area of adjacent rooms to be counted towards the 500 square foot threshold. As noted above,
156 there are exemptions for those renovation projects that may trigger the 500 square feet threshold
157 but are limited in scope. The 500 square foot threshold was selected after discussion with staff at
158 the County of Marin, as they intend to modify their regulations to consider 500 square feet with
159 the 2025 Building Code Update. City staff will revisit the 500 square feet, should the County
160 threshold not change.

161
162 **Clarification of Green Building Requirements for Single Family Renovations**

163 **(Attachment 1, Section 3, lines 200-206)**

164 Based on the new reach code requirements, the proposed ordinance updates Table 1 in MVMC
165 Section 14.48.040 to reflect the new energy efficiency requirements for qualifying single-family
166 projects. See redlines below.

MVMC Section 14.48.040: Requirements by Project Type and Size			
Project Type and Size	CalGreen Building Requirements	Additional Energy Efficiency Requirements	Electric Vehicle Readiness Requirements
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. <u>Those projects that are 500 square feet or greater must also satisfy requirements identified in Section 14.05.021.1</u>	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 <u>and satisfy requirements identified in Section 14.05.021.1</u>	

168 Note: Staff intends to further update the square footage thresholds identified in Table 1 as part of
169 2025 Code update but recommends making minimal edits, focused on the new regulations
170 contained in the reach code (e.g. requirements for projects that are 500 square feet or more).

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171 AB 130 Compliance. Pursuant to AB 130, the City cannot make amendments to State Building
172 Codes, including the State Energy Code, that apply to residential units from October 1, 2025 to
173 June 1, 2031 unless an exception applies. The following two exceptions are relevant to the
174 proposed reach code:

175 1) Health & Safety Code Section 17895.5(c)(1): “The changes or modifications are substantially
176 equivalent to changes or modifications that were previously filed by the governing body of
177 the city or county and were in effect as of September 30, 2025.”

180 The proposed reach code requires a first and second reading before Council and becomes
181 effective thirty (30) days after approval. Because the proposed Ordinance amends the State
182 Energy Code, the City must send the approved Ordinance to the California Energy
183 Commission (CEC) for review and approval. Once the City receives CEC approval, it can
184 begin enforcing the Ordinance. Therefore, if the proposed reach code proceeds to a second
185 reading and is approved by Council on August 18, the Ordinance will take effect prior to
186 September 30, 2025. Enforcement of the Ordinance will begin upon approval of the reach
187 code by CEC. Because CEC approval may take up to three months, staff intends to utilize the
188 2025 timeframe for outreach and education with enforcement beginning in 2026 with the
189 adoption (and CEC approval) of the 2025 Code update. This approach will provide adequate
190 time for building staff and plan checkers to understand the regulations and establish process
191 for compliance.

192 2) Health & Safety Code Section 17895.5(c)(5): “The changes or modifications are necessary to
193 implement a local code amendment that is adopted to align with a general plan approved on
194 or before June 10, 2025, and that permits mixed-fuel residential construction consistent with
195 federal law while also incentivizing all-electric construction as part of an adopted greenhouse
196 gas emissions reduction strategy.”

199 On October 7, 2013, the City Council of the City of Mill Valley approved the Mill Valley
200 2040 General Plan (“General Plan”). On May 6, 2024, the City Council updated the Climate
201 Element of the MV2040 General Plan and approved the Mill Valley 2030 Climate Action
202 Plan (“CAP”). The General Plan and CAP among other things identify the City’s climate and
203 environmental goals, including GHG reduction goals and strategies. The adopted 2030 CAP
204 and Climate Element update the City’s emission reduction strategy, with a goal to reduce
205 emissions 47% below 1990 levels by the year 2030.

207 The Climate Element also contains policy guidance directing the City to “utilize the City’s
208 CAP to identify and implement strategies to reduce community-wide and municipal
209 emissions” (Climate Element, Policy CL.6). Under this policy direction, the General Plan’s
210 Climate Element directs the City to establish greenhouse gas reductions that meet or exceed
211 statewide goals (CL.1-1); implement measures in the City’s CAP to achieve GHG emissions
212 that exceed statewide targets and support the State’s goals to achieve zero net energy by 2045
213 (CL.1-2) and update the CAP to incorporate new reduction targets, as needed (CL.1-3).

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215 The proposed reach code therefore aligns with the City's General Plan by requiring certain
216 single-family residential projects to incorporate, from a list of menu options, various
217 measures that promote electric readiness, energy efficient building, and permits mixed-fuel
218 residential construction consistent with federal law. These regulations also align with CAP
219 goal EE-C4 ("Green Building Reach Code") and RE-C4 ("Electrification Incentives,
220 Assistance, Education and Outreach"). See "General Plan" Section for additional details.
221

222 In addition, the proposed reach code promotes the use of mixed-fuel residential construction
223 consistent with federal law and incentivizes all-electric construction as part of the City's
224 adopted GHG reduction strategy memorialized in the General Plan by encouraging the
225 electrification of certain single-family residential projects through a flexible menu of options
226 weighted in accordance with a measure's impact on overall electrification, and requiring
227 certain residential projects install infrastructure to allow for greater electrical capacity.
228

Equity Impact:

230 The proposed Ordinance aligns with several other jurisdictions including Marin County, San
231 Anselmo, San Rafael, Tiburon and Corte Madera, see Table 1 below for details. There are also
232 exemptions included in the proposed Ordinance to provide reduced requirements for those with
233 financial hardships and/or scopes of work that may not warrant energy upgrades, see
234 "Discussion" section above.
235

TABLE 1: SUMMARY OF ENERGY REACH CODES FOR SINGLE-FAMILY PROJECTS, BY JURISDICTION

Jurisdiction	Single-Family "New Construction" ⁽¹⁾	Single-Family Renovations "Additions and Alterations"	
	Applicable CalGreen Code	Energy Efficiency "Reach Code"	Qualifying Project(s)
Mill Valley	Tier 1, with energy (10% over base code)	Tier 1	Major Remodel (50% or more of SF/demo walls)
Marin County	Tier 1		>750 SF *possible 500 SF in November
Fairfax	Tier 1, with energy		>200 SF
Tiburon	Tier 1	Flex Compliance	>750 SF *possible 500 SF in August
Corte Madera	Base Code (no Tier)		>750 SF
San Rafael	Based Code (no Tier)		>500 SF
San Anselmo	Tier 1		>750 SF or Major Remodel>50%
Larkspur	Tier 1, with energy	Tier 1	Major Remodel (50% or more of SF/demo walls)

(1) Many ordinances include major remodels in the "new construction" definition. Mill Valley's definition of major remodels is 50%+ of (1) the current square footage a dwelling; or (2) the current exterior roof structure and exterior walls of a dwelling.

(2) Larkspur has not yet adopted Tier 1 standards and is currently pursuing adoption before the September 30 deadline by introducing two ordinances that amend the 2022 Edition of the California Building

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Standards Code, Title 24, California Code of Regulations and adopt the 2025 Edition of the California Building Standards Code, Title 24, California Code of Regulations.

237

238 **Energy Consumption, Cost Effectiveness and Financial Impact:** As noted above, the
239 proposed Ordinance has been prepared based on General Plan, CAP and City Council direction.
240 The proposed reach code is intended to reduce certain single-family residential building to be
241 designed to consume less energy than permitted by the California Energy Code. This is
242 supported by detailed analysis provided in **ATTACHMENT 4** and Appendix B of the City's
243 CAP.

244

245 In terms of financial impact to residents, the State of California requires that any reach code be
246 cost-effective over the lifetime of the measure. The Statewide Reach Codes Team has completed
247 studies demonstrating the code's cost effectiveness (see **ATTACHMENT 4**). The upfront cost
248 of compliance varies significantly depending on home features and which energy efficiency
249 and/or electrification measures are selected by the homeowner. However, the cost of compliance
250 with this reach code is expected to comprise a small percentage of overall project cost for most
251 renovation projects. As noted above in the "Equity" Section above, the proposed Ordinance also
252 includes exemptions for those projects with limited scopes of work and/or
253 homeowners/occupants that qualify as low-income as part of PG&E programs.

254

255 The energy reach code contains electric readiness measures for projects that include a laundry
256 room or kitchen remodel, or an electrical service panel upgrade, to prepare for future installation
257 of electric appliances. The EV reach code is focused on adding conduit and electrical
258 infrastructure for future installation of EV charging stations. By installing electric infrastructure
259 when it is most cost-effective, during major renovations, residents and businesses will be well
260 positioned to transition to electric appliances and vehicles in the future.

261

262 In terms of financial impact to the City, staff training and outreach/education will be required as
263 part of implementing the proposed reach codes.

264

Environmental Impact (CEQA):

265 This action is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA
266 Guidelines Section 15061(b)(3) in that the standards set forth in the Ordinance are more
267 protective of the environment than the California Energy Code standards, and there is no
268 possibility that the activity in question may have a significant effect on the environment. As a
269 separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines
270 Section 15307 and 15308 in that the standards set forth in the Ordinance assure the maintenance,
271 restoration, enhancement or protection of natural resources and the environment.

272

273 For energy efficiency and emissions reductions, see "Energy Consumption and Cost
274 Effectiveness" Section above.

275

276

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278

Community Input:

279

The City updated its Climate Action Plan and corresponding policies and programs contained in 280 its General Plan's Climate Element in 2024. A taskforce was assembled to update the reports 281 and include many forms of outreach as part of the update process, including task force meetings, 282 Planning Commission hearings and City Council adoption in May 2024. City Council has also 283 discussed reach codes at its public retreat in January 2025 and regularly scheduled meeting of 284 July 21, 2025. County-wide outreach has also occurred on various topics as part of collaboration 285 meetings with Building Officials and various state officials. Staff intends to utilize the remaining 286 months in 2025 for education and outreach, followed by re-adoption of the proposed reach codes 287 in 2026 with the adoption of the 2025 Building Code, as required by law.

288

289

General Plan Consistency:

290

Reach codes are one strategy that can help the City reach its goal of reducing greenhouse gas 291 (GHG) emissions 47 percent below 1990 levels by 2040, as set forth in the City's Climate Action 292 Plan, adopted in 2024. According to the City's 2020 GHG inventory, the two largest sources of 293 emissions in Mill Valley are transportation, at 56 percent of emissions, and building energy use, 294 at 38 percent of emissions. The proposed code changes address these two major sources of 295 emissions by requiring energy savings in homes and increasing EV charging infrastructure 296 during home renovation projects.

297

298

The proposed Ordinance specifically relates to Climate Element policy CL.6, directing the City 299 to "utilize the City's Climate Action Plan to identify and implement strategies to reduce 300 community-wide and municipal emissions" through the implementation of program CL.1-2 301 which states that the City will "implement measures in the City's CAP 2030 to achieve 302 reductions in greenhouse gas emissions the exceed statewide targets, and to support the State's 303 goal to achieve zero net emissions statewide by 2040."

304

305

The proposed regulations are consistent with those regulations in other surrounding jurisdictions 306 (see Table 1 above) and is therefore consistent with General Plan Climate Element program 307 CL1-1, which directs the City to "work with the State of California, County of Marin, local 308 agencies, and energy providers to increase the proportion of renewable power used by residents 309 and business and provide financial and technical assistance for clean energy installation and 310 energy-efficiency upgrades throughout Mill Valley." Lastly, the draft Ordinance also encourages 311 flexible compliance to encourage energy efficiency, as outlined in CL.1-5 of the Climate 312 Element.

313

314

The Ordinance also complies with the following measures identified in the CAP:

315

RE-C1: Renewable Energy Generation and Storage

316

Update building codes, development codes, design guidelines, and zoning ordinances, as 317 necessary, to further facilitate small, medium, and large-scale installations, where appropriate.

318

319

RE-C3(a): Building and Appliance Electrification for New Construction and Major 320 Remodels

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322 Study alternatives and draft regulations for Council consideration that require all new
323 construction and major remodels to be all-electric. Explore opportunities to collaborate with the
324 County and other Marin jurisdictions on the development of these regulations in conjunction
325 with the triennial Building Code update, as legally permitted

326
327 **RE-C3(b): Replacement of Natural Gas Appliances and Equipment on Burnout**
328 Study alternatives and draft regulations for Council consideration that phase in requirements to
329 replace natural gas appliances and equipment with electric appliances and equipment at time of
330 replacement.

331
332 **RE-C3(c): Replacement of Natural Gas Appliances and Equipment by 2030**
333 Study alternatives and draft regulations for Council consideration that phase in requirements to
334 replace all natural gas appliances and equipment with electric appliances and equipment by 2030.

335
336 **EE-C4: Green Building Reach Code**
337 Continue to adopt green building requirements for new and remodeled commercial and
338 residential projects above the State building code.

339
340 **EE-C5: Streamline Permit Process and Provide Technical Assistance**
341 Coordinate with other Marin County jurisdictions to adopt consistent application requirements,
342 where practicable.

343
344 **Next Steps:**
345 Upon second reading and adoption, staff will the ordinance to the California Energy Commission
346 (CEC) and California Building, for review and approval, as required by law.
347
348 Should the proposed Ordinance be adopted, staff recommends utilizing the next six months as an
349 education period to inform the building community about the new building code as well as the
350 proposed Ordinance. Staff will then readopt the reach codes as part of the 2025 building code
351 adoption process (required by law). Implementation and enforcement will then commence in
352 January 2026 with the new building codes.

353
354 **Attachments:**
355 1. Draft Ordinance
356 2. Summary of Green Building Requirements, by Project Type
357 3. Redline of New Regulations—Expressly Marked Amendments for CEC Approval
358 4. Cost Effectiveness Analysis (output from the [Cost Effectiveness Explorer website](#) hosted
359 by the California Energy Commission's Codes and Standards Division and the 2022 CEC
360 Cost Effectiveness Study for Existing Single Family Building Upgrades

361
362 **Online Resources:**
363 [Mill Valley 2040 Climate Element](#)
364 [2030 Climate Action Plan](#)