



TO: Mayor and City Council


FROM: Kathy Toohey, Building Official

VIA: Patrick Kelly, Director of Building and Planning

SUBJECT: Introduce for First Reading an Ordinance to Amend Section 14.42.050, Delete Chapter 14.44, and Amend 14.48 of the Mill Valley Code Adopting by Reference the 2019 Green Building Standards Code with Local Amendments; and Set a Public Hearing Date

DATE: November 18, 2019

Approved for Forwarding:


James C. McCann, City Manager

Issue:

Introduction of an Ordinance to amend Section 14.42.050, delete Chapter 14.44, and amend 14.48 of the Mill Valley Municipal Code to adopt by reference the 2019 California Green Building Standards Code with local amendments, and setting a public hearing date on the Ordinance as required by state law.

Recommendation:

1. Introduce the proposed ordinance for first reading, read by title only, and waive further reading.
2. Set a public hearing date for the December 2, 2019 regular City Council meeting.

Background and Discussion:

Title 24 of the California Code of Regulations contains the California Building Standards Code ("CALGreen"), which governs the design and construction of buildings, associated facilities, and equipment in the state. California updates these

requirements every three years with the next iteration, the 2019 Title 24 Code cycle, going into effect on January 1, 2020. Once the model codes are published, local agencies have 180 days to make additional or amendments to the California Codes based on local conditions, specifically climate, topography and geology. The amendments or additions are adopted by local ordinance and become part of the Municipal Code.

Currently, Mill Valley's green building standards are codified in Chapter 14.48 (Green Building Standards) of the Municipal Code. The proposed ordinance would eliminate other energy efficiency standards that were adopted in 2005 and codified in Chapter 14.44 (Energy Efficiency Standards for Single Family Dwellings Greater than 3,500 Square Feet of Conditioned Floor Area), in order to streamline the code language. Chapter 14.48 will include all of the local amendments made to CALGreen. The proposed ordinance also makes a minor text amendment to a reference to the CALGreen requirements in Section 14.42.050, within Chapter 14.42.

The state's modifications to green building and energy efficiency standards for 2019 notably include mandatory solar for all new homes and multifamily developments three stories or less. The proposed ordinance would adapt the current City standards for compliance with the 2019 Title 24 code cycle, make local code amendments so as to ensure the requirements are easy to understand and implement, and adopt certain regulations that are more stringent than the state's mandatory requirements in order to better achieve the City's environmental goals.

The proposed standards support the City's sustainability goals by:

- Highlighting electric vehicle (EV) charging readiness requirements and exceeding standards set by the state for multifamily and commercial properties.
- Requiring "Tier 1" level of green building compliance, following the state's recommendations for enhanced green building requirements within the CALGreen checklist.

The proposed electric vehicle charging readiness standards include requirements for multifamily and commercial properties to provide EV readiness infrastructure that will limit costs of development, while still providing support necessary for future installation of EV chargers. EV readiness in this context means that the supporting infrastructure, such as electric service capacity, conduit, and wiring, and other components, are in place to reduce project costs and complexity at the time of EV charger installation.

The standards for single and two-family new residential construction will require new homes to add additional capacity to the service panel to allow for at home Level 2 EV charging (240 volt), as is required by CALGreen Tier 1. For multifamily properties, the proposal is for one EV Ready space per dwelling unit, excluding ADUs. For commercial properties, if the service panel is modified, 20% of the onsite parking spaces would be required to be modified to be EV capable. When the parking lot surface is modified, conduit would need to be added to all exposed parking spaces.

The City adopted CALGreen Tier 1 in the 2016 code adoption cycle, and re-adopts the more stringent 2019 CALGreen Tier 1 requirements in the proposed ordinance. For applicable projects, Tier 1 requires additional mandatory and elective measures in the areas of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.

The proposed ordinance also seeks to improve user-friendliness of the standards by:

- Seeking to align with policies being considered by multiple other jurisdictions in Marin County. The proposed codes were developed through a process that included building department and sustainability staff from multiple Marin County jurisdictions.
- Continuing to offer flexible pathways for compliance with energy efficiency and electrification requirements.
- Using lessons learned from implementation of the standards adopted previously to improve resources aimed at helping applicants and building department staff understand and comply with requirements.

The California Public Resources Code states that a local jurisdiction may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission (CEC). The proposed ordinance's energy efficiency requirements have been determined to be cost effective via third party analysis for projects in Marin's climate zones (two and three). In other words, the additional cost of the proposed energy efficiency requirements will pay for themselves over the life of the project from energy cost savings.

The Health and Safety Code requires that local amendments to the California Building Standards Code, including CALGreen, be determined to be reasonably necessary because of local climatic, geological, and/or topographic conditions. These findings can be adopted by ordinance or resolution, and must be filed with the California Building Standards Commission. The required findings that the local amendments respond to local climatic, geological or topographical conditions, or are administrative in nature, will be included in the a separate Resolution for adoption at the December 2, 2019 regular City Council meeting.

Staff transmitted the draft green code to approximately 250 Design Professionals for review and comment; to date, responses have been positive. Over the last nine months, staff has collaborated with building officials of Marin County in developing local green code amendments.

Attachments:

1. Draft Ordinance
2. 2019 Residential Cost Effectiveness Study (*available for reference in the City Clerk's Office*)
3. 2019 Nonresidential Cost Effectiveness Study (*available for reference in the City Clerk's Office*)

ORDINANCE NO. 2019-X

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY
DELETING CHAPTER 14.44 AND AMENDING CHAPTER 14.48 TO ADOPT BY
REFERENCE THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING
STANDARDS CODE, WITH AMENDMENTS TO REFLECT LOCAL CONDITIONS**

SECTION 1: Chapter 14.44 of the Mill Valley Municipal Code is hereby deleted.

SECTION 2: Chapter 14.48 of the Mill Valley Municipal Code is hereby deleted and replaced in its entirety as follows:

“Chapter 14.48 GREEN BUILDING STANDARDS

14.48.010 California Green Building Standards Code adopted by reference.

14.48.020 Local amendments to the California Green Building Standards Code.

14.48.030 Definitions.

14.48.040 Green building requirements by project type.

14.48.050 Documentation and verification.

14.48.060 Exemptions.

14.48.070 Appeal.

14.48.010 California Green Building Standards Code adopted by reference.

The City hereby adopts by reference the 2019 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 14.48 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 Chapter 14.48, 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 2019 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:

Section 202 of Chapter 2 is hereby amended by revising the definitions of Electric Vehicle Charging Station and of Newly Constructed (or New Construction) as underlined and struck through, 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 ~~does not include additions, alterations, or repairs.~~

Section 301.1 of Chapter 3 is hereby amended by revising the first sentence as underlined and struck through:

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.

Section 301.1.1 of Chapter 3 is hereby amended by revising the first sentence as underlined and struck through:

301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall be applied to additions and alterations of existing residential buildings ~~where the addition or alteration increases the building's conditioned area, volume, or size,~~ in accordance with the applicable requirements of Chapter 14.48 of the Mill Valley Municipal Code.

Section 301.3 of Chapter 3 is hereby amended by revising the first sentence as underlined and struck through:

301.3 Nonresidential additions and alterations. The provisions of individual sections of Chapter 5 apply to newly constructed buildings, and building additions and alterations of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above (for occupancies within the authority of California Building standards Commission).

Section 4.106.4.2 of Chapter 4 is hereby amended as underlined and struck through:

Section 4.106.4.2 New multifamily dwellings. If residential parking is available, ~~ten (10) percent of the total number of parking spaces on a building site~~ 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.

Section 4.106.4.3.1 of Chapter 4 is hereby amended as underlined and struck through, and deleting Table 4.106.4.3.1, and shall read in its entirety as follows:

Section 4.106.4.3.1 Number of required EV Spaces. The number of required EV spaces shall be based on 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 ~~total number of parking spaces provided for all types of parking facilities in accordance with Table 4.106.4.3.1.~~ Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

Section 5.106.5.3 of Chapter 5 is hereby amended by revising the first sentence as underlined:

Section 5.106.5.3 Electric Vehicle (EV) Charging. [N] Construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2, 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).

Section 5.106.5.3.3 of Chapter 5 is hereby amended by revising the first sentence as underlined and struck through, and by deleting Table 5.106.5.3.3:

Section 5.106.5.3.3 EV charging space calculation. [N] ~~Table 5.106.5.3.3~~ Table 1 of Section 14.48.040 of the Mill Valley Municipal Code shall be used to determine if single or multiple charging space requirements apply for the future installation of EVSE.

Section A4.106.8.2 of Appendix A4 is hereby amended by revising “Tier 1” as underlined and struck through:

Section A4.106.8.2 New multifamily dwellings.

Tier 1. ~~Fifteen (15) percent of the total number of parking spaces on a building site~~ 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.

Section A4.106.8.3 of Appendix A4 is hereby amended by revising “Tier 1” as underlined and struck through:

Section A4.106.8.3 New hotels and motels.

Tier 1. Number of required EV spaces. The number of required EV spaces shall be based on 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 ~~parking spaces provided for all types of parking facilities in accordance with Table A4.106.8.3.1~~ 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.

Section A5.106.5.3 of Appendix A5 is hereby amended by revising the first sentence as underlined:

Section A5.106.5.3 Electric vehicle (EV) charging. Construction shall comply with Section A5.106.5.3.1 or Section A5.106.5.3.2, 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).

Section A5.106.5.3.1 of Appendix A5 is hereby amended by revising "Tier 1" as underlined and struck through, and by deleting Table A5.106.5.3.1:

A5.106.5.3.1 Tier 1. ~~Table A5.106.5.3.1~~ Table 1 of Section 14.48.040 of the Mill Valley Municipal Code shall be used to determine the number of multiple charging spaces required for future installation of EVSE. Refer to Section 5.106.5.3.2 for design space requirements.

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.

- A. **"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.
- B. **"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.
- C. **"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.
- D. **"CALGreen Tier 1"** refers to required perquisite 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.
- E. **"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.
- F. **"EV Capable"** refers to a parking space with conduit installed and allocated 208/240V 40-amp panel capacity for future EV charging stations.

- G. **"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.
- H. **"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.
- I. **"Limited mixed-fuel"** means a building where natural gas and/or propane are only used for cooking and fireplaces.
- J. **"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.
- K. **"Minor remodel"** means modifications or additions made to a dwelling which are not considered to be a major remodel.
- L. **"Mixed-fuel"** means a building where both natural gas and/or propane and electricity are used.
- M. **"Modified parking lot"** means a parking lot for which paving material and curbing is removed.
- N. **"Total EDR Compliance Margin"** is the difference in the EDR of the total standard design and the EDR of the total proposed building, as demonstrated on Title 24 compliance documents. This incorporates the efficiency EDR compliance margin as well as the EDR points associated with photovoltaics and flexibility such as battery storage.

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.

Table 1: Requirements by Project Type and Size			
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 2019 Building Energy Efficiency Standards</p> <p><u>OR</u></p> <p>"Limited mixed-fuel", prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 3, demonstrated on Title 24 energy reports</p> <p><u>OR</u></p> <p>"Mixed-fuel", prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 3 and a Total EDR Compliance Margin of 10, demonstrated on Title 24 energy reports</p> <p>See Section 14.48.030 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	Meet the standards outlined for the project in the 2019 Building Energy Efficiency Standards	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 2019 Building Energy Efficiency Standards	
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 2019 Building Energy Efficiency Standards</p> <p><u>OR</u></p> <p>“Limited mixed-fuel”, prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 0.5, demonstrated on Title 24 energy reports</p> <p><u>OR</u></p> <p>“Mixed-fuel”, prewired for future induction cooking, with an Efficiency EDR Compliance Margin of 0.5 and a Total EDR Compliance Margin of 10, demonstrated on Title 24 energy reports.</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		<p>“All-electric”, meeting the requirements outlined for the project in the 2019 Building Energy Efficiency Standards</p> <p><u>OR</u></p> <p>“Limited mixed-fuel”, prewired for future induction cooking, with a compliance margin of 5%, demonstrated on Title 24 energy reports</p> <p><u>OR</u></p> <p>“Mixed-fuel”, prewired for future induction cooking, with a compliance margin of 10%, demonstrated on Title 24 energy reports</p> <p>See Section 14.48.030 for applicable definitions of “All-electric”, “Limited mixed-fuel”, and “Mixed-fuel”</p>	

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 2019 Building Energy Efficiency Standards	<p>If the service panel is modified, add designated electrical capacity for 20% of onsite parking spaces to be EV Capable¹.</p> <p>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.</p>
Nonresidential Additions and Alterations 3,000 square feet or greater		Meet the standards outlined for the project in the 2019 Building Energy Efficiency Standards	

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 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, building staff may request to review some or all of the green building documentation.

- 238 **B. Costs of Documentation and Verification.** All costs for inspections, documentation
239 and verification of compliance with green building requirements, including the hiring of
240 a Certified Green Building Rater, a certified commissioner, or certified home
241 performance contractors, shall be borne by the applicant for a building permit.
242

243 14.48.060 Exemptions.
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- 245 A. This section shall not apply to any project that received and maintains a valid planning
246 approval or a building permit or which has submitted a complete planning application or
247 building permit application prior to the effective date of the ordinance codified in this
248 chapter unless otherwise required as a condition of approval of a discretionary land use
249 or zoning permit.
250

- 251 **B. Hardship or Infeasibility.** An exemption from the standards for compliance may be
252 granted by the Community Development Director under special circumstances. Such
253 circumstances may include, but are not limited to, the following:

- 254 1. Availability. Lack of green building materials and/or technology to comply with
255 green building requirements;
256 2. Scope of Project. The scope of the covered project is insufficient to comply with
257 the green building standards;
258 3. Conflict with other Provisions. There is conflict between green building
259 requirements and other building or zoning standards or other City goals, such as
260 those requiring historic preservation;
261 4. Historic Preservation. Those projects requesting an exemption based on the historic
262 character of a building, site or historic overlay zoning designation shall provide a
263 written request to the Director of Planning and Building regarding the exemption,
264 and describe how the project is consistent with the Secretary of the Interior's
265 Standards for Historic Rehabilitation and/or Chapter 20.54 "Historic Overlay
266 District" zoning requirements.
267

- 268 **C. Process.** A covered project must qualify as exempt from the requirements in this chapter
269 by applying for an exemption at the time a planning or building permit application is
270 submitted, whichever occurs first. The applicant shall indicate the maximum threshold
271 of compliance he or she believes is feasible for the covered project and the
272 circumstances that he or she believes create a hardship or make it infeasible to fully
273 comply with this chapter. The exemption determination by the Director of Planning and
274 Building shall be provided in writing to the applicant, with a revised green building
275 requirements meeting the basic California Green Building Code requirements.
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277 14.48.070 Appeal.
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279 Any aggrieved applicant may appeal the determination of the Director of Planning and Building
280 regarding: (1) the granting or denial of an exemption pursuant to Section 14.48.060; or (2)
281 compliance with any other provision of this chapter. Any appeal must be filed in writing with the
282 Director of Planning and Building no later than 14 days after the date of the exemption
283 determination. The appeal shall state the alleged error or reason for the appeal. A timely filed

284 appeal shall be processed and considered by the Planning Commission in accordance with the
285 provisions of Chapter 20.100 of the Mill Valley Municipal Code.”
286

287 **SECTION 3:** The City Council of the City of Mill Valley finds that adoption of this ordinance is
288 exempt from the California Environmental Quality Act (“CEQA”) under California Code of
289 Regulations, Title 14, § 15061(b)(3), as it can be seen with certainty that there is no possibility
290 that the adoption of this ordinance may have a significant effect on the environment.
291

292 **SECTION 4: Severability.** If any section, subsection, sentence, clause, phrase or portion of this
293 ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of
294 competent jurisdiction, such decision shall not affect the validity of the remaining portions of
295 this ordinance. The City Council of the City of Mill Valley hereby declares that it would have
296 adopted this ordinance and each section, subsection, clause, phrase, or portion thereof
297 irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions
298 thereof may be declared invalid or unconstitutional and, to that end, the provisions hereof are
299 hereby declared severable.
300

301 **SECTION 5: Publication.** This ordinance shall become effective at 12:01 a.m. on January 1,
302 2020, provided that the additional energy efficiency requirements of this Ordinance cannot be
303 enforced by the City until it has further been approved by the California Energy Commission
304 pursuant to Public Resources Code Section 25402.1(h)(2). The City Clerk shall certify to the
305 adoption of this Ordinance and shall cause the same to be published or posted in the manner
306 prescribed by law.
307

308 **SECTION 6:** The City Clerk is hereby directed to cause a copy of this ordinance to be filed with
309 the California Building Standards Commission as required by Health and Safety Code Section
310 17958.7 and the California Energy Commission as required by Public Resources Code Section
311 25402.1(h)(2).
312

313 **INTRODUCED** at a regular meeting of the City Council of the City of Mill Valley on the ____
314 day of November, 2019, and
315

316 **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Mill Valley
317 on this ____ day of _____ 2019, by the following vote:
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321 AYES: Council Members:

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323 NOES: Council Members:

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325 ABSENT: Council Members:
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James P. Wickham, Mayor

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