ORDINANCE NO. 1367

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AMENDING TITLE 14 ("BUILDING AND CONSTRUCTION") OF THE MILL VALLEY MUNICIPAL CODE, TO ADD CHAPTER 14.49 "LOW-CARBON CONCRETE STANDARDS", AS IT RELATES TO THE 2025 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, MAKING CERTAIN AMENDMENTS TO PARTS 11 THERETO THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY

SECTION 1. Recitals

A. Pursuant to Health and Safety Code Section 17960, the building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings; and

B. Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 provide that a local agency may make changes to the California Building Standards Code so long as the local government can make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions and that such changes be filed with the California Building Standards Commission ("BSC") following adoption; and

C. On February 17, 2026, at a duly and properly noticed regular meeting, the City Council considered for first reading an ordinance amending Title 14 of the Mill Valley Municipal Code to reconfirm green building and energy efficiency requirements and make local amendments to Parts 6 and 11 pertaining to flex energy compliance for certain types of residential development projects and implementation of California Green Building Standards Code (CALGreen) Tier 1 requirements contained herein as "ATTACHMENT 1" to the February 17, 2026 staff report and referred to herein as the "Reach Code Ordinance", and this Ordinance, referred to as the "Low Carbon Concrete Ordinance"; and

D. The Reach Code Ordinance amends Section 14.48.020 (Local amendments to the California Green Building Standards Code) of the Mill Valley Municipal Code and reorganizes the local amendments within that Section into numbered subsections; and

E. The City desires to further amend Section 14.48.020 to require compliance with low-carbon concrete standards and insert such amendment as a subsection in the reorganized

Section 14.48.020. Accordingly, this Ordinance shall become effective once the Reach Code Ordinance goes into effect; and

F. The proposed amendments in this Ordinance are reasonably necessary to address the City's local climatic, topographic and geologic conditions as set forth in Section 2 of this Ordinance; and

G. The Climate Action Plan Task Force, Planning Commission and City Council approved and adopted the Climate Action Element Update of the Mill Valley General Plan in 2024, which includes General Plan programs for implementation that expressly indicate the City's intent to adopt "reach codes'" as part of the Green Building Ordinance updates. To further implement the climate policies of the General Plan and achieve the goal to reduce community emissions 47% below 1990 levels by 2030, the City adopted a 2030 Climate Action Plan (CAP) on May 6, 2024; and

H. The proposed local amendments applicable to residential units in Part 11 of the 2025 California Building Standards Code are necessary to implement the City's General Plan Climate Element and the City's adopted CAP in accordance with findings set forth in Section 2 of this Ordinance.

SECTION 2. Findings

A. **Findings Pursuant to Health and Safety Code (Local Climatic, Topographical and Geological Conditions).** California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify the requirements contained in the California Buildings Standards Code and other regulations adopted pursuant to California Health and Safety Code Section 17922, including the California Green Building Standards Code, based on local climatic, geologic, or topographic conditions described below. Therefore, the Mill Valley City Council hereby finds that these changes or modifications to the 2025 California Green Building Standards Code, as set forth in this Ordinance, are reasonably necessary because of the following local climatic, geological and topographical conditions:

a) Climatic conditions:
   i. The City is in **Climate Zone 3,** and precipitation ranges from 15 to 42 inches per year with an average of approximately 25 inches per year. Approximately 90% of the precipitation falls during the months of November through April and 10% from May through October. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous fire conditions.
   ii. Mill Valley is situated in a densely populated major metropolitan area (the San Francisco Bay Area) that generates and releases into the atmosphere significant quantities of greenhouse gases, which have detrimental effects to the local climate as determined by the State of California.
   iii. Climate change, due to emissions of greenhouse gases, has increased average annual air temperature in California by 1.8 degrees Fahrenheit since 1985,

resulting in more intense and frequent heat waves, more intense and frequent drought, more severe storms and extreme weather events and more severe and frequent wildfires. According to the California Climate Change Assessment, annual average temperatures in Mill Valley are expected to rise between 4.4 degrees Fahrenheit and 7.2 degrees Fahrenheit by 2100, significantly exacerbating these hazards. Approximately 1,610 of the 5,700 parcels in Mill Valley are in the designated FEMA 100-year and 500-year floodplains.

b) Topographic conditions:
   i. The City of Mill Valley has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush-covered slops; narrow winding streets used by residents of the area and the Fire Department for ingress and egress, steep hill which hinder Fire Department response time; older and inadequate water systems in certain areas of the community; and the location of buildings and structures with relation to these dangerous areas.
   ii. Approximately 3,427 of the 5,700 parcels in Mill Valley are in the designated Fire Hazard Zones, the majority of which are single family parcels and include: 618 parcels in the Moderate Fire Hazard Zone; 2,216 parcels in the High Fire Severity Zone and 865 parcels in the Very High Fire Severity Zone.

c) Geologic conditions:
   i. The City's natural topographic and geologic features create an increased risk from flooding, hillside runoff, landslides, and debris flows due to a combination of factors including periodic heavy winter rainfalls, soil conditions, proximity to Richardson Bay, and other related factors. Low lying areas can also be subject to tidal fluctuations and liquefaction following an earthquake.
   ii. Seismically, the City sits between two active earthquake faults (San Andreas and Hayward) and numerous potentially active faults. Fire following an earthquake has the potential of causing greater loss of life than the earthquake itself. Should a significant seismic event occur, public safety resources would have to be prioritized to mitigate the greatest threat and may not be available for every structural fire. In such event, individual structures should be equipped to help in mitigating the risk of damage.
   iii. Due to its geological setting, the City of Mill Valley is susceptible to ground failure, which encompasses geological events such as mudslides, landslides, liquefaction, and soil compaction. Approximately 4,085 of the 5,700 parcels in Mill Valley are potentially impacted by landsides, including 764 parcels in very high liquefaction zone and another 1,521 parcels in the high liquefaction zone.

B. **Findings Pursuant to Health and Safety Code (Local Climatic, Topographical and Geologic Conditions), Continued.**

Cal. Green Building Standards Code	Title/Subject	Findings
301.6	Enactment of Low-Carbon Concrete Standards	Climate

C. **Alignment with General Plan Pursuant to Assembly Bill (AB) 130.** AB 130 requires that certain conditions be met in order to establish more restrictive standards for residential units than those contained in the California Buildings Standards Code and other regulations adopted pursuant to California Health and Safety Code Section 17922, including the California Green Building Standards Code. Therefore, the Mill Valley City Council hereby finds that these changes or modifications to the 2025 California Green Building Standards Code, as set forth in this Ordinance, are necessary to implement a local code amendment adopted to align with the City's General Plan, as set forth below:

a) The City Council finds that the amendments adopted by this Ordinance to Part 11 of Title 24 of the California Code of Regulations (hereinafter, "Title 24") are consistent with the goals, policies, and greenhouse gas reduction strategies set forth in the Mill Valley 2040 General Plan, adopted prior to June 10, 2025, which permits mixed-fuel residential construction consistent with federal law and incentivizes all electric-construction as part of its adopted greenhouse gas emissions reduction strategy. On October 7, 2013, the City Council approved the Mill Valley 2040 General Plan ("General Plan"). On May 6, 2024, the City Council updated the Climate Element of the General Plan and approved the mill Valley 2030 Climate Action Plan ("CAP"). The adopted 2030 CAP and Climate Element update the City's emission reduction strategy, with a goal to reduce emissions 47% below 1990 levels by the year 2030 and include policies that promote the use of mixed-fuel residential construction consistent with federal law.

b) The City Council finds that the local amendments adopted by this Ordinance to Part 11 of Title 24 further the implementation of General Plan Climate Element policies, including but not limited to:
   i. Policy CL1. 1-5: Update the City's green building ordinance to support best practices and other available green building standards to conserve energy and resources including: design guidelines, development standards, and permitting procedures to encourage emerging green building technologies.
   ii. Policy CL6. 1-2: Implement measures in the City's Climate Action Plan 2030 to achieve reductions in greenhouse gas emissions that exceed statewide targets, and to support the State's goal to achieve zero net emissions statewide by 2045.

c) The City Council further finds that the local amendments adopted by this Ordinance to Part 11 of Title 24 are consistent with the greenhouse gas reduction goals of the Mill Valley 2030 CAP, incorporated into the City's General Plan by reference and adopted on May 6, 2024, which set the goal of reducing community greenhouse gas emissions 47% below Mill Valley's 1990 levels by 2030. The proposed amendments support the CAP goals and policies, including but not limited to:

   i. E-C4: Green Building Reach Code
      - Continue to adopt green building requirements for new and remodeled commercial and residential projects above the State building code.
      - Consider adopting low embodied-carbon concrete standards similar to those adopted by the County of Marin.

D. **Environmental Findings:** 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 that adoption of this Ordinance is exempt from the requirements of CEQA under the common sense exemption in CEQA Guidelines Section 15061(b)(3) on the grounds that these standards are more stringent than state standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant impact on the environment. Further, the City Council also finds that the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. The City Clerk is directed to prepare and file a Notice of Exemption following adoption of this Ordinance with the Marin County Clerk.

SECTION 3. Local Amendments to the 2025 California Green Building Standards Code (Mill Valley Municipal Code, Title 14) to enact "Low-Carbon Concrete Standards". Section 14.48.020 of Chapter 14.48 (Green Building Standards) of Title 14 (Building and Construction), as adopted in the above-referenced "Reach Code Ordinance", is hereby amended to insert the following language as subsection (E) and renumber subsections (E) through (G) to subsections (F) through (H) accordingly:

"E. Section 301.6 is hereby added to Chapter 3 – GREEN BUILDING – of the 2025 Green Building Standards Code to read as follows:

> **301.6 Low-carbon concrete requirements**. Plain and reinforced concrete installed as part of new buildings, construction on vacant lots, Major Remodels, construction projects involving the placement of thirteen (13) cubic yards or more of cast-in place concrete, and/or City-sponsored construction projects shall demonstrate compliance with the requirements of Mill Valley Municipal Code Chapter 14.49, Low Carbon Concrete Standards, the full text of which is herein added to this code by reference."

SECTION 4. Local Amendments to the California Green Building Standards Code (Mill Valley Municipal Code, Title 14) to establish new Chapter 14.49, entitled "Low-Carbon Concrete Standards." Chapter 14.49 is hereby added to Title 14 (Building and Construction) of the Mill Valley Municipal Code to read as follows:

"Chapter 14.49
Low-Carbon Concrete Standards

14.49.010 Purpose and Applicability

A. The purpose of this chapter is to provide practical standards and requirements for the composition of concrete, as defined herein, that maintains adequate strength and durability for the intended application and at the same time reduces greenhouse gas emissions associated with concrete composition. This code includes pathways for compliance with either reduced cement levels or lower-emission supplementary cementitious materials.

B. The provisions of this Chapter are applicable to the following types of construction: new buildings, construction on vacant lots, Major Remodels, construction projects involving the placement of thirteen (13) cubic yards or more of cast-in place concrete, and/or City-sponsored projects.

14.49.020 Definitions

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

A. "Concrete" means any approved combination of mineral aggregates bound together into a hardened conglomerate in accordance with the requirements of this code.

B. "Environmental Product Declaration (EPD)" means quantified environmental information on the life cycle of a product to enable comparisons between products fulfilling the same function. EPDs must conform to ISO 14025, and EN 15804 or ISO 21930, and have at least a "cradle to grave" scope (which covers product life cycle from resource extraction to the factory)

C. "Major Remodel" as defined in MVMC Section 14.48.030.

D. "Upfront Embodied Carbon (Embodied Carbon)" means the greenhouse gasses emitted in material extraction, transportation and manufacturing of a material corresponding to life cycle stages A1 (extraction and upstream production), A2 (transportation), and A3 (manufacturing). Definition is as noted in ISO 21930 and as defined in the Product Category Rule for Concrete by NSF dated February 22, 2019.

14.49.030 Compliance

A. **Summary of Compliance.** Table 1 summarizes compliance with this chapter based on cement content and embodied carbon, as further described in subsections B through E below. Modifications to the requirements identified in the Table below may be granted through subsection F below or by seeking an exemption, as identified in Section 14.49.050.

MVMC 14.49.030-Table 1: Cement and Embodied Carbon Limit Compliance Options

	Cement Limits for use with any compliance method C through E	**Embodied Carbon Limits** for use with any compliance method C through E
Minimum specified compressive strength f'_c, psi (1)	Maximum ordinary Portland cement content, bs/cubic yard (2,3)	Maximum embodied carbon kg CO_2e/m^3, per EPD
up to 2500	362	260
3000	410	289
4000	456	313
5000	503	338
6000	531	356
7000	594	394
7001 and higher	657	433
up to 3000 light weight	512	578
4000 light weight	571	626
5000 light weight	629	675

Notes:
(1) For concrete strengths between the stated values, use linear interpolation to determine cement and/or embodied carbon limits.
(2) Portland cement of any type per ASTM C150
(3) For allowances see MVMC 14.49.030 (F) for high-early-strength concrete and proportional increases associated with approved cements supported by plant-specific EPDs.

B. **Cement Limit Method – Mix.** Cement content of a concrete mix using this method shall not exceed the value shown in Table 1. Use of this method is limited to concrete with specified compressive strength not exceeding 5,000 psi.

C. **Cement Limit Method – Project.** Total cement content shall be based on total cement usage of all concrete mix designs within the same project. Total cement content for a project shall not exceed the value calculated according to Equation C.

MVMC 14.49.030, Equation C

$Cem_{proj} < Cem_{allowed}$

where

$Cem_{proj} = \Sigma Cem_n \, v_n$ *and* $Cem_{allowed} = \Sigma Cem_{lim} \, v_n$

and

n = the total number of concrete mixtures for a project

Cem_n = the cement content for mixture $_n$, kg/m^3 or lb/yd^3

Cem_{lim} = the maximum cement content for mixture $_n$ per Table 1, kg/m^3 or lb/yd^3

v_n = the volume of mixture $_n$ concrete to be placed, yd^3 or m^3

Applicant can use yd^3 or m^3 for calculation, but must keep same units throughout

D. **Embodied Carbon Method – Mix.** Embodied carbon of a concrete mix, based on an approved environmental product declaration (EPD), shall not exceed the value given in Table 1.

E. **Embodied Carbon Method – Project.** Total embodied carbon (EC_{proj}) of all concrete mix designs within the same project shall not exceed the project limit ($EC_{allowed}$) determined using Table 1 and Equation C.

F. **Allowable Increases.**

1. *Cement and Embodied Carbon Limit Allowances*. Cement or Embodied Carbon limits shown in Table 1 can be increased by 30% for concretes demonstrated to the Building Official as requiring high early strength. Such concretes could include, but are not limited to, precast, prestressed concrete; beams and slabs above grade; and shotcrete.

2. *Approved Cements*. The maximum cement content may be increased proportionally above the tabulated value when using an approved cement, or blended cement, demonstrated by approved EPD to have a *plant-specific EPD* lower than 1040 kg CO_2e/metric ton. The increase in allowable cement content would be (1040 / plant=specific EPD) %.

14.49.040 Condition of Building Permit and Verification of Compliance. Compliance with the requirements of this Chapter shall be demonstrated through the following:

A. As a condition prior to the issuance of every building permit involving placement of concrete, the permit applicant shall be required to submit a completed low-carbon concrete compliance form that shall be provided by and reviewed for compliance by the building department prior to issuing the permit.

B. As a condition of such building permits, and prior to approving construction inspections following placement of concrete, the permit applicant shall be required to submit batch certificate and/or EPDs provided by the concrete provider that demonstrate compliance with this chapter and the compliance form on file with the building permit. The batch

certificates and/or EPDs shall be reviewed for compliance by the building department prior to approving any further inspections.

C. When deviations from compliance with this chapter occur the Building Official is authorized to require evidence of equivalent carbon reductions from the portions of remaining construction of the project to demonstrate alternative compliance with the intent of this Chapter.

D. For projects involving placement of concrete by, or on behalf of the City of Mill Valley, specifications indicating compliance with this Chapter shall be preserved in accordance with the City's document retention policy.

14.49.050 Exemptions.

A. **Hardship or infeasibility exemption**. If an applicant for a project subject to this chapter believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility. The applicant shall identify in writing the specific requirements of the standards for compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this chapter.

Circumstances that constitute hardship or infeasibility may include, but are not limited to the following:

1. There is a lack of commercially available material necessary to comply with this chapter;
2. The cost of achieving compliance is disproportionate to the overall cost of the project;
3. Scope of work proposed for the project;
4. Compliance with certain requirements would impair the historic integrity of buildings listed on a local, state or federal list or register of historic structures as regulated by the California Historic Building Code (Title 24, Part 8)

B. **Granting an exemption.** If the Building Official determines that it is a hardship or infeasible for the applicant to fully meet the requirements of this chapter and that granting the requested exemption will not cause the building to fail to comply with the California Building Standards Code, the Building Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the Building Official shall consider whether alternate, practical means of achieving the objective of this chapter can be satisfied. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the Building Official.

C. **Denial of exception.** If the Building Official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request shall be denied

and the applicant shall be notified of the decision in writing. The project and compliance documentation shall be modified to comply with the standards for compliance.

D. **Appeal.** Any aggrieved applicant or person may appeal the determination of the Building Official regarding the granting or denial of an exemption or compliance with any other provision of this chapter. Any appeal shall be filed in writing with the Building Official no later than 14 days after the date of the determination. The appeal shall state the alleged error or reason for the appeal. A timely filed appeal shall be processed and considered by the Building Official in accordance with the provisions of Chapter 20.100 of the Mill Valley Municipal Code."

SECTION 5. 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 6. Effective Date and Certification of Publication. This Ordinance shall be effective the day after the effective date of the above-referenced "Reach Code Ordinance". 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.

SECTION 7. California Building Standards Commission. The City Clerk is directed to file a copy of this Ordinance, together with the documentation required to the California Building Standards Commission. The City Manager may make minor amendments to the same as required by the California Building Standards Commission and approved by the City Attorney.

INTRODUCED at a regular meeting of the City Council of the City of Mill Valley on the **17th** day of **February 2026**, and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **16th** day of **March 2026**, by the following vote:

AYES: Councilmembers Burke, Jones, Carmel, Joachim, Perrey
NOES: None.
ABSENT: None.
ABSTAIN: None.

Max Perrey, Mayor

ATTEST:

Risa De Ferrari, City Clerk