

## RESOLUTION NO. 2021-03

### A RESOLUTION OF THE BUILDING BOARD OF APPEALS OF THE CITY OF YORBA LINDA UPHOLDING THE BUILDING OFFICIAL'S DETERMINATION TO REQUIRE BUILDING PERMITS FOR UNPERMITTED REPLACEMENT FLOODLIGHTS IN REAR YARD PATIO AT 21129 VIA CANON

**WHEREAS**, on Tuesday March 30, 2021, an appeal of the Building Official's determination that unpermitted exterior electrical light fixtures attached to the outside of the appellant's home at 21129 Via Canon, Yorba Linda, California, 92887, was received via email from Shahram Manighalam on property located north of Esperanza Road and west of Dominguez Ranch Road in the Dominguez Ranch PD (Planned Development) zone; and,

**WHEREAS**, said appeal was in reference to the Notice of Violation issued to Mr. Manighalam by the City of Yorba Linda on April 5, 2021; and,

**WHEREAS**, the Building Official's determination was based on the following regulatory requirements:

- 2019 California Building Code and the 2019 California Residential Code, Section 105.1 and 105.2, Electrical
- 2019 California Electrical Code
  - a. California Article 89, General Code Provisions, Section 89.108.4.1, Permits and Section 89.108.4.4, Inspections
- 2019 California Energy Code
  - a. Definition – Alteration, Lamp and Luminaire
  - b. Section 150.2 (b) Alterations, J, Lighting
  - c. 150.0 (k) Residential Lighting, Item 3. Residential Outdoor Lighting and Table 150.0-A, Classification of High-Efficacy Light Sources
- Yorba Linda Ordinance No. 2019-1065
  - a. Article 95.7 – Permit
  - b. Article 95.10 – Compliance
  - c. Article 95.11 – Inspection; and,

**WHEREAS**, the Building Official's determination was based on photographs provided of the existing, unpermitted exterior electrical light fixtures attached to the outside of the appellant's home, which were received from the Deborah Kohler of Golden West Property Management on behalf of Rancho Dominguez Homeowners Association via email on March 29, 2021; and,

**WHEREAS**, this matter of appeal requires an open hearing in accordance with Section B101.3.1 of the 2019 California Building Code; and,

**WHEREAS**, notice of the open hearing before the Board of Appeals of the City of Yorba Linda concerning the matter of appeal was given in accordance with applicable law; and,

**WHEREAS**, on Monday, June 14, 2021, an open hearing pertaining to this matter of appeal was scheduled before the Board of Appeals held; and,

**WHEREAS**, the appellant requested a continuance of the originally scheduled appeal hearing and the City granted the requested continuance appeal hearing, continuing this matter to the Board of Appeals meeting on Thursday, June 24, 2021; and,

**WHEREAS**, city staff prepared a written report on this matter, a copy of which was provided to the appellant in advance of the open hearing; and,

**WHEREAS**, the Board of Appeals has reviewed and considered the Building Official's action to require building permits for said unpermitted gas and electrical lines serving the subject outdoor barbeque structure; and,

**WHEREAS**, after consideration of the staff report and all of the information, testimony, and evidence presented at the open hearing, the Yorba Linda Board of Appeals does hereby find that the Building Official's determination with respect to requiring the appellant to obtain building permits for the unpermitted exterior electrical light fixtures attached to the outside of the appellant's home, in accordance with the aforesaid sections of the California Building Codes and the City's Municipal Code, is appropriate and necessary to protect the public health, safety and welfare, based upon the following:

- A. The photographs of the exterior electrical light fixtures attached to the outside of the appellant's home confirm that said light fixtures have been installed within the appellant's rear patio area.
- B. Additionally, the Building Division has reviewed all City building permit records on file for the appellant's residence and has not found any evidence to support that said light fixtures have been permitted.
- C. Additionally, the applicable code sections are intended to protect the public health, safety and welfare by ensuring that the installation of electrical light fixtures meets the above-noted code standards for energy conservation purposes, and for protection of life and property due to potential fire and/or electrical shock hazard from improper installation.
- D. Finally, the Building Board of Appeals finds that the adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to Title 14 California Code of Regulations Sections 15061(b)(3), in that it can be seen with certainty that the adoption of the Resolution is not a project, and further, that it proposes no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

**NOW THEREFORE BE IT RESOLVED** that the Yorba Linda Board of Appeals does hereby uphold the Building Official's determination that building permits are required to be obtained for the subject unpermitted exterior electrical light fixtures.

**PASSED AND ADOPTED** at an open hearing of the City of Yorba Linda Board of Appeals on June 24, 2021.



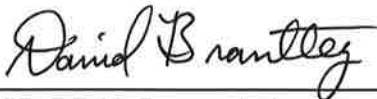
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BOB HEINRICH  
CHAIRMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Yorba Linda Board of Appeals on June 24, 2021, and carried by the following roll call vote:

AYES:	5	BOARDMEMBERS: HEINRICH, KUWITZKY, SESAR, MCFARLAND, GULLIVER
NOES:	0	BOARDMEMBERS: NONE
ABSENT:	0	BOARDMEMBERS: NONE



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DAVID BRANTLEY, AICP  
SECRETARY TO THE BOARD OF APPEALS