

NOVEMBER 15, 2022 CITY COUNCIL MEETING

9. INTRODUCTION OF ORDINANCES FOR 2022 EDITIONS OF CONSTRUCTION CODES AS MANDATED BY THE STATE & ADOPT RESOLUTION NO. 2022-5828 & CONSIDERATION OF CEQA EXEMPTION & DETERMINATION PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3).

**REVISIONS IN REDLINE TO THE ATTACHMENTS FOR ORDINANCES 2022-1094, 1095, 1096, 1097, 1098, 1099 AND 1103.**

## **ORDINANCE NO. 2022-1094**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.04 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, 2022 EDITION, WHICH INCORPORATES AND AMENDS THE INTERNATIONAL BUILDING CODE, 2019~~21~~<sup>22</sup> EDITION, WITH CERTAIN APPENDICES AND AMENDMENTS, THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION, THE CALIFORNIA EXISTING BUILDING CODE, 2021 EDITION, AND REPEALING ORDINANCE NO. 2019-1063.**

**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 uniform codes, including the California Building Code Volumes 1 and 2, 2019~~21~~<sup>22</sup> Edition (which incorporates and amends the International Building Code, 2021 Edition), with certain appendices and amendments, the California Historical Building, 2022 Edition, the California Existing Building Code, 2022 Edition; 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 Building Code, as adopted by the State of California Building Standards Commission in Title 24 of the California Code of Regulations (the "Building Code"), with certain appendices and amendments to assure the Building 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 California Building Code, 2022 Edition, 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:**

When plans or other data are required to be submitted by section 105.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The amount of the plan review fee shall be as established by resolution adopted by the City Council.

When submittal documents for plan review are incomplete or modified so as to require additional plan review, an additional plan review fee shall be charged as established by resolution adopted by the City Council.

**Section 105.3.2 Time limitation of applications** is hereby amended to read as follows:

**105.3.2 Time limitation of applications.** An application for which no permit is issued within 180 days following the date of application shall automatically expire, 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 on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application may be extended one or more times by the building official for additional periods not exceeding 180 days each. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application.

An application for a permit may only be extended if a written request for an extension is received prior to the expiration of the permit application and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. Payment of the \$73.00 application fee shall not automatically grant an extension. Permit application extensions shall not be granted after the expiration of the original permit application and payment of plan review fees. Full plan review fees as set forth in the fee resolution adopted by the City Council shall be paid should the permit application expire.

**Section 105.5 Expiration** is hereby amended to read as follows:

~~**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months any time after the work is commenced. The suspension or abandonment of work shall be defined as failing to obtain a formal approval of any required inspection as specified in Section 110.3 of this code within 180 day time period. 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.~~

When plans or other data are required to be submitted by section R105.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The amount of the plan review fee shall be as established by resolution adopted by the City Council.

When submittal documents for plan review are incomplete or modified so as to require additional plan review, an additional plan review fee shall be charged as established by resolution adopted by the City Council.

**Section R105.3.2 Time limitation of application** is hereby amended to read as follows:

**R105.3.2 Time limitation of applications.** An application for which no permit is issued within 180 days following the date of application shall automatically expire, 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 on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application may be extended one or more times by the building official for additional periods not exceeding 180 days each. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application.

An application for a permit may only be extended if a written request for an extension is received prior to the expiration of the permit application and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. Payment of the \$73.00 application fee shall not automatically grant an extension. Permit application extensions shall not be granted after the expiration of the original permit application and payment of plan review fees. Full plan review fees as set forth in the fee resolution adopted by the City Council shall be paid should the permit application expire.

**Section R105.5 Expiration** is hereby amended in its entirety to read as follows:

~~**R105.5 Expiration.** 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 any time after the work is commenced. The suspension or abandonment of work shall be defined as failing to obtain a formal approval of any required inspection as specified in Section R109.1 of this code within a 12 month~~



~~time period. 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.~~

A permit may only be extended, with no additional permit fees charged, if a written request for an extension is received prior to the expiration of the permit and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. No additional permit fees, other than the application fee of \$73.00, shall be charged. Payment of the \$73.00 application fee shall not automatically grant an extension. Permits which have become invalid shall pay a renewal fee of 50% of the original permit fee when the permit has been expired for up to one (1) year. When a permit has been expired for a period in excess of one (1) year, the renewal fee shall be 100% of the original permit fee.

**Section R106.1 Submittal documents** is hereby amended to read as follows:

**R106.1 Submittal documents.** Submittal documents consisting of construction documents, statement of special inspections, structural calculations, geotechnical report and other pertinent data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the Building Official of the jurisdiction in which the project is to be constructed.

Shop drawings for the fire protection system(s) shall be submitted to the Orange County Fire Authority for review to indicate conformance to the adopted codes and the construction documents and shall be approved prior to the framing inspection.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**Section 106.1.6** is hereby amended to read as follows:

**R106.1.6 Exterior balconies and elevated walking surfaces.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, or irrigation and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include the manufactures installation instructions, the products listing name, approval number(s) of the product and the approving agency.

Section 6. Effective Date. This ordinance shall take effect 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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TARA CAMPBELL 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

## **ORDINANCE NO. 2022-1097**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.06 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA MECHANICAL CODE, 2022 EDITION, WHICH INCORPORATES AND AMENDS THE UNIFORM MECHANICAL CODE, 20~~21~~<sup>22</sup> EDITION, WITH CERTAIN APPENDICES AND AMENDMENTS, AND REPEALING ORDINANCE NO. 2019-1066**

**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 uniform codes, including the California Mechanical Code, 2022 Edition (which incorporates and amends the Uniform Mechanical Code, 2021 Edition), with certain appendices and amendments; 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 Mechanical Code, as adopted by the State of California Building Standards Commission in Title 24 of the California Code of Regulations (the "Mechanical Code"), with certain appendices and amendments to assure the Mechanical 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 Mechanical 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 Mechanical 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-

## ORDINANCE NO. 2022-1098

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.24 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA PLUMBING CODE, 2022 EDITION, WHICH INCORPORATES AND AMENDS THE UNIFORM PLUMBING CODE, 2019~~20~~<sup>21</sup> EDITION, WITH CERTAIN APPENDICES AND AMENDMENTS, AND REPEALING ORDINANCE NO. 2019-1067**

**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 uniform codes, including the California Plumbing Code, 2022 Edition (which incorporates and amends the Uniform Plumbing Code, 2019~~20~~<sup>21</sup> Edition), with certain appendices, amendments and Installation Standards; 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 Plumbing Code, as adopted by the State of California Building Standards Commission in Title 24 of the California Code of Regulations, with necessary amendments to assure the Codes are 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 California Plumbing Code, 2022 Edition, 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 Plumbing 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



are smaller than the area specified in Section 903.2.10 (3) or 903.2.10.1 of the California Fire Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
  - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet
  - b. When an addition exceeds 2000 square feet, and the resulting building area exceeds 5000 square feet.
  - c. An additional story is added above the second floor regardless of fire areas or allowable area.

**Exception:** Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

**Section 903.2.8 Group R** is hereby amended to read as follows:

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing Buildings:** An automatic sprinkler system shall be installed throughout ~~throughout~~ when one of the following conditions exists:
  - a. ~~When the floor area of alterations within any two-year period exceeds 50 percent of the gross floor area of the existing structure and the building gross floor area exceeds 4,800 square feet; or~~ When an addition occurs and the combined area of the existing building plus the area of the addition, including attached garage, exceeds 4,800 s.f; or  
  
**Exception:** An addition is less than 200 s.f.
  - b. Any addition when the existing building is already provided with an automatic sprinkler system.
  - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

## ORDINANCE NO. 2022-1103

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.20 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE UNIFORM HOUSING CODE, ~~2019~~-1997 EDITION, WITH CERTAIN AMENDMENTS, AND REPEALING ORDINANCE NO. 2019-1072**

**WHEREAS**, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the Uniform Housing Code, ~~2019~~-1997 Edition, published by the International Conference of Building Officials, with certain amendments; and

**WHEREAS**, California Health and Safety Code Section 17958 *et seq.* and 18941.5 authorizes cities to adopt codes 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 Uniform Housing Code, 1997 Edition, with certain amendments to assure the Codes are 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 Uniform Housing Code, 1997 Edition, 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 legally necessary, that the following changes and modifications to the Uniform Housing Code, 1997 Edition, that are more restrictive than the standards contained therein are justified by local conditions and reasonably necessary as outlined and determined in City Council Resolution No. 2022-5828.

Section 2. Chapter 15.20 of the Yorba Linda Municipal Code is amended in its entirety to read as follows: