

ORDINANCE NO. 1363

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY REPEALING AND REPLACING TITLE 14 (“BUILDING AND CONSTRUCTION”) OF THE MILL VALLEY MUNICIPAL CODE, AND ADOPTING BY REFERENCE PART 1 ADMINISTRATIVE CODE, PART 2 BUILDING CODE, PART 2.5 RESIDENTIAL CODE, PART 3 ELECTRICAL CODE, PART 4 MECHANICAL CODE, PART 5 PLUMBING CODE, PART 6 ENERGY CODE, PART 7 WILDLAND-URBAN INTERFACE CODE, PART 8 HISTORICAL BUILDING CODE, PART 9 FIRE CODE, PART 10 EXISTING BUILDING CODE, PART 11 GREEN BUILDING STANDARDS CODE, PART 12 REFERENCED STANDARDS CODE, INCLUDING RELATED APPENDICES, AS IDENTIFIED, OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2025 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, AND MAKING CERTAIN AMENDMENTS THERETO THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY

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

SECTION 1. Recitals.

- A. The City of Mill Valley (“City”) intends to adopt by reference Codes comprising the 2025 California Building Standards Code (Title 24, Parts 1 - 12, of the California Code of Regulations), including the 2025 California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Wildland-Urban Interface, Historical Building, Fire, Existing Building, Green Building Standards, and Referenced Standards Codes.
- B. California Health and Safety Code Section 18938(b) generally provides that the most recent edition of the California Building Standards Code shall apply to all occupancies in the state and shall become effective 180 days after publication by the California Building Standards Commission.
- C. The California Building Standards Commission published the 2025 edition of the California Building Standards Code on July 1, 2025, with an effective date of January 1, 2026.
- D. California Government Code Section 50022.1, *et seq.*, provides that local agencies may adopt codes and standards by reference, provided that prior to such adoption by reference a noticed public hearing has been held.
- E. Pursuant to California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5, the City may amend building standards contained in the California Building Standards Code based upon express findings that such changes are reasonably necessary because of local climatic, geological or topographical conditions.

- F. The City Council of Mill Valley has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climatic, geological or topographical conditions.
- G. The City Council of Mill Valley adopted a resolution on November 17, 2025, finding the attached changes and modifications are needed and reasonably necessary because of local climatic, geographical, or topographical conditions.

SECTION 2. Building and Construction Code. Title 14 (“Building and Construction”) of the Mill Valley Municipal Code is hereby repealed and replaced to read as follows:

“CHAPTER 14.05
CONSTRUCTION CODES

14.05.010. Establishment of Building Division in Department of Planning and Building.

The Building Division is established in the Planning and Building Department of the City of Mill Valley. The Building Division shall be responsible for the enforcement of the regulations set forth in this Code.

14.05.020. Building and Construction Codes—Adoption by reference.

Except as hereinafter provided, the following parts of Title 24, "California Building Standards Code," 2025 edition, of the California Code of Regulations and associated appendices and annexes, are hereby adopted by reference and incorporated as though fully set forth in this Section: Part 1, California Administrative Code; Part 2, California Building Code (CBC); Part 2.5, California Residential Code (CRC); Part 3, California Electrical Code; Part 4 California Mechanical Code; Part 5 California Plumbing Code; Part 6, California Energy Code; Part 7, California Wildland-Urban Interface Code; Part 8, California Historical Building Code; Part 9 Fire Code, Part 10, California Existing Building Code; and Part 12, California Referenced Standards Code.

This code, together with amendments, additions, and deletions set forth in this chapter, shall constitute the Building and Construction Code of the City of Mill Valley and may be cited as such.

14.05.021. Amendments to California Building and Residential Codes.

Notwithstanding the provisions of Section 14.05.020 of this Code, the following sections and appendices of the 2025 CBC and CRC are adopted and amended as set forth below.

- A. Administration, Organization and Enforcement. The administration, organization and enforcement of the Building Code of the City of Mill Valley is set forth in Sections 14.05.030 through 14.05.040 of the Mill Valley Municipal Code, as amended by the following sections of the 2025 CBC Chapter 1, Division II and the 2025 CRC Chapter 1, Division II. The following sections are the only sections being adopted by reference from Chapter 1, Division II of the 2025 CBC and 2025 CRC:

1. Duties and Powers of the Building Official. Sections: CBC: 104.9.1, 104.2.3; CRC: R104.9.1, R104.2.2.
 2. Permits. Sections: CBC: 105.2; CRC: R105.2.
 3. Construction Documents. Sections: CBC: 107.3.4.1, 107.4.
 4. Temporary Structures and Uses. Sections: CBC: 108; CRC: R107.
- B. Board of Appeals. The CBC is hereby amended to provide that all references to a "Board of Appeals" or "board" shall be deemed for purposes of the Building Code of the City of Mill Valley to be references to the City Council of Mill Valley.
- C. Permits. Subsection 1 under "Building" in CBC Section 105.2 and in CRC Section R105.2 is hereby amended to read as follows:
- One-story detached accessory structures used as tool and storage sheds, children's playhouses, or similar uses, provided that: (a) the floor area does not exceed 120 square feet; (b) the building contains no plumbing, electrical or heating installations; (c) the building is not located in an interior or exterior setback area; and (d) the structure height does not exceed 10 feet.
- D. Approval of Fire Marshal Required. In the case of a proposed occupancy and use other than an R-3 or U occupancy, before issuing a certificate of occupancy, the Building Official shall submit the application to the Fire Marshal, who shall examine the same and indicate approval or disapproval thereof based on applicable sections of the California Fire Code and other related statutes and ordinances. In such case, no certificate of occupancy shall be issued, except for an R-3 or U Occupancy, without the approval of the Fire Marshal or the Fire Marshal's designated representative.
- E. Definitions. Section 202 of Chapter 2 of the CBC is hereby amended by revising the definition for "Kitchen or Kitchenette," which shall read as follows:
- Kitchen or Kitchenette. Any room or portion thereof containing facilities designed or used for the regular storage and preparation of food. Such facilities may include, without limitation, stoves, ranges, ovens, or hot plates (Kitchenettes only); refrigeration equipment; dishwashing equipment; and built-in dish or utensil storage spaces. A hot plate is not allowed as the sole cooking source for a Kitchen.
- F. Address Identification. Section 502.1 in Chapter 5 of the CBC is hereby amended by adding the following requirement to the end of the paragraph therein:
- Approved address numbers or alphabetical letters shall be internally or externally illuminated.
- G. Soils and Foundations. CBC Section 1805.1.2 is hereby amended by adding a new subsection 1805.1.2.2 to read as follows:

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

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

1. A performance bond in favor of the City, of not less than \$1,000.00 nor more than \$100,000.00, as the Fire Marshal or Building Official may determine, shall be conditioned to require the applicant to comply strictly with all conditions and provisions of this chapter, and of any provision of the Mill Valley Municipal Code relating to the moving of buildings or structures, and of any order, rule or regulation which may be hereafter passed or adopted by the City Council. The applicant also shall be required to pay any and all damages to any fence, hedge, tree, pavement, sidewalk, street, curb, gas, sewer or water pipe, electric wire or pole supporting the same, or to any public or private property that may result from moving the building or structure.
2. The Director of Planning and Building and the Building Official shall inspect the structure prior to being moved to determine that said structure is suitable for the intended use and structurally adequate.
3. The applicant shall indemnify, defend and hold harmless the City and its elective officers, agents and employees against all liabilities, claims, actions, judgments, cost or any expense which may for any reason arise out of the issuance of said permit or moving of such buildings or structures. An undertaking may be required for this purpose.

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

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

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

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. The California Wildland-Urban Interface Code, 2025 edition (California Code of Regulations, Title 24, Part 7) is hereby adopted.

Chapters 1, 2, and 5 of the California Wildland-Urban Interface Code to be enforced by the City of Mill Valley Building Division.

Chapters 1, 2, 3, 4, 6, 7, and Appendices of the California Wildland-Urban Interface Code to be enforced by Southern Marin Fire Protection District.

- L. Gates. Section 3110 of Chapter 31 of the 2025 California Building Code is hereby amended to read as follows:

3110 Gates

3110.1 General. Automatic vehicular gates shall comply with the requirements of Sections 3110.2 and 3110.3 and other applicable sections of this code. All other gates shall comply with Section 3110.4 and other applicable sections of this code.

3110.2 Vehicular Gates Intended for Automation. Vehicular gates intended for automation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

3110.3 Vehicular Gate Openers. Vehicular gate openers, where provided, shall be listed in accordance with UL 325.

- K. Section 3110 of Chapter 31 of the 2025 California Building Code is hereby amended by adding Section 3110.4 to read as follows:

3110.4 All Other Gates. Any gate more than 48 inches (1,219 mm) in width or more than 84 inches (2,134 mm) in height shall meet the requirements of ASTM F1184, shall be installed per the manufacturer's recommendations, and shall be designed, constructed, and installed to meet all of the following:

1. Gate shall not fall over more than 45 degrees from a vertical plane when the gate is detached from supporting hardware.
2. Gate shall be balanced and not move under the gate's own weight or by gravity.

3. Rolling wheels shall be covered.
4. Gate shall have positive stops.

14.05.021.1 Amendments to the California Energy Code.

Notwithstanding the provisions of Section 14.05.020 of this code, the following sections of the 2025 California Energy Code, known as Part 6, Title 24 of the California Code of Regulations, are adopted and amended as set forth below.

- A. Section 100.0 – SCOPE – of Subchapter 1 – ALL OCCUPANCIES–GENERAL PROVISIONS – of the 2025 California Energy Code is hereby amended to add new section (i) as follows:

- (i) Single-Family Building Remodel Energy Reach Code. In addition to all requirements of the California Energy Code applicable to Existing Single-Family Building additions and alterations, the energy efficiency and renewable energy measures specified in Section 150.0(w) shall be required for Covered Projects.

- B. Section 100.1(b) – Definitions – of Subchapter 1 of the 2025 California Energy Code is hereby amended by adding the following definition:

“Covered Project(s)” means additions or alterations, as described below, to a single-family residential building originally permitted for construction on or before December 31, 2010, which equal or exceed 500 square feet of interior conditioned space. Any addition or alteration to the same structure in the preceding 36 months shall be counted towards the 500 square feet threshold, except those additions or alterations made prior to the initial adoption of this ordinance. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings (subfloor and drywall), roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purpose of applying this definition.

Exclusions. This definition does not apply to project scopes that are solely limited to any of the following: the replacement and upgrading of residential roof coverings, exterior wall finishes and/or floor finishes; alterations that add no more than 75 square feet of fenestration; alterations that add no more than 16 square feet of skylight area with a maximum U-factor of 0.55 and a maximum SHGC of 0.30; or alterations that are limited to providing access for persons with disabilities. A Covered Project shall not include a project that is considered to be a newly constructed building under the California Energy Code, Title 24, Part 6. The final determination of whether a project meets the definition of a Covered Project shall be made by the Building Official or designee.

- C. The first two paragraphs of Section 150.0 of Subchapter 7 – SINGLE-FAMILY RESIDENTIAL BUILDINGS - MANDATORY FEATURES AND DEVICES – are hereby amended to read as follows:

Single-family residential buildings shall comply with the applicable requirements of Sections 150.0(a) through 150.0(v). In addition, Covered Projects shall comply with the applicable requirements of Section 150.0(w).

NOTE: The requirements of Sections 150.0(a) through 150.0(v) apply to newly constructed buildings. Sections 150.2(a) and 150.2(b) specify which requirements of Sections 150.0(a) through 150.0(v) also apply to additions or alterations, except that Covered Projects shall also be required to comply with Section 150.0(w). Paragraph (w) is added to Section 150.0 as follows:

(w) A Covered Project shall install a set of measures based the “Energy and Electrification Measures” Menu in Table 1 to achieve a total Measure Point Score that is equal to or greater than the Target Score in Table 1. In addition, all mandatory measures listed in Table 1 shall be installed. Installed measures shall meet the specifications in Table 2, List of Measure Specifications.

Building vintage is the year in which the original construction permit for the building was submitted, as documented by building department records, or the permit issue date of an addition or alteration that satisfied the Performance Standards (California Energy Code, Title 24, Part 6, Section 150.1(b)) that were in effect at that time, whichever is later.

Exceptions to 150.0(w):

- (i) Residential buildings originally permitted for construction on or after January 1, 2011.
- (ii) If a project is limited solely to a newly created Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) as defined in Mill Valley Municipal Code Section 20.08.070(E) and (F), the project shall be exempt from complying with this Section. A newly created ADU and JADU shall include either additions or conversions of existing space. This exception DOES NOT apply to a Covered Project of an existing ADU or JADU.
- (iii) If a project occurs in a Mobile Home, Manufactured Housing, or Factory-built Housing as defined in Division 13 of the California Health and Safety Code (commencing with Section 17000), the project shall be exempt from complying with this Section.
- (iv) Infeasibility. If, due to conditions specific to the project, it is technically or economically infeasible to achieve compliance, the Building Official may reduce the Target Score and/or waive some or all the mandatory requirements based on written documentation and evidence submitted at the time of building permit application.
- (v) Performance Equivalency. If the applicant demonstrates that the Energy Budget of the Proposed Building Design would be less than or equal to the Energy Budget of the building under the project if it included any set of measures that would achieve compliance under this Section, the project shall be exempt from complying with this Section.
- (vi) CARE/FERA Low-Income Path. If the applicant resides in the dwelling unit and

demonstrates that they qualify for the California Alternative Rates for Energy (CARE), or Family Electric Rate Assistance (FERA) program, or if the applicant is the owner of the dwelling unit which is occupied by a dependent who demonstrates that they qualify for the California Alternative Rates for Energy (CARE), or Family Electric Rate Assistance (FERA) program is exempt from complying with Table 1 but must install the following measures, as further specified and defined in Table 2:

(a) E1: Lighting Measures; and

(b) E2: Water Heating Package

Table 1. Energy and Electrification Menu of Measures, Climate Zone 3		
Measures		Points
Description	Specification ID (See Table 2)	Target Score = 6 Points
<i>Mandatory Measures</i>		
Electric Readiness, Service Upgrade	ER1	Mandatory for certain scopes, see Table 2.
Electric Readiness, End Uses	ER2	Mandatory for certain scopes, see Table 2.
Lighting Measures	E1	Mandatory
<i>Optional Measures (6 points required)</i>		
Water Heating Package	E2	1
Air Sealing	E3	1
Attic Insulation	E4	1
New Ducts + Duct Sealing	E6	2
Windows	E7	3
Wall Insulation	E8	5
Solar PV + Electric Ready Pre-Wire	PV1	12
Heat Pump Water Heater (HPWH), Replacing Gas	FS1	12
High Efficiency HPWH, Replacing Gas	FS2	13
Heat Pump Space Heater	FS5	10
High Efficiency Heat Pump Space Heater	FS6	11
Heat Pump Clothes Dryer	FS8	1

Induction Cooktop	FS9	1
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The following also apply to Covered Projects under Table 1:

- (a) Unless otherwise specified, the requirements shall apply to the entire dwelling unit, not just the additional or altered portion.
- (b) Measures from the Measure Menu in Table 1 and specified in Table 2, that already exist in the home, may be counted towards compliance with these requirements, unless otherwise specified in Table 2.
- (c) Measures from the Measure Menu in Table 1 that are to be installed to satisfy requirements under the California Energy Code, Title 24, Part 6, may not be counted towards compliance with these requirements. Where these requirements conflict with other Energy Code requirements, the stricter requirements shall prevail.

Table 2. List of Measure Specifications	
ID	Measure Specification
Energy (E) Measures	
E1	<u>Lighting Measures</u> : Mandatory measure. Replace all interior and exterior screw-in incandescent, halogen, and compact fluorescent lamps with LED lamps. Install photocell controls on all exterior lighting luminaires.
E2	<u>Water Heating Package</u> : Insulate all accessible hot water pipes with pipe insulation a minimum of ¾ inch thick. This includes insulating the supply pipe leaving the water heater, piping to faucets underneath sinks, and accessible pipes in attic spaces or crawlspaces. Upgrade fittings in sinks and showers to meet current California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements. <ul style="list-style-type: none"> • Exception 1: Water heater blanket is not required on water heaters less than 20 gallons. • Exception 2: Water heater blanket not required if application of a water heater blanket voids the warranty on the water heater. • Exception 3: Upgraded fixtures are not required if existing fixtures have rated or measured flow rates of no more than ten percent greater than 2025 California Green Building Standards Code (Title 24, Part 11) Section 4.303 water efficiency requirements. • Exception 4: Water heaters with factory installed insulation of R-24 or greater.

E3	<p>Air Sealing: Seal all accessible cracks, holes, and gaps in the building envelope at walls, floors, and ceilings. Pay special attention to penetrations including plumbing, electrical, and mechanical vents, recessed can light luminaires, and windows. Weather-strip doors if not already present.</p> <p>Verification shall be conducted following a prescriptive checklist that outlines which building aspects need to be addressed by the permit applicant and verified by an inspector. Compliance can also be demonstrated with blower door testing conducted by a certified HERS Rater no more than three years prior to the permit application date that either: a) shows at least a 30 percent reduction from pre-retrofit conditions; or b) shows that the number of air changes per hour at 50 Pascals pressure difference (ACH50) does not exceed ten for Pre-1978 vintage buildings, seven for 1978 to 1991 vintage buildings and five for 1992-2010 vintage buildings. If combustion appliances are located within the pressure boundary of the building, conduct a combustion safety test by a professional certified by the Building Performance Institute in accordance with the ANSI/BPI-1200-S-2017 Standard Practice for Basic Analysis of Buildings, the Whole House Combustion Appliance Safety Test Procedure for the Comfortable Home Rebates Program 2020 or the California Community Services and Development Combustion Appliance Safety Testing Protocol.</p>
E4	<p>Attic Insulation: Attic insulation shall be installed to achieve a weighted assembly U-factor of 0.025 or insulation installed at the ceiling level shall have a thermal resistance of R-38 or greater for the insulation alone. Recessed downlight luminaires in the ceiling shall be covered with insulation to the same depth as the rest of the ceiling. Luminaires not rated for insulation contact must be replaced or fitted with a fire-proof cover that allows for insulation to be installed directly over the cover.</p> <ul style="list-style-type: none"> • Exception: In buildings where existing R-30 is present and existing recessed downlight luminaires are not rated for insulation contact, insulation is not required to be installed over the luminaires.
E5	<p>Duct Sealing: Air seal all space conditioning ductwork to meet the requirements of Section 150.2(b)1E. The duct system must be tested by a HERS Rater no more than three years prior to the Covered Project permit application date to verify the duct sealing and confirm that the requirements have been met. This measure may not be combined with the New Ducts and Duct Sealing measure in this Table.</p> <ul style="list-style-type: none"> • Exception: Buildings without ductwork or where the ducts are in conditioned space.

E6	<u>New Ducts + Duct Sealing</u> : Replace existing space conditioning ductwork with new R-6 ducts that meet the requirements of Section 150.0(m)11. This measure may not be combined with the Duct Sealing measure in this Table. To qualify, a preexisting measure must have been installed no more than three years before the Covered Project permit application date.
E7	<u>Windows</u> : Replace at least 50% of existing windows with high performance windows with an area-weighted average U-factor no greater than 0.30.
E8	<u>Wall Insulation</u> : Install wall insulation in all exterior walls to achieve a weighted U-factor of 0.102 or install wall insulation in all exterior wall cavities that shall result in an installed thermal resistance of R-13 or greater for the insulation alone.
Fuel Substitution (FS) Measures	
FS1	<u>Heat Pump Water Heater (HPWH) Replacing Gas</u> : Replace all existing electric resistance and natural gas storage water heaters with heat pump water heaters.
FS2	<u>High Efficiency Heat Pump Water Heater (HPWH) Replacing Gas</u> : Replace all existing natural gas water heaters with heat pump water heaters with a Northwest Energy Efficiency Alliance (NEEA) Tier 3 or higher rating.
FS3	<u>Heat Pump Water Heater (HPWH) Replacing Electric</u> : Replace existing electric resistance water heater with a heat pump water heater.
FS4	<u>High Efficiency Heat Pump Water Heater (HPWH) Replacing Electric</u> : Replace existing electric resistance water heater with heat pump water heater with a Northwest Energy Efficiency Alliance (NEEA) Tier 3 or higher rating.
FS5	<u>Heat Pump Space Heater</u> : Replace all existing gas and electric resistance primary space heating systems with an electric-only heat pump system.
FS6	<u>High Efficiency Heat Pump Space Heater</u> : Replace all existing gas and electric resistance primary space heating systems with one of the following: A. A ducted electric-only heat pump system with a SEER2 rating of 16.5 or greater, an EER2 rating of 12.48 or greater and an HSPF2 rating of 9.5 or greater; or B. A ductless mini-split heat pump system with a SEER2 rating of 14.3 or greater, an EER2 rating of 11.7 or greater and an HSPF2 rating of 7.5 or greater
FS8	<u>Heat Pump Clothes Dryer</u> : Replace all existing gas and electric resistance clothes dryers with heat pump dryers with no resistance element and cap the gas lines.
FS9	<u>Induction Cooktop</u> : Replace all existing gas and electric resistance stove tops with inductive stove tops and cap the gas lines.
Solar Photovoltaics (PV) and Electric-Readiness (ER) Measures	

<p>PV1</p>	<p><u>Solar PV+ Electric Ready Pre-Wire:</u></p> <p>Installation of New Solar PV Systems: Install a new solar PV system that meets the requirements of Section 150.1(c)(14). In addition, upgrade the panelboard to meet the requirements of ER1 and install any two of the other measures from ER2.A - ER2.F.</p> <p>Existing PV Systems: If the home already has an existing solar PV system that meets the requirements of Section 150.1(c)(14), to claim credit for this measure, PV1, upgrade the panelboard to meet the requirements of ER1 and install any two of the other measures from ER2.A - ER2.F.</p>
<p>ER1</p>	<p><u>Electric Readiness - Service Upgrade:</u> Mandatory measure for scopes of work identified below. Upgrade the panelboard serving the individual dwelling unit to provide circuit breaker spaces for a heat pump water heater, heat pump space heater, electric cooktop and electric clothes dryer with the capacities specified in Section 150.0 (n), (t), (u) and (v); or, provide electrical load calculations and appliance specifications for serving all of these end-uses with a minimum 100-amp panel.</p>
<p>ER2</p>	<p><u>Electric Readiness Measures - End Uses:</u> Mandatory measure for scopes of work identified below.</p> <p>For any covered project, if the service panel is being upgraded or to claim the Solar PV + Electric Ready Pre-Wire credit, satisfy any two of the electric-readiness measures below.</p> <ul style="list-style-type: none"> • If the kitchen is being remodeled, make the range electric ready as specified in ER2, Item C below and upgrade the panelboard as specified under ER1. • If the laundry room is being remodeled, make the dryer electric ready as specified in Item D below and upgrade the panelboard as specified under ER1. <p>Meet the requirements below, that otherwise apply to newly constructed buildings:</p> <ul style="list-style-type: none"> A. Heat Pump Water Heater Ready, as specified in Section 150.0(n)1. B. Heat Pump Space Heater Ready, as specified in Section 150.0(t). C. Electric Cooktop Ready, as specified in Section 150.0(u). D. Electric Clothes Dryer Ready, as specified in Section 150.0(v). E. Energy Storage Systems (ESS) Ready, as specified in Section 150.0(s). F. EV Charger Ready. Install a dedicated 208/240-volt branch circuit as specified in the California Green Building Code, Title 24, Part 11, Section A4.106.8.1, which otherwise applies to new

	<p>construction.</p> <ul style="list-style-type: none">• Exception: If an electrical permit is not otherwise required for the project other than compliance with the laundry room and kitchen remodel requirements of this Item, ER2.
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14.05.022. Adoption of California Electrical Code.

Except as hereinafter provided, Title 24, Part 3 of the California Code of Regulations, known as the 2025 California Electrical Code (CEC), incorporating the 2024 edition of the National Electrical Code, published by the National Fire Protection Association, and the annexes thereof, is hereby adopted by reference and incorporated as though fully set forth in this section. This code shall constitute the Electrical Code of the City of Mill Valley, and may be cited as such.

CEC Section 89.108.8, inclusive of Sections 89.108.8.1 through 89.108.8.3, is hereby deleted and replaced as follows:

All references to a "Board of Appeals" or "board" shall be deemed for purposes of the Electrical Code of the City of Mill Valley to be references to the City Council of Mill Valley. Appeals of the Electrical Code of the City of Mill Valley shall be consistent with the same processes found in Chapter 20.100 of the Mill Valley Municipal Code.

14.05.024. Adoption of California Mechanical Code.

Except as hereinafter provided, Title 24, Part 4 of the California Code of Regulations, known as the 2025 California Mechanical Code (CMC), incorporating the 2024 edition of the Uniform Mechanical Code including the appendices thereof, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and incorporated as though fully set forth in this section. This code shall constitute the Mechanical Code of the City of Mill Valley, and may be cited as such.

CMC Section 107.0, inclusive of Sections 107.1 and 107.2, is hereby deleted and replaced as follows:

All references to a "Board of Appeals" or "board" shall be deemed for purposes of the Mechanical Code of the City of Mill Valley to be references to the City Council of Mill Valley. Appeals of the Mechanical Code of the City of Mill Valley shall be consistent with the same processes found in Chapter 20.100 of the Mill Valley Municipal Code.

14.05.026. California Plumbing Code, 2025 Edition, adopted by reference.

Except as hereinafter provided, Title 24, Part 5 of the California Code of Regulations, known as the 2025 California Plumbing Code (CPC), incorporating the 2024 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, and the appendices thereof, is hereby adopted by reference and incorporated as though fully set forth in this section. This code shall constitute the Plumbing Code of the City of Mill Valley, and may be cited as such.

CPC Section 107.0, inclusive of Sections 107.1 and 107.2, is hereby deleted and replaced as follows:

All references to a "Board of Appeals" or "board" shall be deemed for purposes of the Plumbing Code of the City of Mill Valley to be references to the City Council of Mill Valley. Appeals of the Plumbing Code of the City of Mill Valley shall be consistent with the same processes found in Chapter 20.100 of the Mill Valley Municipal Code.”

14.05.030. Dangerous Buildings Code.

The 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, is hereby adopted by reference, with those modifications set forth below, as the Dangerous Buildings Code of the City of Mill Valley. This Code constitutes an alternative to the procedures set forth in Chapter 8.04 for the abatement of nuisances that constitute immediate dangers to persons or property.

- A. Section 202 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by vacation, repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 401 of this code, as amended.

- B. Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is deleted in its entirety and replaced as follows:

All references in the Uniform Code for the Abatement of Dangerous Buildings to a "Board of Appeals" or a "board" shall be deemed for purposes of the Dangerous Buildings Code of the City of Mill Valley to be references to the City Council of the City of Mill Valley.

- C. Section 301 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine and the masculine.

BUILDING CODE is the Building Code of the City of Mill Valley.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code, as amended.

HOUSING CODE is the Housing Code of the City of Mill Valley.

- D. The first paragraph of Section 302 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

For the purpose of this code, any building or structure governed by the State Housing Law which is substandard under Health and Safety Code Section 17920.3 shall be deemed to be a dangerous building, provided that such substandard conditions are so extensive and are of such a nature that the health or safety of residents or the public is endangered. Any building or structure not governed by the State Housing Law shall be deemed to be a dangerous building if the conditions or defects hereinafter described exist, and if those conditions are so extensive and are of such a nature that the health or safety of residents or the public is endangered.

The remainder of Section 302 of the Uniform Code for the Abatement of Dangerous Buildings is retained without change.

- E. The first paragraph of Section 401.2 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

The Building Official shall issue a notice and order directed to all Responsible Person(s). The notice and order shall contain:

- F. Section 401.2(5) of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or from any action of the Building Official to the City Council, provided the appeal is made in writing as provided in this code and filed with the City Clerk within 10 days of the date of service of such notice and order or of such action; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

- G. Section 401.2(6) is added to the Uniform Code for the Abatement of Dangerous Buildings to read:

The name, address, and telephone number of the Building Official of the City of Mill Valley.

- H. Section 401.2(7) is added to the Uniform Code for the Abatement of Dangerous Buildings to read:

If the building is a residential building, at least some of the occupants of which are tenants, statements advising that under Civil Code Section 1942.5, a lessor cannot retaliate against a lessee for reporting building hazards.

- I. Section 401.2(8) is added to the Uniform Code for the Abatement of Dangerous Buildings to read:

A statement advising whether or not the City has elected to demand recovery of any attorneys'

fees it incurs in demanding or enforcing correction of the dangerous condition(s).

- J. Sections 401.3, 401.4, and 401.5 of the Uniform Code for the Abatement of Dangerous Buildings are hereby deleted. Service of notices required by Section 401 are governed by Section 8.02.040 of the Mill Valley Municipal Code.
- K. Section 501 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

501.1 Form of Appeal. Any person entitled to service of a notice and order under the Dangerous Buildings Code of the City of Mill Valley may appeal from that notice and order or from any action of the Building Official under this Code by filing a written appeal with the City Clerk. The appeal shall set forth briefly the appellant's interest in the matter, the specific order or action appealed, the reasons for appeal, and the appellant's mailing address. The appeal must set forth the date of service of such notice and order or of such action, and must be filed within 10 days of that date.

501.2 Processing of Appeal. Upon receipt of any appeal filed in accordance with Section 501.1 of the Dangerous Buildings Code of the City of Mill Valley, the City Clerk shall notify the Building Official and shall set the matter for hearing before the City Council.

501.3 Scheduling and Noticing Appeal for Hearing. Such hearing date shall be as soon as practicable, but shall not be less than 10 days after the date the appeal was filed with the City Clerk. The City Clerk shall give written notice of the time and place of the hearing to each appellant at least 10 days before the hearing date.

- L. Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings is hereby deleted in its entirety and replaced as follows:
 - 1. At the time fixed in the notice of hearing on the appeal, the Council shall proceed to hear the evidence relating to the Building Official's notice, order, or action respecting the allegedly dangerous building. The Council may continue the hearing from time to time. If any appellant fails to appear at the time fixed for the hearing, or at any time to which the hearing may be continued, such failure to appear shall not deprive the Council of its jurisdiction to hear the matter. At the conclusion of the hearing, the City Council may adopt a resolution declaring the building dangerous and directing any Responsible Persons to whom the Building Official has addressed a notice and order to correct the dangerous condition within a reasonable period. In determining the period for correction, the City Council may consider, among other factors, the imminence of the danger involved. In its resolution, the City Council may direct that any officer or employee of the City of Mill Valley shall correct the dangerous condition in the event that the Responsible Person fails to abate it within the period prescribed by the Council. The City shall serve this resolution in accordance with Section 8.02.040.
 - 2. Any person aggrieved by the City Council's declaration of a public nuisance after a hearing under this section must bring an action to contest the validity of any proceedings leading up to and including the adoption of the resolution in a court of competent jurisdiction within 30 days after the date of service of the Council resolution declaring

such nuisance.

3. After the expiration of the period identified in the Council resolution for abatement of the nuisance, the City has jurisdiction to abate the nuisance in the manner ordered in the resolution.

M. Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings is deleted in its entirety.

14.05.031. Administration, organization and enforcement.

There is hereby established in Mill Valley, a code enforcement agency, which shall be under the administrative and operational control of the Building Official.

- A. General. The Building Official is hereby authorized and directed to enforce all the provisions of the codes specified in this Chapter 14.05. For such purposes, he or she shall have the powers of a law enforcement officer.
- B. Deputies. In accordance with prescribed procedures and with the approval of the City Council, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. He or she may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.
- C. Assistance of Other Officials. The Building Official may request and shall receive the assistance and cooperation of other officials of the City so far as is required in the discharge of the duties required by this code or other pertinent law or ordinance.
- D. Right of Entry. When it is necessary to make an inspection to enforce the provisions of any code specified in this Chapter 14.05, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, hazardous, or dangerous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and unsecured, the Building Official shall first make a reasonable effort to locate the property owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.
- E. Interpretations. The Building Official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall conform to the intent and purpose of this code.
- F. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of

this code impractical and the modification does not lessen health life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the Building Division.

- G. Board of Appeals. In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of the codes specified in this Chapter 14.05, there is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to design, construction, installation and maintenance of building, electrical, plumbing, and mechanical systems, equipment, and techniques. The Building Official shall be an ex officio member and shall act as secretary to the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations to conduct its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code.
- H. Liability. The Building Official charged with the enforcement of this Chapter 14.05, acting in good faith and without malice in the discharge of the duties required by this chapter, shall not be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. This Chapter 14.05 shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the City be held as assuming any such liability by reason of the inspections authorized by this chapter or any permits or certificates issued under this chapter.

14.05.032. Permit administration.

To obtain a permit required for any work governed by any of the codes specified in this Chapter 14.05, the applicant shall first file an application therefor in writing on a form furnished by the applicable code enforcement agency.

A. Required Information. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Be accompanied by plans, diagrams, calculations, computations and specifications and other data as required in this section;
5. State the current local market valuation of any new building or structure or any addition.

remodeling, or alteration to an existing building. The Building Official may, at his or her reasonable discretion, require that the project valuation or re-valuation be determined by an independent third-party selected by the City at the cost of the property owner. The owner or the owner's authorized agent shall provide the total valuation for all work, including but not limited to construction, enlargement, alteration, repair, movement, demolition, or change of occupancy of any building or structure, and the erection, installation, enlargement, alteration, repair, removal, conversion, or replacement of any electrical, gas, mechanical, or plumbing system regulated by this code, or for any such work that the owner or agent causes to be performed;

6. Be signed by the applicant or an authorized agent of the applicant;
7. Include conditions of compliance for the abatement of violations of this code and other codes requiring permits for corrective work and such other data and information as may be required by the Building Official;
8. Contain the information required by California Health and Safety Code Division 13, Part 3, Chapter 9, Section 19825;
9. In addition to the information required by California Health and Safety Code Division 13, Part 3, Chapter 9, Section 19825 for licensed design professionals (Architect or Engineer), every permit shall contain the telephone numbers for any such persons, firms or designers responsible for the work proposed under the permit or application.

B. Plans and Specifications.

1. Plans, calculations, computations, diagrams, specifications, and other data shall be submitted in two or more sets with each application for a permit. When such plans are not prepared by a licensed architect or engineer, the Building Official may require any applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may reject any plans deemed to be insufficient in detail or clarity and require that such plans be prepared by a competent designer/draftsperson, or by an engineer or architect licensed by the state to practice as such, when required by state law.

The Building Official may waive the submission of plans, calculations, computations, specifications, diagrams, or other data if it is found that the nature of the work applied for is such that plan review is not necessary to obtain compliance with this Chapter 14.05.

2. Plans, diagrams, specifications, calculations, computations, reports, and other data submitted with the permit application for review shall detail clearly the nature, location, and extent of the work proposed and how it will conform to the provisions of this chapter and all other relevant laws, ordinances, rules and regulations. All data and documents submitted for review shall identify the property address number and street name of the work and the names and addresses of the property owner and person or firm who prepared them. Any conditions of approval pursuant to any other provision of the Mill Valley Municipal Code shall be shown on the plans or otherwise submitted with the permit application.

3. Unless otherwise approved by the Building Official, plans shall be drawn to a minimum scale of one-fourth inch to one foot upon substantial paper or polyester based film (Mylar) and shall include a floor plan and a plot plan containing the following information as a minimum:
 - a. Location and perimeter dimensions of the proposed and existing buildings or additions and other pertinent structures, including orthogonal measurements from property lines and between structures and elevations of finished grade, floors, and slabs;
 - b. Proposed and existing site improvements, including drainage facilities, utilities, public and private easements, grading, and paving;
 - c. Proposed and existing off-street parking and loading facilities, including parking stall size, angle of parking aisle width, interior circulation, and driveway elevations and proposed gradients;
 - d. Location and perimeter dimensions of ground level usable open space as required by the Mill Valley Municipal Code;
 - e. Location and size of existing and proposed trees and other landscaping and screening as required by city tree ordinances and regulations and other land use provisions;
 - f. Addresses of contiguous properties;
 - g. Locations, types, and dimensions of foundations, framing, windows, doors, finishes, adjoining rooms and uses, fire assemblies and dampers, fixtures, appliances, equipment, and distribution systems to the extent necessary for verification of compliance with all applicable regulations.
 4. In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of any code specified in this Chapter 14.05 or other laws, ordinances, rules, or regulations.
 5. Calculations, testing reports and certifications, computations, conditions of approval, conditions of compliance and other data sufficient to demonstrate the correctness of the plans shall be submitted with the permit application and when otherwise required by the Building Official.
 6. Plans for buildings of other than Group R-3 and U occupancies shall detail clearly how required structural and fire-resistive integrity will be maintained where penetrations are made for electrical, mechanical, plumbing, fire extinguishing, or communications conduits, pipes, ducts, vents, supports and similar components or systems.
- C. Applications to Expire After 180 Days. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building

Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented permit issuance. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- D. Review and Approval. The application, plans, diagrams, calculations, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such data may be reviewed by other departments of this and other jurisdictions to verify compliance with applicable laws under their jurisdiction. When the Building Official finds that the work described in an application for a permit and the plans, diagrams, computations, calculations, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that all required fees, charges, costs and assessments specified by law, as well as all penalties, have been paid, the Building Official shall issue a permit therefore to the applicant.

When issuing a permit where plans are required, the Building Official shall endorse in writing or stamp the plans "APPROVED." Such approved plans shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this Chapter 14.05 shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of a part of a building or system before the entire plans and specifications for the whole building or system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the codes specified in this chapter. The holder of a partial permit may proceed without assurance that the permit for the entire building, structure or system will be granted.

- E. Disposition of Plans. One set of approved plans, diagrams, calculations, specifications and computations shall be retained by the Building Official until final approval of the work covered therein. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- F. Permits Not to Authorize Otherwise Unlawful Work. The issuance of a permit or approval of plans, calculations, specifications, diagrams, and computations shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this chapter or any other laws or ordinances of the City. Permits presuming to give authority to violate or cancel the provisions of this chapter or any other laws or ordinances of the City shall not be valid. The issuance of a permit based upon plans, calculations, specifications, computations and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, calculations, computations, specifications, and other data, or from preventing building operations being carried on thereunder when in violation of this chapter or any other laws or ordinance of the City.
- G. Commencement of Work—Permit Expiration. On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such

permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

H. Construction Time Limit Required.

1. As part of any application for design review, the applicant shall file an estimate of the total cost of construction, based on current local market conditions, including but not limited to labor, materials, overhead and profit, provided by the general contractor or the person responsible for the proposed work, and based thereon, a construction time limit shall be established for the project in accordance with subsection I of this section. Compliance with such time limit shall become a condition of design review approval. The time for completion of the construction shall also be indicated on the building permit.
2. For projects exceeding \$100,000 in value, a detailed Program Evaluation Review Technique (PERT) chart or GANTT chart, which provides detailed information on the critical path of the project, shall be required prior to the issuance of any building permit. Once approved, the property owner shall provide the Building Official with written monthly job progress reports consistent with the approved PERT or GANTT chart.

I. Time Limit Established.

1. Upon completion of a physical inspection, prompted upon reaching a construction milestone or demonstrating substantial progress, the applicant shall be granted an additional 180 days to extend the permit expiration date. The Building Official retains the authority to approve one or more such extensions, provided that the applicant or contractor submits substantial evidence demonstrating good faith and significant progress.
2. Unless an extension is approved, the maximum time for completion of approved alterations, additions, modifications, repairs, or new construction, following issuance of the building permit, shall not exceed the following:

Construction Time Limits Based Upon Demonstrable Estimated Project Value	
Project Valuation	Total Time Allowed
Up to and including \$10,000	12 Months
\$10,000 to \$50,000	12 Months
\$50,000 to \$100,000	12 Months
\$100,000 to \$1,000,000	18 Months
\$1,000,000 to \$5,000,000	24 Months
Over \$5,000,000	36 Months

3. Request for Extension of Construction Time Limit. An applicant may request an

extension of the construction time limit either: (a) as part of the application for design review; or (b) at any other time prior to the expiration of the existing time limit. The application for an extension shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, and the payment of a fee, as established by City Council resolution.

4. Grant or Denial of Extension. An extension may be granted if it is determined that any one or more of the following factors not caused by the applicant present an unusual and unanticipated obstacle to complying with the required construction time limit:
 - a. Site topography;
 - b. Site access;
 - c. Geologic issues;
 - d. Neighborhood considerations;
 - e. Other unusual factors.

The Planning Commission shall make the decision to grant or deny the extension. Notwithstanding the foregoing, if design review has already been approved and the request for extension is based on site access or geologic issues, the Director of Planning and Building shall make the decision of whether to approve or deny the extension of the construction time limit, provided that such extension does not exceed 18 months. The Director may request a meeting with the applicant, the project contractor, project architect, or any other representatives of the applicant, and shall render his or her determination within 10 days of the filing of the extension application (unless such deadline is waived by the applicant).

Any extension of the construction time limit shall not extend the existing expiration date of the design review approval. The decision of the Director of Planning and Building may be appealed to the Planning Commission in writing within 10 days of the Director's decision. The decision of the Planning Commission to grant or deny the requested extension may be appealed in writing to the City Council within 10 days of the Commission's decision.

J. Failure to Comply With Timeline—Penalties.

1. In the event that construction is not completed by the established time limit, the Building Official shall issue a compliance order to the owner of the property. The compliance order shall notify the property owner that construction must be completed within 30 days of the established time limit in order to avoid penalties, and shall notify the property owner of the rates at which penalties will apply if construction is not completed.
2. Upon failure of a property owner to complete construction by the time limits established in this chapter, the following penalties shall apply:

- a. For the first 30 days that the project remains incomplete, there shall be no penalty;
 - b. For the next 60 days that the project remains incomplete (i.e., the 31st through 90th day), the City shall impose a penalty of \$400.00 per day;
 - c. For the next 60 days that the project remains incomplete (i.e., the 91st through the 150th day), the City shall impose a penalty of \$600.00 per day; and
 - d. For any additional days during which the project remains incomplete (i.e., the 151st and subsequent days), the City shall impose a penalty of \$800.00 per day, up to an overall maximum penalty of the lesser of 10% of the project valuation or \$200,000.00. If necessary, the City may require that the project valuation be determined by an independent third party selected by the City at the cost of the property owner.
3. Construction shall be deemed completed for purposes of this section upon the satisfactory performance of all construction work, including, but not limited to, compliance with all conditions of application approval and the clearing and cleaning of all construction-related materials and debris from the site, and the final inspection and written approval of the applicable work by the Building Official.
 4. Notice of Final Penalty. Once construction has been deemed complete or the penalty maximum has been reached, the property owner shall be notified in writing of the final amount of any penalty imposed pursuant to this section. Notice of the final penalty shall be given by personal service or by first class mail to the property owner at his or her last known address as it appears on the public records related to title or ownership of the property. Service by first class mail in the manner described above shall be effective on the date of mailing. All penalties shall be paid by the property owner within 30 days of service of notice of the final amount of the penalty.
 5. Collection; Interest. Unpaid penalties shall be a debt to the City and subject to all remedies for debt collection as allowed by law. The City shall be entitled to interest at the legal rate beginning from 30 days after the notice of final penalty or the date the order becomes final, whichever date is later.
 6. Appeal. The property owner may appeal the final penalty imposed by filing an appeal in writing with the City Clerk no later than 10 calendar days from the date of service of the notice of final penalty, along with payment of an appeal fee as established by City Council resolution. Within 45 days of receipt of the notice of appeal, the City Council shall hold a public hearing and shall affirm or modify the penalty. The Council shall consider, based on the evidence presented, whether the property owner was unable to comply with the construction time limit for reasons beyond the control of the property owner and/or his or her representatives. For purposes of this section, "reasons beyond the control" shall include, but not be limited to: administrative appeals of the project filed by third parties; delays required by the unforeseen discovery of archeological remains on the building site; labor stoppages; acts of war or terrorism; and natural disasters. However, "reasons beyond the control" shall not include: delays caused by the winter rainy season; failure of the applicant and/or his or her representatives to

adequately protect the job site from damage due to the normal winter rainy season; failure of subcontractors to complete their work according to schedule; the use of custom and/or imported materials; the use of highly specialized subcontractors; significant, numerous, and/or late design changes; or by failure of materials suppliers to provide materials in a timely manner.

- K. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Chapter 14.05 whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Chapter 14.05.
- L. Investigation. Whenever any work for which a permit is required by this Code has commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The minimum investigation fee shall be established and assessed in accordance with Section 14.05.060. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

14.05.034. Confirming code compliance.

The Building Official may confirm compliance with the codes specified in this Chapter 14.05 by means of inspections and testing.

- A. Inspections. Equipment, buildings, and systems for which permits are required by this Chapter 14.05 shall be subject to inspection by the Building Official, at such times and in such manner as may be set forth more fully in each code specified in this Chapter 14.05. Such equipment, buildings, and systems shall remain accessible and exposed for inspection purposes until approved by the Building Official.

It shall be the duty of the permit applicant to cause the equipment, building, and systems to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to permit inspection. When the installation of equipment or systems, or the construction of a building, is complete, an additional and final inspection shall be made.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances, rules, or regulations of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permittee or the duly authorized agent to notify the Building Official when such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one business day before such inspection is desired. Such request shall be made through the City's online permitting system e-TRAKiT, or as approved by the Building Official. It shall be the duty of the permittee or the

permittee's authorized agent to provide access to and means for inspection of such work that are required by this code.

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is requested is not complete or when required corrections have not been made. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for plan deviations requiring the approval of the Building Official. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

- B. Tests. Where there is insufficient evidence of compliance with the provisions of any code specified in this Chapter 14.05, or evidence that a material or method does not conform to the requirements of such code, or in order to substantiate claims for alternate materials or methods, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified in the codes specified in this Chapter 14.05 or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall specify the testing procedures.

All tests shall be performed by an agency approved by the Building Official. Reports of tests shall be retained by the Building Official for the period required for retention of public records.

14.05.036. Stop orders and occupancy violations.

The Building Official may prevent violations of the codes specified in this Chapter 14.05.

- A. Stop Orders. When any work is being done contrary to the provisions of any code specified in Chapter 14.05, or any other laws or ordinances, the Building Official may issue a stop work order. The stop work order shall be in writing and served on the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease until authorized to proceed with the work or a valid permit is issued for the work by the Building Official.
- B. Occupancy Violations. Whenever any building or structure or equipment therein regulated by any of the codes specified in this Chapter 14.05 is being used contrary to the provisions of these codes, the Building Official may order such use discontinued and the structure, or portion thereof, vacated if necessary by notice served on any person causing such use to be continued. Such persons shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of these codes.

14.05.040. Penalties.

Violations of the Building and Construction Code of the City of Mill Valley are declared to be a public nuisance, which may be abated pursuant to Chapter 8.04 of the City of Mill Valley

Municipal Code, and which may be punished as a misdemeanor or infraction as provided in Chapter 8.03, and/or subject to administrative citation, administrative fine and/or civil penalties pursuant to Chapter 8.02 of the City of Mill Valley Municipal Code. For the purposes of enforcing the Mill Valley Building Code, the designated code enforcement officer shall be the Building Official.

14.05.050. Inadequate fire protection—Withholding of building permits.

The Building Official on advice from the Fire Chief may refuse to issue a building permit for construction in any area where the supply of water or the location of fire hydrants is inadequate to provide suitable fire protection.

14.05.060. Permit fees.

- A. General. Fees for plan review, permit issuance, inspections, re-inspections, and investigations required by this Chapter 14.05 shall be assessed in accordance with the fee schedule established from time to time by resolution of the Mill Valley City Council.
- B. Value. The determination of value or valuation under any of the provisions of this chapter shall be made by the Building Official. Initial valuation will be required to be based on current market conditions for the construction work, including but not limited to labor, materials, overhead and profit, provided by the licensed general contractor or person responsible for the construction work. The Building Official, in the Building Official's reasonable discretion, may reject the proposed valuation or re-valuation and have the cost be determined by an independent third-party selected by the City at the cost of the property owner. The value to be used in computing permit and plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, including but not limited to, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.
- C. Plan Review Fees. When submittal documents are required by Section 14.05.032, a plan review fee shall be paid at the time of submitting the documents for plan review. The plan review fees specified in this subsection are separate fees, payable in addition to any permit issuance fees and any other fees that are prescribed by law.
- D. Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.

The Building Official shall not authorize refunding of any fee paid except on a written request for a refund submitted by the original applicant or original permittee not later than 180 days after the date of the fee payment.

14.05.070. Reference to City and state.

Wherever reference to City or town is made in the Codes specified in Section 14.05.020, such

reference shall be interpreted as applying to the City of Mill Valley, and wherever reference is made therein to the state, the reference shall be deemed to be the State of California.

CHAPTER 14.06
GROUNDWATER WELLS

14.06.010. Permit required.

No person shall drill, construct, remodel, reconstruct, destroy or abandon any groundwater well or test well without first submitting an application to and receiving a permit from the Director of Planning and Building of the City of Mill Valley. Such application shall be on a form provided by the City and shall provide information sufficient to determine that such well will comply with the provisions of this chapter, all laws of the state of California, and rules and regulations issued thereunder. The application shall be accompanied by a fee in an amount to be fixed from time to time by resolution adopted by the City Council of the City.

14.06.020. Source of potable water—Connection to public water system required for multi-dwelling unit development.

Notwithstanding any other provisions of law, every residential building which is required to be connected to a supply of potable water shall receive such water supply through a system owned and maintained by a public agency, or a public utility operating under the jurisdiction of the California Public Utilities Commission. Provided, however, that a residential building situated on a single family residential lot, legally created prior to the effective date of this section, may be connected to a groundwater well for the purpose of supplying potable water to such building, when all of the following conditions exist:

- A. No portion of such lot lies within 125 feet of a water main to which connection can be made and which is owned and maintained by a public agency or a public utility operating under the jurisdiction of the California Public Utilities Commission.
- B. The Mill Valley Fire Department certifies to the Director of Planning and Building that there is an adequate public water supply available for fire protection purposes.
- C. The City Engineer certifies to the Director of Planning and Building that access is sufficient for well drilling equipment and for the importation of water in the event of well failure.
- D. A yield test shall demonstrate that the well (or wells) will produce a minimum of one gallon per minute for a sustained pumping test of eight hours after the pumping level has been established or the well is pumped to the bottom. Such yield test shall be conducted from June 1st to November 15th, and shall be done by a licensed drilling or pump contractor, or a registered geologist. In the event of prolonged dry weather, the time period for the conduct of such yield test may be extended or certification be required by a registered geologist as to the well's productivity.
- E. Prior to the connection to such well as a source of potable water supply, there shall be constructed upon the property a storage tank with a minimum capacity of 1,000 gallons to be

used as a source of potable water supply during such periods as the well may be out of service for maintenance reasons or for pump repair.

- F. The water supplied by such well shall meet all standards and conditions deemed necessary by the health officer for the protection of the public health, safety and welfare.
- G. At the time of issuance of the well permit the applicant shall execute a hold harmless agreement relieving the City of Mill Valley, its officers, agents and employees of any liability for damages resulting from the construction and use of the well and the water supplied thereby. Such agreement shall bind the applicant, and successor owners of the property and shall be recorded in the office of the Marin County Recorder.

14.06.030. Groundwater wells—Use for irrigation and landscaping.

Permits may be issued for groundwater wells as a water source for irrigation, landscaping and other nonpotable uses. Before issuing a well permit for such purposes, the Director of Planning and Building shall submit a copy of the application to the public agency or public utility providing domestic water supply to be reviewed by it for the following purposes, among others:

- A. Impact of total water requirements on the public water system in event of well failure.
- B. Need for extension of the public water system to provide fire protection.
- C. Need to install back flow prevention devices to protect the public water system.
- D. All provisions for the use of well water shall conform to the applicable sections of the California Building Standards, including but not limited to, the Uniform Building, Plumbing, Mechanical and Electrical Codes, as adopted and set forth in Chapter 14.05 of the Mill Valley Municipal Code.

The Director of Planning and Building shall deny such application in the event it appears that the proposed well will have an adverse effect on the public water system, unless such effect can be adequately mitigated by the imposition of conditions at the time the permit is issued.

14.06.040. Premises served by private wells—Connection to public water system.

Any building utilizing a groundwater well as its source of potable water shall nevertheless connect to a public water system in the event that the water main owned and maintained by a public agency or a public utility operating under the jurisdiction of the California Public Utilities Commission is extended to within 125 feet of any portion of the lot upon which such building is situated.

14.06.050. Fees.

Prior to issuance of a well permit, a fee shall be collected based on the fee schedules set by resolution of the City Council for Plumbing and Electrical Code applications.

CHAPTER 14.30
UNDERGROUND UTILITIES

14.30.010. Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" means the Public Utilities Commission of the State of California.

"Underground utility district" or "district" means that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 14.30.030 of this chapter.

"Person" means and includes individuals, firms, corporations, partnerships and their agents and employees.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-ground within a district and used or useful in supplying electric, communication or similar or associated service.

"Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

14.30.020. Public hearing by Council.

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least 10 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing, all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.

14.30.030. Council may designate underground utility districts by resolution.

If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and

equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

14.30.040. Unlawful acts.

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 14.30.030 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 14.30.090 hereof, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter.

14.30.050. Exception, emergency or unusual circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed 10 days, without approval of the Council in order to provide emergency service. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

14.30.060. Other exceptions.

This chapter and any resolution adopted pursuant to Section 14.30.030 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;
- B. Poles or electroliers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;
- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F. Antennae, associated equipment and supporting structures, used by a utility for furnishing

communication services;

- G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
- H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

14.30.070. Notice to property owners and utility companies.

Within 10 days after the effective date of a resolution adopted pursuant to Section 14.30.030 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 14.30.030, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

14.30.080. Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 14.30.030 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

14.30.090. Responsibility of property owners.

- A. Every person owning, operating, leasing, occupying, or renting a building or structure within a district shall perform construction and provide that portion of the service connection on his or her property between the facilities referred to in Section 14.30.080 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 14.30.030 thereof, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after receipt of such notice.
- B. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to

the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Mill Valley, California. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Engineer shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place on said premises.

- C. The notice given by the City Engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within 30 days after receipt of such notice, the City Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.
- D. If upon the expiration of the 30-day period, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.
- E. The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.
- F. Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.
- G. If any assessment is not paid within five days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Engineer, and the City Engineer is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum.

14.30.100. Responsibility of City.

City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section

14.30.030 thereof.

14.30.110. Extension of time.

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 14.30.030 thereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

14.30.120. Penalty.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter.

14.30.130. Constitutionality.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The Council hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

CHAPTER 14.32
GRADING

14.32.010. Purpose and intent.

The purpose of this chapter is to establish controls on the earthwork permitted by the City in the course of construction. The controls are established for reasons of aesthetics, sound soil engineering practice, erosion control, and water quality protection.

It is the intent of the City of Mill Valley to limit grading operations whenever possible. Grading necessary to construct homes should be confined within the footprint of the home.

14.32.012. Findings.

The City Council finds that the adoption of the ordinance codified in this chapter is made necessary for the following reasons:

The topography in Mill Valley is characterized by densely wooded hillsides. Inadequately controlled grading will result in permanent scarring and excessive erosion.

Also a characteristic of Mill Valley is the high amount of rainfall and excessive runoff. These features, combined with inadequately controlled grading, can increase the possibility of earth slides and poor water quality from excessive erosion.

14.32.020. Authority.

The Director of Public Works, Building Official, or their designees, are authorized to enforce the provisions of this chapter.

14.32.030. Grading permit required—Exemptions.

A grading permit shall be required for all excavation, fill or grading.

The following grading activities are exempt from the grading permit requirement:

- A. Where volume of material to be graded or filled does not exceed 50 cubic yards.
- B. Where natural and finished slopes are less than 10%.
- C. Excavations for basements and footings, or piers for a building, retaining wall or other structure authorized by a valid building permit.
- D. Excavations for wells or utilities.
- E. Exploratory excavations prepared under direction of soils engineers or engineering geologists.

14.32.040. Design guidelines.

All grading permits shall comply with the provisions of the General Plan and all applicable design guidelines adopted by the City Council.

14.32.042. Application.

Applications for a grading permit shall be in a format approved by the Director of Public Works and shall contain sufficient information as required by the Director of Public Works.

14.32.044. Adverse soil conditions.

When application is made to any department or agency of the City for an entitlement to improve or develop any real property in an area of suspected soils instability, the City may require that the applicant submit a report of soil investigation prepared by a licensed engineer or geologist whose qualifications are satisfactory to the City. If the report discloses adverse soils conditions, the City may require that as a condition to the issuance of an entitlement to improve or develop real property, there shall be recorded in the office of the County Recorder of the County of Marin a "Notice of Adverse Soils Conditions" in a form satisfactory to the City.

14.32.050. Security.

An applicant for a grading permit shall provide security for the performance of the work described and delineated on the approved grading plan and erosion control plans in an amount and form to be approved by the Director of Public Works. The amount of security shall be adequate to cover both the planned work and remedial work which may be required.

14.32.060. Erosion control plans required submittals.

- A. Temporary Erosion Control Plans. When determined by the Director of Public Works, the applicant shall submit plans for temporary erosion control for approval. Temporary erosion control plans for the construction period must comply with the guidelines prescribed by the Director of Public Works.

Temporary erosion control plans will be required when any of the following conditions exist:

1. There is a probability that runoff from graded areas cannot be contained on the subject property.
2. There is a major water course which will be adversely affected by runoff from the graded area.

Temporary erosion control plans shall be submitted and approved prior to obtaining a grading permit.

The applicant shall be responsible for maintaining temporary erosion control measures to the satisfaction of the Director of Public Works at all times. To guarantee conformance to requirements, the Director of Public Works may require appropriate bonding and/or cash deposits.

- B. Permanent Erosion Control Plans. Each grading plan submitted to the City for approval must include provisions for permanent erosion control. Erosion control techniques proposed for the post construction period must be equal to or more effective than the guidelines adopted by the Director of Public Works.

Plans shall include detailed design and installation specifications for both temporary and permanent erosion and sediment control measures. Supporting calculations, including runoff calculations, shall also be submitted. To insure compliance with the approved plans, the Director of Public Works may require appropriate bonding and/or cash deposits.

14.32.070. Modifications.

The Director of Public Works may require modification of previously approved plans to accommodate unanticipated conditions on the site. Modifications to a previously approved plan may also be required, if the plan is found to be inadequate, or work does not proceed as scheduled. The Director of Public Works may require the permittee to submit work schedules, contingency plans, or status reports as deemed necessary. The Director of Public Works shall notify permittee in writing of the requirements and specify a reasonable time period for compliance.

14.32.080. Rainy season grading.

- A. No grading activity shall take place during the rainy season (October 15th to April 15th)

unless a rainy season grading permit has first been obtained from the Director of Public Works. Whether or not grading is permitted during the rainy season, all temporary and permanent erosion control measures shall be in place prior to October 15th. If an ordinary grading permit has been issued, but all work (including all grading, landscaping and erosion control measures) will not be completed by October 1st, the permittee shall submit an application for a rainy season grading permit on or before October 1st. The Director of Public Works may, as a condition of approval for a rainy season grading permit, require submittal of additional financial security in an amount sufficient to ensure performance of all planned and remedial work. A rainy season grading permit may be suspended or revoked as provided in Section 14.32.090, subsection A.

- B. Any party aggrieved by a decision to grant, deny, suspend or revoke a rainy season grading permit may request a hearing before the Director of Public Works by filing a written request within five calendar days after the decision. A hearing date shall be scheduled, and the Director of Public Works shall provide reasonable prior notice to the applicant and to all persons shown on the last equalized assessment roll as owners of real property within 100 feet of the property which is the subject of the application. At the hearing, the applicant and any other interested parties shall have the right to attend and be heard. The hearing shall be conducted by the Director of Public Works, who may affirm, modify or reverse the prior action. The decision of the Director of Public Works shall be final.

14.32.090. Permit suspension or revocation—Appeals.

- A. The Director of Public Works shall have the authority to order immediate cessation of all grading or improvement work and, further, to order immediate correction of any or all erosion control measures described in this chapter. The Director of Public Works may use the security provided by the permittee in order to finance corrective measures if the permittee is unwilling to immediately do so as ordered by the Director of Public Works. Grounds for suspending or revoking a permit include failure to follow approved plans, failure to follow any conditions attached to the permit, failure to implement requirements in a timely fashion, and failure to properly maintain erosion control measures.
- B. Any party aggrieved by a decision to grant, deny, suspend or revoke any grading permit, other than a rainy season grading permit, may appeal that decision to the City Council. Appeals shall be in writing and shall state the basis of the appeal. Appeals shall be filed in the office of the City Clerk not later than 5:00 p.m. on the 10th calendar date following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified by resolution of the City Council.
- C. Notice of the hearing on an appeal shall be given by mailed notice to the applicant and to all persons shown on the last equalized assessment roll as owners of real property within 100 feet of the property which is the subject of the application. Such notice shall be mailed at least 10 calendar days prior to the date of the public hearing. The notice shall contain a general description of the action taken, the location of the subject property, and the time, date and place of the hearing. Failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds to invalidate the City Council's action on the item for which the notice was given.

- D. The City Council shall determine an appeal no later than its second regular meeting following the date on which the appeal was filed or any such longer time as may be agreed upon between the applicant and the City Council. The action from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majority of the City Council members present and voting.

14.32.110. Permit fees.

Applications for grading permits shall be accompanied by the fees established by resolution of the Mill Valley City Council.

CHAPTER 14.35
HAZARD REDUCTION IN UNREINFORCED MASONRY BUILDINGS

14.35.010. Purpose.

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on unreinforced masonry buildings, constructed prior to 1949 (the adoption date of the local building code requiring earthquake resistant design of buildings). Of secondary benefit is the reduction of property damage. Such buildings have been widely recognized for sustaining life-hazardous damage during moderate to strong earthquakes.

The provisions of this chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent earthquake damage to rehabilitated buildings. This chapter does not require alteration of existing electrical, plumbing, mechanical or fire safety systems unless they constitute a hazard to life or property. It is also the City's intent through the enactment of this chapter to have appropriate City staff work closely with building owners and tenants to minimize economic hardships or interruption of business during the process of bringing buildings into compliance with the provisions of this chapter.

This chapter provides systematic procedures and standards for the identification and classification of unreinforced masonry buildings based upon their present use. Priorities, time periods and standards are also established under which these buildings are required to be structurally analyzed and strengthened. Where the analysis finds deficiencies, this chapter requires the building to be strengthened or demolished.

14.35.020. Scope.

The provisions of this chapter shall apply to all buildings constructed or under construction prior to 1949 (adoption date of the first local earthquake resistant code requirements), or for which a building permit was issued prior to 1949, which on the effective date of this ordinance are of unreinforced masonry construction as defined herein.

EXCEPTION: This division shall not apply to detached one or two family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

14.35.030. Definitions.

For purposes of this chapter, the applicable definitions in Sections 2302 and 2312 of the 1988 Uniform Building Code shall apply.

For purposes of this chapter, the following additional definitions shall apply:

High Risk Building: Any building having an occupant load of 100 or more as determined herein.

Medium Risk Building: Any building having an occupant load of less than 100 and more than 20.

Low Risk Building: Any building having an occupant load of 20 or less as determined herein.

Occupant Load: The maximum number of persons within a building as determined in accordance with Section 3302 of the 1988 Uniform Building Code. However, the Director of Planning and Building may allow a lower occupant load for a building, if no extraordinary hazard will result and the building is posted for the reduced maximum number of occupants.

Qualified Historical Building: Any structure or building deemed of importance to the history, architecture, or culture of an area by an appropriate local, state or federal governmental jurisdiction. This shall include designated structures on official existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and parcels to which the City has applied the Historic Overlay Zoning District.

Unreinforced Masonry Construction: A building or structure constructed with unreinforced masonry bearing walls as herein defined or a steel or concrete framed building with unreinforced masonry infilled walls.

Unreinforced Masonry Bearing Wall: A masonry wall having all of the following characteristics:

1. Provides the vertical support for a floor or roof.
2. The total superimposed load is over 100 pounds per linear foot.
3. The area of reinforcing steel is less than 50% of that required under the 1949 Edition of the Uniform Building Code.

14.35.040. Rating classifications.

The rating classifications indicated below are hereby adopted and each building within the scope of this chapter shall be placed in one such classification by the Director of Planning and Building.

Rating Classification	Occupant Load	Total Project		Alternate Phased Project	
		Complete Structural Analysis	Complete Construction or Demolition	Installation of Wall Anchors	Complete Construction
High Risk	100 or more	Jan. 1, 1991	Jan. 1, 1993	Jan. 1, 1992	Jan. 1, 1995
Medium Risk	21 to 99	Jan. 1, 1992	Jan. 1, 1994	Jan. 1, 1993	Jan. 1, 1996
Low Risk	20 or less	Jan. 1, 1993	Jan. 1, 1995	Jan. 1, 1994	Jan. 1, 1997

For the purposes of this chapter, when only a portion of a building is constructed of unreinforced masonry and that portion is constructed such that it will act independently when resisting seismic forces, the rating classification shall be determined based upon the unreinforced masonry portion of the building and not the entire structure.

14.35.050. General requirements.

The owner of each building within the scope of this chapter shall cause a structural analysis as described below, of the building to be made by a civil or structural engineer or architect licensed by the State of California. If the results of said structural analysis indicates that the building does not meet the minimum earthquake standards specified in this chapter, the owner shall either cause the building to be structurally altered to conform to said standards or cause the building to be demolished.

The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the Director of Planning and Building for review, within the time limits as specified in Section 14.35.040, one of the following:

- A. A structural analysis demonstrating that the building meets the minimum requirements of this chapter; or
- B. A structural analysis and plans for the proposed structural alterations of the building necessary to bring the building in compliance with the minimum requirements of this chapter; or
- C. Plans for the demolition of the building shall include interim provisions for protecting pedestrian traffic which could be endangered by a complete or partial collapse of the building. Buildings to which the City has applied the Historic Overlay Zoning District shall only be demolished in compliance with the provisions of Chapter 20.54.

14.35.060. Administration.

- A. Service of Order. The Building Official shall issue an order, as described in Section 14.35.060(B) to the owner(s) of each building found to be within the scope of this chapter within 90 days of the effective date of this chapter.
- B. Contents of Order. The order shall be in writing and shall be served either personally or by certified or registered mail to the owner as shown on the last equalized assessment roll, and to the person, if any, in apparent charge or control of the building. The order shall specify that

the building has been determined by the Director of Planning and Building to be a potential earthquake hazard within the scope of this chapter and, therefore, the building is required to meet the minimum seismic standards of this chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Sections 14.35.040 and 14.35.050 which set forth the owner's alternatives and time limits for compliance.

- C. Appeal of Order. The owner or person in charge or control of the building may appeal to the City Board of Appeals, the Director of Planning and Building's initial determination that the building is within the scope of this chapter. Such appeal shall be filed within 60 calendar days from receipt of the order described in Section 14.35.060(B). Any such appeal shall be decided by the Board no later than 90 calendar days after the date that the appeal is filed. Such appeal shall be made in writing, and shall be filed with the Planning and Building Department. The grounds for the appeal shall be stated clearly and concisely in the appeal. In order to grant an appeal, the Board must make a mandatory finding that there is sufficient technical justification that the building is not within the scope of this chapter.

Any appeal decision made by the Board of Appeals may be appealed to the City Council using the procedures as set forth in Chapter 20.100 of this Code. In order to grant an appeal, the City Council shall make a finding that there is sufficient technical justification for such building not to be within the scope of this chapter.

- D. Recordation. At the time the aforementioned order is served, the Director of Planning and Building shall file with the office of the Marin County Recorder a certificate stating that the subject building is within the scope of Chapter 14.35, Hazard Reduction in Unreinforced Masonry Buildings. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where it is not found to comply with Chapter 14.35.

If the building is found not to be within the scope of this chapter, or as a result of structural alterations or an analysis is found to be structurally capable of resisting minimum seismic forces required by this chapter, or is demolished, the Director of Planning and Building shall file with the office of the Marin County Recorder a certificate terminating the status of the subject building as being classified within the scope of this chapter.

14.35.070. Analysis and design.

Every structure within the scope of this chapter shall be analyzed and constructed to resist minimum total lateral seismic forces assumed to act nonconcurrently in the direction of each of the main axes of the structure in accordance with the provisions of Appendix Chapter 1 of the Uniform Code for Building Conservation published by the International Conference of Building Officials. Qualified Historical Buildings shall be analyzed in accordance with the State Historical Building Code (SHBC) established under Part 8, Title 24 of the California Administrative Code.

14.35.080. Repairs to nonconforming structures.

All repairs to nonconforming structures (as defined in Section 20.08.134.2) required by the provisions of this chapter shall be considered "seismic upgrades" as specified in Section

20.60.150(C).

14.35.090. Penalty for violation.

If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Director of Planning and Building pursuant to this chapter within the applicable time limits set forth in Section 14.35.050, the Director of Planning and Building shall order the entire building vacated and remain vacated until said order has been complied with. If compliance with said order to vacate has not been accomplished within 60 calendar days after the date the building has been ordered vacated, or by such additional time as may have been granted by an appeal, the Director of Planning and Building may order repair or demolition of the building in accordance with the provisions of the most recently adopted version of the Uniform Code for the Abatement of Dangerous Buildings as specified in Section 14.05.030 of this Code.

CHAPTER 14.36

MANDATORY SEISMIC RETROFIT OF CERTAIN RESIDENTIAL BUILDINGS

14.36.010. Administration.

- A. Title. Chapter 14.36 shall be known as "Mandatory Seismic Retrofit of Certain Residential Buildings," may be cited as such, and will be referred to herein as "this chapter."
- B. Intent. This chapter is intended to promote public safety and welfare through a program of mandatory seismic retrofit of certain residential buildings vulnerable to earthquake damage and collapse. The program is intended to reduce earthquake-related deaths and injuries, improve the durability of the existing housing stock, facilitate post-earthquake emergency response, improve community stability, minimize displacement during retrofits and after an earthquake, and reduce the economic impacts of a damaging earthquake.
- C. Subject Buildings. This chapter shall apply to buildings constructed or permitted for construction before January 1, 1978 or designed based on an adopted version of the 1976 or earlier edition of the Uniform Building Code, that contain three or more rental housing units, and have a wood-frame target story. This chapter refers to any such building as a subject building.
- D. Notification. Within 90 days of the effective date of this chapter, the Building Official shall send a written notice to the owner of each known subject building informing the owner of the requirement to comply with this chapter. Failure of the Building Official to send or provide a written notice to unidentified owners of subject buildings or to owners of buildings not known to be subject buildings shall not relieve the owner of a subject building from the requirement to comply with this chapter. Failure of an owner to receive a written notice shall not relieve the owner of a subject building from the requirement to comply with this chapter.
- E. Extension. The owner of a subject building may apply for a six-month extension of one or

more deadlines. The extension may be granted where at least one of the following conditions applies:

1. A significant financial hardship related to the cost of the required work that will make it infeasible to complete construction in the required time.
2. An extension would prevent or minimize the displacement of a tenant.
3. A temporary, extreme shortage of, or price increase for, construction materials or labor.

To request an extension, the owner shall submit an application to the Building Official with supporting documentation. The burden is on the building owner to show that at least one of the listed conditions applies. The Building Official shall have discretion to grant or deny an extension.

- F. Design Professionals. Unless specifically noted, all work intended to comply with this chapter shall be performed by appropriately licensed individuals, and all documents submitted for compliance shall be sealed by a California-licensed architect or civil engineer. Where required, documents submitted for compliance shall also be sealed by a California-licensed geotechnical engineer or engineering geologist.
- G. Submittals. In addition to submittals required by other provisions of the Building and Construction Code of the City of Mill Valley, the Building Official is authorized to develop, distribute, and require the use of certain forms, templates, and other tools as needed to facilitate compliance, review, approval, and records maintenance contemplated by this chapter. The Building Official is authorized to require separate submittals and permit applications for work required for compliance with this chapter and for voluntary work to be performed simultaneously.
- H. Technical Bulletins and Administrative Regulations. The Building Official is responsible for the administration of this chapter and is authorized to develop and require compliance with one or more technical bulletins and/or administrative regulations containing interpretations, clarifications, and commentary to facilitate implementation of the engineering criteria and other requirements set forth in this chapter.
- I. Retention of Plans. The Building Official shall retain official copies of all approved target story evaluation reports and retrofit design plans submitted to comply with this chapter.
- J. Public Record Keeping. The Building Official shall maintain a list of subject buildings and shall make the list readily accessible to the public. The Building Official shall convey the list with a summary of the compliance status of each subject building and its parcel number to the Marin County Assessor-Recorder- County Clerk once every three months.
- K. Conformance Period. No subject building for which permitted retrofit work is completed in compliance with this chapter shall be required by the City to undergo additional seismic retrofit of its seismic force-resisting system within a period of 15 years after the effective date of this chapter, except that any provisions in this Code related to addition, alteration, repair, or change of occupancy shall still apply. Any such additional seismic retrofit requirements

shall apply at the end of the conformance period, with schedule adjustments to be determined by the Building Official.

- L. Eviction Protection. Notwithstanding the provisions of California Civil Code Section 1946.2, and as permitted by California Civil Code Section 1946.2(g), the need to vacate any unit of a subject building in order to comply with this chapter shall not be considered a just cause for terminating a tenancy.

14.36.020. Compliance.

- A. Scope of Work for Each Subject Building. The owner of each subject building shall, in accordance with the schedule given in subsection C of this section, complete the following compliance scope.

1. Complete the Screening. The owner shall submit a screening document following procedures to be prescribed by the Building Official. Where required, the screening document shall be sealed by a California-licensed architect or civil engineer. The document shall either show that the building is not a subject building per Section 14.36.010(C) or shall confirm that the building is a subject building assigned to a certain compliance tier.
2. Complete the Structural Retrofit. The owner shall:
 - a. Obtain a building permit to retrofit the subject building in compliance with the criteria given in Section 14.36.040; and
 - b. Complete or cause to be completed all permitted construction and obtain a certificate of completion. Alternatively, the owner may submit to the Building Official a seismic evaluation report demonstrating compliance of each wood frame target story with the criteria given in Section 14.36.040.
3. Submit Affidavits of Compliance. The owner shall submit one or more affidavits prescribed by the Building Official confirming compliance with the required scope and with other administrative regulations.

- B. Compliance Tiers. Each subject building shall be assigned to a compliance tier as follows.

Tier 1. A subject building shall be assigned to Tier 1, unless eligible for Tier 2 or Tier 3.

Tier 2. A subject building located in a zone of High Landslide Risk according to the Public Safety Element of the Mill Valley General Plan or identified by a licensed Engineering Geologist as posing a High Landslide Risk, shall be assigned to Tier 2, unless eligible for Tier 3.

Tier 3. A subject building with at least one legally permitted dwelling unit or business, mercantile, or assembly occupancy in a wood-frame target story, shall be assigned to Tier 3.

- C. Schedule. The owner of a subject building shall comply with each of this chapter's

requirements in accordance with the deadlines given in Table 14.36.020.C unless extended in accordance with Section 14.36.0109(E). Failure to fully comply with any deadline or to receive approval of submitted materials shall not alter other applicable deadlines. In no case shall a subject property's transfer of title cause any deadline to be extended.

TABLE 14.36.020.C COMPLIANCE DEADLINES IN YEARS AFTER THE EFFECTIVE DATE OF THIS CHAPTER				
Compliance Tier	1. Screening	2.a. Retrofit Permit	2.b. Retrofit Construction	3. Affidavits
Tier 1	1 year	2 years	3 years	3 years
Tier 2	1 year	4 years	5 years	5 years
Tier 3	1 year	5 years	6 years	6 years

14.36.030. Definitions.

Supplemental Definitions. In addition to or in place of definitions given elsewhere in this Code, the following definitions shall apply for purposes of this chapter.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; or any individual residential unit in a building with R-1 or R-2 occupancy, including short-term rental units; or any guestroom, with or without a kitchen, in either a tourist or residential hotel or motel. Any unit occupied as a dwelling unit, whether approved or not approved for such use, shall be counted as a dwelling unit.

Owner. The owner of record as shown on the last equalized assessment roll of the county. For purposes of providing notice to an owner of any action or proceeding under this chapter, the term "owner" includes the actual owner of record, or part owner, or such owner's agent, employee or other legal representative.

Rental housing unit. A dwelling unit subject to occupancy as a "long term rental," as defined in Section 20.08.158.5 of this Code.

Target story. Either (1) a basement story or underfloor area that extends above grade at any point; or (2) any story above grade, where the wall configuration of such basement, underfloor area, or story is substantially more vulnerable to earthquake damage than the wall configuration of the story above; except that a story is not a target story if it is the topmost story or if the difference in vulnerability is primarily due to the story above being a penthouse or an attic with a pitched roof.

Wood-frame target story. A target story in which a significant portion of lateral or torsional story strength or story stiffness is provided by wood frame walls.

14.36.040. Structural engineering criteria.

- A. Engineering Intent. The structural criteria provided in this chapter have been selected as appropriate to the intent of this chapter. The structural retrofit criteria are expected to significantly reduce the collapse risk of subject buildings and to increase the likelihood that a subject building will be structurally safe to repair and occupy shortly after an earthquake.

The structural criteria are intended to apply to existing wood-frame target stories in order to improve building performance while limiting retrofit costs and impacts. It is not the intent of this chapter to require mitigation of all structural deficiencies, seismic or non-seismic, that might exist within or adjacent to the building. The structural criteria might not achieve the same performance as design requirements for new buildings or any full-building retrofit objective for existing buildings.

- B. Structural Seismic Evaluation. Where performed, seismic evaluation of each wood- frame target story shall comply with the latest edition of Seismic Evaluation and Retrofit of Existing Buildings [ASCE/SEI 41] with a performance objective of Structural Life Safety with the BSE-1E hazard or Structural Collapse Prevention with the BSE-2E hazard, as interpreted by the Building Official.
- C. Structural Seismic Retrofit. Seismic retrofit of each wood-frame target story shall comply with one of the following criteria.
1. Chapter A4 of the California Existing Building Code, as interpreted by the Building Official.
 2. The latest edition of Seismic Evaluation and Retrofit of Existing Buildings [ASCE/SEI 41] with a performance objective of Structural Life Safety with the BSE-1E hazard or Structural Collapse Prevention with the BSE-2E hazard, as interpreted by the Building Official.
 3. For subject buildings qualified as historic, alternate building regulations of the California Historical Building Code.

14.36.050. Application of other provisions of this Code.

- A. Approval. Except for unsafe conditions, work triggered by the required scope of work, or as specifically noted in this chapter, the Building Official shall not withhold approval of submitted materials for reasons unrelated to the required scope and the engineering criteria.
- B. Green Building Measures. Work required by this chapter is deemed not to represent a major remodel or an alteration subject to any requirements in Chapter 14.48 of this Code that are not required by the 2025 California Green Building Standards Code (CalGreen). The requirements of Chapter 14.48 of this Code shall apply to any additional work proposed to be done under the same permit as work done to comply with this chapter.
- C. Alteration Provisions. Prior to compliance with this chapter, each subject building shall be considered a substandard building per California Health and Safety Code Section 17920.3(o).

When considering the work required by this chapter as an alteration, the Building Official is authorized to waive any of 2025 California Existing Building Code Sections 503.4 through 503.12 and their successor provisions, as adopted and amended by the City of Mill Valley.

- D. Existing Building Requirements. Unless specified otherwise, work on subject buildings that is neither required by this chapter nor triggered by compliance with this chapter shall comply with all applicable provisions of this Code.
- E. Reduction in Parking Requirements. Notwithstanding any other provision of this Code to the contrary, approved retrofits that result in deviations from parking standards including the size and number of required parking spaces may be approved by the Zoning Administrator, if the building owner can show that there is no practical method to complete the required retrofit without the reduction.
- F. Buildings Within the H-O Historic Overlay Zoning District. Notwithstanding any provisions of this Code to the contrary, the Zoning Administrator may waive the requirement for Design Review as provided in Chapter 20.66 of this Code, for approved retrofits to buildings within the H-O Overlay district.

CHAPTER 14.40 WOOD BURNING APPLIANCES

14.40.010. Title.

This chapter shall be known as the "Wood Smoke Ordinance."

14.40.020. Purpose and intent.

The purpose of this chapter is to improve air quality in the City of Mill Valley by reducing emissions of smoke (particulate matter), organic gases and carbon monoxide by regulating the type of wood-burning appliances that may be installed and maintained within the City and by banning the use of non-certified wood heaters after December 31, 2008.

14.40.030. Definitions.

"Bay Area Air Quality Management District" means the air quality agency for the San Francisco Bay Area established pursuant to California Health and Safety Code Section 40200.

"EPA" means the United States Environmental Protection Agency.

"EPA certified wood heater" means any wood heater that meets the standard in Code of Federal Regulations Title 40, Part 60, Subpart AAA, in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.

"Fireplace" means any permanently installed masonry or factory-built wood-burning appliance designed to be used with an air-to-fuel ratio greater than or equal to 35 to 1.

"Garbage" means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphalted products, manure, vegetable or animal solids, and semi-solid wastes and other discarded solid and semi-solid wastes.

"Gas fireplace" means any masonry or factory-built fireplace in which a device that has been designed to burn natural gas or liquefied petroleum gas in a manner that simulates the appearance of burning wood has been permanently installed so the burner pan and associated equipment are affixed to the masonry or metal base of the fireplace.

"Insert" means any wood heater designed to be installed in an existing masonry or factory-built fireplace.

"Paints" are all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, under-coatings, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.

"Paint solvents" means all original solvents sold or used to thin paints or clean up painting equipment.

"Pellet-fueled heater" means any appliance that operates exclusively on solid fuel pellets.

"Solid fuel" means wood or any other non-gases or non-liquid fuel.

"Treated wood" means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or decay.

"Waste petroleum product" means any petroleum product other than fuels that has been refined from crude oil, and has been used or has been contaminated with physical or chemical impurities.

"Wood-burning appliance" means a fireplace, wood heater, or pellet-fired heater or similar device burning solid fuel used for aesthetic or space-heating purposes.

"Wood heater" means an enclosed, wood-burning appliance that is not a fireplace capable of and intended for space heating that meets all the following criteria:

1. An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by the test procedures prescribed and approved by the Building Official.
2. A usable firebox volume less than 20 cubic feet (0.57 cubic meters).
3. A minimum burn rate less than 11 lb/hr (kg/hr).
4. A maximum weight of less than 1,760 lbs (800kg). For the purpose of this ordinance, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution

ducting do not count as part of the appliance weight.

14.40.040. General requirements.

It shall be unlawful in the City of Mill Valley to:

- A. Use any wood-burning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate legally permitted heat source is available.
- B. Install a wood-burning appliance that is not one of the following: (1) a pellet-fueled wood heater; (2) an EPA certified wood heater; or (3) a fireplace certified by the EPA if the EPA adopts a fireplace certification program. The conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this ordinance.
- C. Use any of the following prohibited fuels in a wood-burning appliance: garbage, paint solvents, treated wood, coal, plastic products, glossy or colored papers, rubber products, particle board, waste petroleum products, salt water driftwood, paints, wood having a moisture content higher than 20%, or any other material that produces noxious or toxic emissions when burned in a wood-burning appliance.
- D. Use any non-EPA Phase II-certified wood heaters, or EPA Phase II-certified wood heaters that have been installed without a building permit, after December 31, 2008. After that date, all noncompliant wood stoves and inserts must be removed or rendered inoperable. The Building Official may grant an exception to this section in the case of hardship. Examples of hardships include without limitation the following: the prohibited wood heater is a residential sole source of heat or there is no adequate alternative source of heat that can be provided at a reasonable cost to the premises.

14.40.050. Removal of wood burning appliance upon remodel.

A non-EPA Phase II-certified wood-burning appliance shall be removed, rendered inoperable or replaced with a compliant appliance when:

- A. A remodel or addition exceeds 500 square feet;
- B. The combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure; or
- C. A renovation includes opening up walls immediately adjacent to the appliance.

14.40.060. Permit requirements for installation and replacement of wood burning appliances.

A building permit is required for the replacement or installation of any wood-burning appliance.

CHAPTER 14.42
CONSTRUCTION AND DEMOLITION DEBRIS

14.42.010. Definitions.

For the purposes of this chapter the following definitions shall apply:

"Act" means the California Waste Management Act of 1989, Public Resources Code Section 40000 et seq.

"Alternative daily cover (ADC)" means disposal facility cover material, other than organic waste and at least six inches of earthen material, placed on the surface of the active face of the refuse fill area at the end of each operating day to control vectors, fires, odor, blowing litter and scavenging, as defined in Section 20164 of the California Code of Regulations.

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City of Mill Valley.

"Avoided disposal fee" means three percent of the value of the project, not to exceed \$10,000.00.

"Building Official" means the designated staff person(s) authorized and responsible for implementing this chapter.

"Certified recycling facility" means a recycling, composting, materials recovery or reuse facility determined to process incoming C&D materials to divert from landfill or transformation for which the certifying agency has issued certification.

"Construction" means the building of any facility, structure, pavement or building or any portion thereof, including any tenant improvements to an existing facility or structure.

"Construction and demolition debris" means used or discarded materials resulting from construction, remodeling, repair, or demolition operations on any facility, structure, pavement or building that are removed from the premises.

"Construction and demolition waste management plan" (WMP) means a completed WMP form submitted by the applicant for any covered project and approved by the Building Department for the purpose of compliance with this chapter, as more particularly set forth in Section 14.42.020.

"Conversion rate" means the rate set forth in the standardized conversion rate table approved by the City pursuant to this chapter for use in estimating the volume or weight of materials identified in a waste management plan.

"Covered project" shall have the meaning set forth in Section 14.42.030 of this chapter.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

"Diversion" or "divert" means a reduction of the amount of waste being disposed in a landfill or transformation facility by any of the following methods:

1. Use of new construction methods, as described in regulations prompted by the Building Official, that reduce the amount of waste generated.
2. On-site re-use of the waste.
3. Delivery of the waste from the site to a certified recycling facility described in Section 14.42.050.
4. Other methods as approved in regulations prompted by the Building Official.

"Exempted project" shall have the meaning set forth in Section 14.42.030 of this chapter.

"Joint powers authority" or "JPA" means Marin County Hazardous and Solid Waste Management Joint Powers Authority.

"Project" means any activity, which requires an application for a building or demolition permit, or any similar permit from the City.

"Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

"Renovation" means any change, addition, or modification in an existing structure.

"Reuse" means further or repeated use of construction and demolition debris.

"Salvage" means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

14.42.020. Construction and demolition waste management plan (WMP) requirements.

Except as otherwise specified in this chapter, each applicant who obtains a building permit shall submit a construction and demolition WMP to the Building Department prior to final inspection of the project. Prior to obtaining any final inspection or grant of occupancy from the Building Department, the applicant shall pay an avoided disposal regulatory fee if the Building Official determines that the applicant has not satisfied the diversion requirements of this chapter.

14.42.030. Construction and demolition waste management plan (WMP) exemptions.

- A. A construction and demolition WMP shall not be required for the following:
1. Deconstruction projects.
 2. Projects that are under 500 square feet in area.
 3. Roofing, drywall, and window replacement projects.
 4. Projects not subject to a building permit.
 5. Work for which only a plumbing permit, electrical permit, or a mechanical permit is required.
 6. Seismic tie-down projects.
 7. The installation of replacement of shelves.
 8. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
 9. Installation of swimming pools and spas, provided that the exemption shall apply only to the area to be excavated for the installation of the pool or spa and the area for the pad for the pool/spa equipment that does not exceed 16 square feet; and shall not apply to any related construction or alterations necessary for any other equipment or accessories, nor to any other portion of the project.
 10. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required.
- B. It is unlawful to split or separate a project into small work projects for the purpose of evading the requirements of this section.

14.42.040. Certified construction and demolition recovery facilities.

- A. The JPA may certify a facility as a certified construction and demolition recovery if the owner or operator of the facility has submitted the following documentation satisfactory to the JPA:
1. The facility has obtained all applicable federal, state, and local permits, and is in full compliance with all applicable regulations; and
 2. The percentage of incoming waste from construction, demolition, and alteration activities that is diverted from landfill disposal, transformation and use as ADC meets the minimum diversion requirement as established in Section 14.42.050.
- B. The City shall make available to each building permit applicant a current list of certified construction and demolition recovery facilities.

14.42.050. Diversion requirements.

Diversion requirements for an applicable project and for a certified construction and demolition recovery facility shall be a minimum of 70% on or after the effective date of the amendments to this chapter, and shall increase to 80% by December 31, 2012, to 85% by December 31, 2015, to 90% by December 31, 2018 and to 94% by January 1, 2026.

14.42.060. Compliance.

- A. Approval. The Building Official may withhold issuance of temporary or final occupancy for any covered project until the Building Official has approved the construction and demolition WMP. Approval shall not be required, however, where an emergency demolition is required to protect public health or safety. The Building Official shall only approve the construction and demolition WMP if it indicates that it meets the diversion requirements in Section 14.42.050, or is deemed exempt per Section 14.42.030.
- B. Non-Approval. If the Building Official determines that the construction and demolition WMP is incomplete or fails to indicate that the diversion requirement was achieved, the applicant shall pay the avoided disposal regulatory fee.

14.42.070. Use of avoided disposal fees.

Moneys received by the City as avoided disposal fees shall be used only for:

- A. Costs of administration of the program established by this chapter;
- B. Cost of program whose purpose is to divert the waste from construction, demolition, and alteration projects from landfill disposal, transformation and use as ADC; and
- C. Costs of programs whose purpose is to develop or improve the infrastructure needed to divert the waste from construction, demolition and alteration projects from disposal to landfill, transformation facility or use as ADC.

CHAPTER 14.48
GREEN BUILDING STANDARDS

14.48.010. California Green Building Standards Code adopted by reference.

The City hereby adopts by reference the 2025 edition of the California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations ("CALGreen"), including the following Appendix chapters and together with those amendments, additions, and deletions set forth in this chapter of the Mill Valley Municipal Code:

- A. Appendix Chapter A4 - Residential Voluntary Measures (Tier 1 levels for new construction, as defined in Section 14.48.030).

- B. Appendix Chapter A5 - Nonresidential Voluntary Measures (Tier 1 levels for new construction, as defined in Section 14.48.030).

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

14.48.020. Local amendments to the California Green Building Standards Code.

The 2025 California Green Building Standards Code ("CALGreen") adopted herein by reference is hereby amended by the following additions, deletions, and amendments, together with such changes made by Sections 14.48.030 through 14.48.070.

- A. Section 202 of Chapter 2 is hereby amended by revising the definitions of “Electric Vehicle Charging Station” and “Newly Constructed (or New Construction)” to read as follows:

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

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

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

301.1 Scope. Buildings shall be designed to comply with the applicable requirements of Chapter 14.48 of the Mill Valley Municipal Code, and shall also include the green building measures specified as mandatory in the application checklists contained in this code.

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

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

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

301.3 Nonresidential additions and alterations. The provisions of individual sections of

Chapter 5 apply to newly constructed buildings and building additions and alterations (for occupancies within the authority of California Building Standards Commission).

E. Section 4.106.4.2 of Chapter 4 is hereby amended to read as follows:

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 for the project type as outlined in Table 1 of Section 14.48.040 of the Mill Valley Municipal Code, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

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

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

G. Section A4.106.8.2.1 of Appendix A4 is hereby amended by revising "Tier 1" to read as follows:

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

14.48.030. Definitions.

For the purposes of interpreting this chapter and the associated standards for compliance, the terms below are defined as follows. These definitions are in addition to those outlined in Section 202 of the California Green Building Standards Code, as modified in Section 14.48.020 of the Mill Valley Municipal Code. In the event of a conflict between the definitions in this section and in Section 202, the definitions in this section shall control.

"All-electric" refers to a building where electricity is the only permanent source of energy for water-heating, space-heating, space cooling, cooking and clothes-drying and there is no gas meter connection.

"Certified Green Building Rater" means a person acting as the owner's agent to ensure compliance with green building requirements. Those persons representing national and regional green building organizations, including, but not limited to, CALGreen, Build It Green and LEED, are considered certified green building raters.

"CALGreen Mandatory" means those measures that are required for all covered projects. Residential mandatory measures are contained in CALGreen Chapter 4. Nonresidential

mandatory measures are contained in CALGreen Chapter 5.

"CALGreen Tier 1" refers to required prerequisite and elective measures in addition to the CALGreen mandatory measures, as outlined in CALGreen Appendix A4.601.4 for residential projects and CALGreen Appendix A5.601.2 for nonresidential projects.

"Efficiency EDR compliance margin" is the difference in the energy design rating ("EDR") of standard efficiency and the EDR of proposed efficiency for a building, as demonstrated on Title 24 compliance documents.

"EV capable" refers to a parking space with conduit installed and allocated 208/240V 40-amp panel capacity for future EV charging stations.

"EV ready" refers to the installation of a full circuit with minimum of 40-Amp 208 or 240 Volt capacity per EV Space, including listed raceway, sufficient electrical panel service capacity, overcurrent protection devices, wire, and suitable listed termination point such as a receptacle. The termination point shall be in close proximity to the proposed EV charger location.

"Green building compliance form" means the signature page submitted to the City signed by a Certified Green Building Rater, indicating that applicable project complies with the City's Green Building requirements.

"Limited mixed-fuel" means a building where natural gas and/or propane are only used for cooking and fireplaces.

"Long-Term System Cost" (LSC) means the performance metric adopted by the California Energy Commission in the 2025 California Energy Code and CALGreen Code to replace the prior Energy Design Rating (EDR), representing total lifecycle system cost efficiency compared to a standard design baseline.

"Major remodel" means structural modifications or additions made to a dwelling, which are greater than 50% of either: (1) the current square footage of such dwelling; or (2) the current exterior roof structure and exterior walls of such dwelling.

"Minor remodel" means modifications or additions made to a dwelling which are not considered to be a major remodel.

"Mixed-fuel" means a building where both natural gas and/or propane and electricity are used.

"Modified parking lot" means a parking lot for which paving material and curbing is removed.

14.48.040. Green building requirements by project type.

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

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 2025 California Green Building Code;</p> <p><u>OR</u></p> <p>"Limited mixed-fuel," prewired for future induction cooking, with the 2025 California Energy Code through LSC performance modeling showing that the Proposed Design LSC is less than or equal to the Standard Design LSC, as documented in the Title 24 energy compliance report;</p> <p><u>OR</u></p> <p>"Mixed-fuel," prewired for future induction cooking, and demonstrating compliance with the 2025 California Energy Code through LSC performance modeling showing that the Proposed Design LSC is less than or equal to the Standard Design LSC, as documented in the Title 24 compliance report.</p> <p>See Section <u>14.48.030</u> 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	<p>Meet the standards outlined for the project in the 2025 California Green Building Code.</p> <p>Those projects that are 500 square feet or greater must also satisfy requirements identified in Section 14.05.021.1.</p>	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 2025 California Green Building Code and satisfy requirements identified in Section 14.05.021.1.	
Multifamily New Construction 3 stories or less	CALGreen Tier 1, including Section A4.2 (Energy Efficiency)	<p>"All-electric," meeting the requirements outlined for the project in the 2025 California Green Building Code;</p> <p><u>OR</u></p> <p>"Limited mixed-fuel," prewired for future induction cooking, and demonstrating compliance with the 2025 California Energy Code through performance modeling showing that the Proposed Design LSC is less than or equal to the Standard Design LSC, as documented in the Title 24 compliance report;</p> <p><u>OR</u></p> <p>"Mixed-fuel," prewired for future induction cooking, and demonstrating compliance with the 2025 California Energy Code through performance modeling showing that the Proposed Design LSC is less than or equal to the Standard Design LSC, as documented in the Title 24 compliance report.</p> <p>See Section 14.48.030 for applicable definitions of "All-electric," "Limited mixed-fuel," and "Mixed-fuel"</p>	Build one electric vehicle charging space ¹ 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
Multifamily New Construction 4 stories or greater	CALGreen Tier 1, including Section A4.2 (Energy Efficiency)	<p>"All-electric," meeting the requirements outlined for the project in the 2025 California Green Building Code;</p> <p><u>OR</u></p> <p>"Limited mixed-fuel," prewired for future induction cooking, and demonstrating compliance with the 2025 California Energy Code through LSC performance modeling showing that the Proposed Design LSC is less than or equal to the Standard Design LSC, as documented in the Title 24 compliance report;</p> <p><u>OR</u></p> <p>"Mixed-fuel," prewired for future induction cooking, and demonstrating compliance with the 2025 California Energy Code through LSC performance modeling showing that the Proposed</p>	Build one electric vehicle charging space ¹ 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

		Design LSC is less than or equal to the Standard Design LSC, as documented in the Title 24 compliance report. See Section 14.48.030 for applicable definitions of "All-electric," "Limited mixed-fuel," and "Mixed-fuel"	
Nonresidential Additions and Alterations less than 3,000 square feet	CALGreen Tier 1, less Section A4.2 (Energy Efficiency)	Meet the standards outlined for the project in the 2025 California Green Building Code.	If the service panel is modified, add designated electrical capacity for 20% of onsite parking spaces to be EV Capable. ¹
Nonresidential Additions and Alterations 3,000 square feet or greater	CALGreen Tier 1, less Section A4.2 (Energy Efficiency)	Meet the standards outlined for the project in the 2025 California Green Building Code.	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.
New construction of hotels and motels	CALGreen Tier 1, less Section A4.2 (Energy Efficiency)	Meet the standards outlined for the project in the 2025 California Green Building Code.	

Notes:

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.

14.48.050. Documentation and verification.

All covered projects shall comply with the requirements set forth in Section 14.48.040 through the following verification methods.

- A. Verification of Compliance. All covered projects must comply with green building requirements as part of the building permit and plan check process. A certified Green Building Rater shall verify compliance by submitting signatures on the Green Building Compliance Form at the time of building permit application and as part of final inspection. When a building permit is applied for, checklists must be filled out by a Green Building Rater and included with the submittal package. The checklist shall be reviewed for accuracy by the Planning and Building Department. The Building Department will review the checklist prior to issuance of a building permit. Building plans shall indicate in the general notes or individual detail drawings, where appropriate, the green building measures to be used to satisfy the green building requirements. Prior to final inspection, checklists must be verified by a Green Building Rater as completed and final work satisfying the green building requirements. Any changes or modifications to the checklists must be verified and approved by the Green Building Rater. Documentation and verification shall be collected by the Green Building Raters. During the permit and inspection process, the Building Department may request to review some or all of the green building documentation.

- B. Costs of Documentation and Verification. All costs for inspections, documentation and verification of compliance with green building requirements, including the hiring of a Certified Green Building Rater, a certified commissioner, or certified home performance contractor, shall be borne by the applicant for a building permit.

14.48.060. Exemptions.

- A. This section shall not apply to any project that received and maintains a valid planning approval or a building permit or which has submitted a complete planning application or building permit application prior to the effective date of the ordinance codified in this chapter unless otherwise required as a condition of approval of a discretionary land use or zoning permit.
- B. Hardship or Infeasibility. An exemption from the standards for compliance may be granted by the Director of Planning and Building under special circumstances. Such circumstances may include, but are not limited to, the following:
1. Availability. Lack of green building materials and/or technology to comply with green building requirements;
 2. Scope of Project. The scope of the covered project is insufficient to comply with the green building standards;
 3. Conflict with Other Provisions. There is conflict between green building requirements and other building or zoning standards or other City goals, such as those requiring historic preservation;
 4. Historic Preservation. Those projects requesting an exemption based on the historic character of a building, site or historic overlay zoning designation shall provide a written request to the Director of Planning and Building regarding the exemption, and describe how the project is consistent with the Secretary of the Interior's Standards for Historic Rehabilitation and/or Chapter 20.54 "Historic Overlay District" zoning requirements.
- C. Process. A covered project must qualify as exempt from the requirements in this chapter by applying for an exemption at the time a planning or building permit application is submitted, whichever occurs first. The applicant shall indicate the maximum threshold of compliance he or she believes is feasible for the covered project and the circumstances that he or she believes create a hardship or make it infeasible to fully comply with this chapter. The exemption determination by the Director of Planning and Building shall be provided in writing to the applicant, with a revised green building requirements meeting the basic California Green Building Code requirements.

14.48.070. Appeal.

Any aggrieved applicant may appeal the determination of the Director of Planning and Building regarding: (1) the granting or denial of an exemption pursuant to Section 14.48.060; or (2) compliance with any other provision of this chapter. Any appeal must be filed in writing with the

Director of Planning and Building no later than 14 days after the date of the exemption determination. The appeal shall state the alleged error or reason for the appeal. A timely filed appeal shall be processed and considered by the Planning Commission in accordance with the provisions of Chapter 20.100 of the Mill Valley Municipal Code.

CHAPTER 14.50 ELECTRIC VEHICLE CHARGING STATIONS

14.50.010. Applicability.

- A. This chapter applies to applications for expedited building permits for electric vehicle charging stations consistent with California Government Code Section 65850.7.
- B. Electric vehicle charging stations legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements herein unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station in such a way to require new permitting. Routine operation and maintenance shall not require a permit.

14.50.020. Definitions.

For purposes of this Chapter, the following definitions apply:

"Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the 2025 California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle. Where applicable, a "charging station" may include essential signage, parking lot striping, wheel stops, bollards and other similar directional and safety improvements as necessary for safe operation of electric vehicle charging station equipment.

"Electronic submittal" means the submission of an application utilizing facsimile transmission, e-mail or any submittal via the internet.

"Feasible method to satisfactorily mitigate or avoid the specific adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed on an application for a permit.

"Specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

14.50.030. Electric vehicle charging station requirements.

- A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety

and reliability.

- B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and over-current protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
- C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

14.50.040. Electronic vehicle charging station permit application checklist.

- A. The Building Official shall adopt a checklist of all requirements with which electrical vehicle charging stations shall comply to be eligible for a business permit, which shall be consistent with information and requirements provided by the California Governor's Office of Business and Economic Development.
- B. The checklist and all permitting documentation required for an electric vehicle charging station permit application shall be made available on the publicly accessible City website.

14.50.050. Application.

- A. Applications for an expedited building permit for the installation, alteration, or replacement of an electric vehicle charging station shall be in writing and contain the information set forth in the application checklist.
- B. An application for an expedited building permit for an electric vehicle charging station, and all associated documentation, may be submitted to the Building Official in person or by electronic submittal.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

14.50.060. Streamlined permitting.

Anyone seeking to install an electric vehicle charging station at any site within the City may apply to the Building Official for an expedited nondiscretionary building permit. When a completed application is received which meets all requirements of the application checklist, the Building Department shall review and approve for permit issuance an application for an electric vehicle charging station in a timely manner, as follows:

- A. An application that satisfies the information requirements in the checklist, as determined by

the Building Official, shall be deemed complete.

- B. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- C. Upon confirmation by the Building Official that an application is complete, the Building Official shall review the application. Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements and would not have a specific, adverse impact. Design Review is not required for electric vehicle charging stations.
- D. If the Building Official determines that the proposed electric vehicle charging station meets all health and safety requirements of local, state and federal law and would not have a specific, adverse impact upon public health or safety, the Building Official shall administratively approve the application within one to three days.

14.50.070. Electric vehicle charging station permit.

- A. The Building Official may require an applicant to apply for an electric vehicle charging station permit if the Building Official makes written findings, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon public health and safety.
- B. If required by the Building Official, the applicant shall submit an application for an electric vehicle charging station permit, including any required documentation, as determined by the Building Official, regarding feasible methods to satisfactorily mitigate or avoid the specific, adverse impact.
- C. The Building Official shall not deny an application for an electric vehicle charging station permit, unless the Building Official makes written findings, based on substantial evidence in the record that the proposed installation would have a specific adverse impact on public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the specific, adverse impact.

14.50.080. Conditions at lowest cost possible.

Any conditions imposed on an application for an electric vehicle charging station shall be crafted to mitigate the specific adverse impact upon health or safety at the lowest possible cost.

14.50.090. No requirement for association approval.

The approval of a permit for electric vehicle charging station shall not be conditioned on the approval of an association, as defined in Civil Code section 4080.

14.50.100. Appeals.

The Building Official's decision on a building permit or an electric vehicle charging station permit may be appealed to the City Council in accordance with Chapter 20.100. The City Council's review shall be subject to the same limitations as that of the Building Official, and only health and safety issues may be considered.

14.50.110. Inspection requirements.

- A. Inspection requests may be made by electronic submittal, as required by the Building Official.
- B. The inspection shall be completed in a timely manner and may include consolidation inspections if possible.

CHAPTER 14.52
SOLAR ENERGY SYSTEMS

14.52.010. Applicability.

- A. This chapter applies to the issuance of building permits for small residential rooftop solar energy systems in the City consistent with California Government Code Section 65850.5.
- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements herein unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way to require new permitting. Routine operation and maintenance shall not require a permit.

14.52.020. Definitions.

For the purposes of this chapter, the following definitions apply:

"Electronic submittal" means the submission of an application utilizing facsimile transmission, e-mail or any submittal via the internet.

"Feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit and that is consistent with the requirements of the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

"Small residential rooftop solar energy system" has the same meaning as provided in the Solar Rights Act, Government Code Section 65850.5, as the same may be amended from time to time.

"Solar energy system" has the same meaning as set forth in Civil Code Section 801.5, as that section may be amended from time to time.

"Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact,

based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

14.52.030. Solar energy system requirements.

- A. All solar energy systems shall meet applicable health and safety requirements imposed by the state, the City, the local utility provider's electricity grid and the Southern Marin Fire District.
- B. Solar energy systems for heating water in single-and duplex-family dwelling units and swimming pools shall be certified by an accredited listing agency as defined by the California Plumbing Code and Mechanical Codes.
- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical Engineers, and accredited testing laboratories such as Underwriters Laboratories, and where applicable, the rules of the Public Utilities Commission regarding safety and reliability.

14.52.040. Small residential rooftop solar energy system permit application checklist.

- A. The Building Official or designee shall adopt a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for a business permit, which shall substantially conform to the recommendations for expedited permitting, in the most current version of the "California Solar Permitting Guidebook" adopted by the Governor's Office of Planning and Research.
- B. The checklist and all permitting documentation required for a small residential rooftop solar energy system permit application shall be made available on the publicly accessible City website.

14.52.050. Application.

- A. Applications for an expedited building permit for the installation, alteration, or replacement of a small rooftop solar energy system shall be in writing and contain the information set forth in the application checklist.
- B. An application for an expedited building permit for a small rooftop solar energy system, and all associated documentation, shall be submitted to the Building Official by electronic submittal.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

14.52.060. Streamlined permitting.

Anyone seeking to install a small rooftop solar energy system within the City may apply to the Building Official for an expedited nondiscretionary building permit. When a completed application is received which meets all the requirements of the application checklist, the Building

Department shall review and approve for permit issuance the application for a rooftop solar energy system in a timely manner as follows:

- A. An application that satisfies the information requirements in the checklist, as determined by the Building Official, shall be deemed complete.
- B. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- C. Upon confirmation by the Building Official that an application is complete, the Building Official shall review the application. Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements and would not have a specific, adverse impact. Design Review is not required for small residential rooftop solar applications.
- D. If the Building Official determines that the proposed small rooftop solar system meets all health and safety requirements of local, state and federal law and would not have a specific adverse impact upon public health or safety, the Building Official shall administratively approve the application within one to three business days.

14.52.070. Small residential rooftop solar permit.

- A. The Building Official may require an applicant to apply for a small residential rooftop solar permit if the Building Official makes written findings, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety.
- B. The applicant shall submit an application for a small residential rooftop solar permit, including any required documentation, as determined by the Building Official, regarding feasible methods to satisfactorily mitigate or avoid the specific, adverse impact.
- C. The Building Official shall not deny an application for a small residential rooftop solar permit unless the Building Official makes written findings, based on substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such written findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact.

14.52.080. Conditions at lowest cost possible.

Any condition imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest cost possible.

14.52.090. No requirement for association approval.

The approval of a permit for a solar energy system shall not be conditioned on the approval of an association, as defined in Civil Code Section 4080.

14.52.100. Appeals.

The Building Official's decision on a building permit or a small residential rooftop solar permit may be appealed to the City Council in accordance with Chapter 20.100. The City Council's review shall be subject to the same limitations as that of the Building Official, and only health and safety issues may be considered.

14.52.110. Inspection requirements.

- A. Inspection requests may be made by electronic submittal, as required by the Building Official.
- B. The inspection shall be done in a timely manner and may include consolidation inspections if possible.
- C. If a small residential rooftop solar energy system fails inspection, a subsequent inspection shall be scheduled.

**CHAPTER 14.53
GATE SAFEGUARDS**

14.53.010. Purpose.

The purpose of this section is to promote public safety and welfare by reducing the risk of death or injury that may result from gates detaching from supporting hardware or gates not being well maintained or inspected. The jurisdiction finds it necessary to require gates to be inspected periodically by a professional and record keeping to ensure the basic life safety of the public.

14.53.020. Definitions.

For the purposes of this section, the following definitions shall apply:

"Property owner" means and includes, without limitation, the fee owner(s) of real property, their agents, or the person(s) in possession of the real property.

"Gate inspector" means any licensed fence installer, licensed automatic system installer, ICC certified building inspector, licensed architect, or licensed engineer.

"Written certification" means a document signed and/or stamped by a gate inspector attesting that the inspector performed an in-person inspection of the gate and based on that inspection has determined that the gate meets all of the standards set forth in this chapter, the gate has been maintained, and the gate is in good working order. In addition, the document shall include the following:

1. Inspection date.
2. Site address.
3. Name of the property owner.

4. Contact information of inspector.
5. Signature and/or stamp of the inspector.

14.53.030. Scope.

The provisions of this chapter shall apply to all vehicular gates and any gate more than 48 inches (1,219 mm) in width or more than 84 inches (2,134 mm) in height.

14.53.040. General.

Gates shall meet the requirements of subsections L and M of Section 14.05.021 of this Code.

14.53.050. Maintenance and inspection.

The property owner shall keep all gates on the property well maintained and in good working order. The property owner shall have or cause to have all gates on the property inspected by a gate inspector and obtain a written certification at least once every five years. The property owner shall keep a copy of the most recent written certification for each gate and make it available to the Building Official upon request.

14.53.060. Time limits for compliance.

The property owner shall bring all gates existing as of the effective date of the ordinance codified in this chapter into compliance with the provisions of this chapter, and obtain a written certification for each gate, by July 1, 2025, and at least once every five years thereafter. The property owner of a new gate installed after the effective date of the ordinance codified in this chapter shall immediately comply with the provisions of this chapter and obtain a written certification upon installation of the gate and at least once every five years thereafter.”

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

SECTION 4. CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds and determines that this Ordinance is exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it may have a significant impact on the environment.

SECTION 5. Effective Date and Certification of Publication. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the

Government Code of the State of California with the names of the City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Mill Valley on the **17th** day of **November 2025**, and

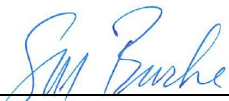
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **8th** day of **December 2025**, by the following vote:

AYES: Councilmembers: Jones, Carmel, Joachim, Perrey, Burke.

NOES: None.

ABSENT: None.

ABSTAIN: None.



Stephen Burke, Mayor

ATTEST:


Risa De Ferrari, City Clerk