

**ORDINANCE NO. 2022-1100**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.10 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION, WITH CERTAIN AMENDMENTS, DELETING APPENDICES AND REPEALING ORDINANCE NO. 2019-1069**

**WHEREAS**, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the California Building Standards Code (California Code of Regulations, Title 24) adopting certain State codes, including the California Green Building Standards Code, 2022 Edition with certain amendments and deleting appendices; and

**WHEREAS**, California Health and Safety Code Sections 17958 *et seq.* and 18941.5 authorizes cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

**WHEREAS**, the City of Yorba Linda desires to adopt the California Green Building Standards Code, as adopted by the State of California Building Standards Commission in Title 24 of the California Code of Regulations (the "Green Codes"), with certain amendments and deleting appendices to assure the Green Code is tailored to the particular safety needs of the City of Yorba Linda as required by its unique climatic, geological and topographical conditions; and

**WHEREAS**, the City Council held a public hearing on December 6, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Green Code, as amended herein; and

**WHEREAS**, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on November 24, 2022 and December 1, 2022; and

**WHEREAS**, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Findings. To the extent that the following changes and modifications to the California Green Building Standards Code, 2022 Edition, are deemed more restrictive than the standards contained therein, thus requiring that findings be made pertaining to local conditions justifying such modifications, the City Council adopted Resolution No.

2022-5828 that found and determined that the following changes and modifications are reasonably necessary due to local conditions.

Section 2. Chapter 15.10 of the Yorba Linda Municipal Code is hereby amended to read as follows:

**“CHAPTER 15.10**

**GREEN BUILDING STANDARDS CODE**

**Sections:**

**15.10.010 Green Building Standards Code Adopted.**

**15.10.020 Chapter 3 Green Building - amendments.**

**15.10.030 Appendix A4 Residential Voluntary Measures – deleted.**

**15.10.040 Appendix A5 Nonresidential Voluntary Measures – deleted.**

**15.10.010. Green Building Standards Code Adopted.**

There is hereby adopted by reference, as the Green Building Standards Code, the California Green Building Standards Code, 2022 Edition, with certain amendments, published by the California Building Standards Commission, one certified copy of which is on file in the office of the City Clerk for public inspection and is adopted with the same force and effect as though set out herein in full. The Green Building Standards Code, 2019 Edition, as adopted herein, is amended as set forth in Section 15.10.020 through 15.10.040.

**15.10.020. Chapter 3 Green Building - amendments.**

**Section 305, CALGreen Tier 1 and CALGreen Tier 2,** is hereby deleted in its entirety.

**Section 306, Voluntary Measures,** is hereby deleted in its entirety.

**15.10.030 Appendix A4 Residential Voluntary Measures – deleted.**

**Appendix A4 Residential Voluntary Measures** is hereby deleted in its entirety.

**15.10.040 Appendix A5 Nonresidential Voluntary Measures – deleted.**

**Appendix A5 Nonresidential Voluntary Measures** is hereby deleted in its entirety.

Section 3. Ordinance No. 2019-1069 is hereby repealed in its entirety.

Section 4. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Orange County Clerk's Office within five (5) working days of the approval of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall take on January 1, 2023. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance or a summary thereof to be published in the manner required by law.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Yorba Linda on this 6<sup>th</sup> day of December, 2022.

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, MAYOR  
CITY OF YORBA LINDA

ATTEST:

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MARCIA BROWN, CITY CLERK  
CITY OF YORBA LINDA

APPROVED AS TO FORM:  
RUTAN & TUCKER LLP

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CITY ATTORNEY

