

**DOCKETED**

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<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	232161-4
<b>Document Title:</b>	City of Mill Valley - 2019 Resolution 19-70
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<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	2/21/2020

**RESOLUTION NO. 19-70**

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

**THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY 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, the Public Resources Code Section 25402.1(h)(2) allows the City to adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission; and

WHEREAS, Staff has recommended that changes and modifications be made to the 2019 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 of the area and the Fire Department for ingress and egress, steep hills which hinder Fire Department response time; older and inadequate water systems in certain areas of the community; and the location of buildings and structures with relation to these dangerous areas. (Topography)

- B. A great number of structures located within the City of Mill Valley were built in the late 1800's and early 1900's, thus lacking the built-in protection of modern construction. Many of the residential structures had been built on steep slopes with boxed canyons and large percentages are located in areas of heavy natural growth. Many structures (new and old) are constructed of highly combustible material, which offer little resistance to fire and could contribute to the spread of fire. (Topography)
- C. Most of the City's street and pathway system was laid out in the late 1800's and early 1900's. Many of the City's streets have less than 20 feet of unobstructed width and turning radius. Roadways with less than 20 feet of unobstructed paved surface are considered hazardous in terms of fire access and protection. In the event that the Fire Department is called to respond to a fire emergency in any of these areas, its response time to an emergency is increased by these topographic conditions. (Topography)
- D. The City was plagued many times in the late 1800's and early 1900's by brush and forest fires, which not only threaten destruction, but on a number of occasions devastated large portions of the town. The desire of the community to preserve natural vegetation has resulted in the encroachment of brush and grass on fire roads, trails, breaks and streets within the City, thus rendering such separations ineffective against the spread of fires. Natural growth, which is highly flammable during the summer and fall months, encroaches upon many properties, thus posing a potential fire threat to many structures and creating a substantial hindrance to the control of such fires. (Climate, Topography)
- E. The City's precipitation ranges from 15 to 42 inches per year with an average of approximately 25 inches per year. Approximately 90% of the precipitation falls during the months of November through April and 10% from May through October. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous fire conditions. (Climate)
- F. The City's natural topographic and geological features create an increased risk from flooding, hillside runoff, landslides, and debris flows due to a combination of factors including periodic heavy winter rainfalls, soil conditions, proximity to Richardson Bay, and other related factors. Low lying areas can also subject to tidal fluctuations and liquefaction following an earthquake. (Topography, Geology)
- G. Seismically, the City sits between two active earthquake faults (San Andreas and Hayward) and numerous potentially active faults. Fire following an earthquake has 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 4:** Pursuant to Health and Safety Code Section 17958, 17958.5, and 17958.7, the Mill Valley City Council hereby expressly finds that the local amendments to the building standards within the 2019 editions of the California Building Code, California Residential Code, California Fire Code, and California Green Building Standards Code, as adopted via Ordinance No. 1312 and Ordinance No. 1313 concurrent with this Resolution, are necessary for the protection of public health, safety, and welfare, due to the following local climatic, geologic, or topographical conditions:

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

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

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

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

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

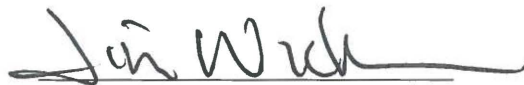
**SECTION 4.** The City Council further determines that the revised energy standards contained in Ordinance No. 1313 are cost effective, based upon the findings of studies conducted by Frontier Energy, Inc., Misti Bruceri & Associates LLC, TRC Energy Services, and EnergySoft.

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

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

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

**AYES:** Councilmembers: McCauley, Moulton-Peters, McEntee, Wickham  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None



Jim Wickham, Mayor

ATTEST:




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Seth Allingham, Deputy City Clerk