

HESPERIA CITY COUNCIL ADVISORY COMMITTEE AGENDA

Regular Meetings

2nd Wednesday

January, April, July & October

**Date: October 10, 2018
Regular Meeting**

Time: 6:00 P.M.

COMMITTEE MEMBERS

Bob Stine, Chair

John Holland, Vice Chair

Sophie Steeno

John Roberts

Mark Kirk

* - * - * - * - * - * - *

Council Member Rebekah Swanson
Council Liaison

Nils Bentsen, City Manager



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the agenda will be made available in the City Clerk's office located at 9700 Seventh Avenue during normal business hours or on the City's website.



NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Building Inspection Supervisor, Mike Hearn at (760) 947-1223. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL ADVISORY COMMITTEE
9700 Seventh Ave., Hesperia, CA 92345**

CALL TO ORDER - 6:00 p.m.

- A. Pledge of Allegiance
- B. Invocation
- C. Roll Call

*Chair Bob Stine
Vice Chair John Holland
Committee Member Sophie Steeno
Committee Member James Roberts
Committee Member Rudy Rodriguez*

PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Secretary. Comments are limited to three (3) minutes per individual. State your name for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, Members are prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff.

CONSENT CALENDAR

- 1. Page 3. Consideration of the July 18, 2018 City Council Advisory Committee Meeting Draft Minutes

Recommended Action:

It is recommended that the City Council Advisory Committee approve the Draft Minutes from the Regular Meeting held on July 18, 2018

Staff Person: Administrative Secretary Erin Baum

Attachments: 071818 Draft Minutes

- 2. Page 5. Consideration of the October 10, 2018 City Council Advisory Committee Meeting Draft Minutes

Recommended Action:

It is recommended that the City Council Advisory Committee approve the Draft Minutes from the Regular Meeting held on October 10, 2018.

Staff Person: Administrative Secretary Erin Baum

Attachments: 101018 Draft Minutes

ITEMS FOR CONSIDERATION

3. Page 7. Appeal of Notice of Public Nuisance 7070 Summit Valley Road

Recommended Action:

It is recommended that the Hesperia City Council Advisory Committee consider the following narrative regarding the appeal of Notice of Public Nuisance and uphold the notice.

Staff Person: Code Enforcement Officer Ernesto Montes

Attachments: Appeal application
Notice of Violation
Notice of Public Nuisance
Hesperia Municipal Code section 15.04.010
California Building Code section 105.1

COMMITTEE MEMBER AND STAFF COMMENTS

Committee Members and/or staff may make comments of general interest to the Committee.

Information Item - CCAC will meet again on January 9, 2019.

ADJOURNMENT

The Chair will adjourn the meeting of the Committee.

I, Erin Baum, City Council Advisory Committee Secretary for the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, December 6, 2018 at 5:30 p.m. pursuant to California Government Code §54954.2.

Erin Baum

City Council Advisory Committee Secretary

Meeting Minutes - Draft

**HESPERIA CITY COUNCIL ADVISORY COMMITTEE
REGULAR MEETING
July 18, 2018
MINUTES**

CALL TO ORDER - 6:02 p.m.

A. Pledge of Allegiance

Committee Member Steeno led the Pledge of Allegiance.

B. Invocation

Member Rudy Rodriguez led the invocation.

C. Roll Call

Present: Chair Robert Stine
Member James Roberts
Member Rudy Rodriguez
Member Sophie Steeno

Absent: Vice Chair John Holland

Mayor Pro-Tem Rebekah Swanson, City Council liaison to the City Council Advisory Committee was not in attendance.

PUBLIC COMMENTS

Chair Stine opened Public Comments at 6:03
No Public Comments were made.
Chair Stine closed Public Comments at 6:04

CONSENT CALENDAR

1. Consideration of the April 11, 2018 City Council Advisory Committee Draft Meeting Minutes.

A motion was made by Committee Member Rodriguez, seconded by Committee Member Roberts, to approve the meeting minutes of April 11, 2018. The motion carried by the following Vote:

Vote: 3-0
Ayes: 3 - Committee Member Stine, Committee Member Roberts, and Committee Member Rodriguez.
Noes: 0
Abstain: 1 – Committee Member Steeno
Absent: 1 – Committee Member John Holland

ITEMS FOR CONSIDERATION

2. Pride Enhancement Program Nominee Selection

Recommended Action:

It is recommended that the City Council Advisory Committee (CCAC) review nominations and select an honoree for recognition in the City's Pride Enhancement Program.

Environmental Programs Coordinator Dan Sousa gave a presentation on the PRIDE program and answered Committee questions regarding the program.

Committee Members discussed merits of nominees and commended all for their efforts.

Submission #15 was nominated by the Committee to City Council for award.

PRESENTATION BY CITY ATTORNEY'S OFFICE

G. Ross Trindle, Assistant City Attorney, gave a presentation on the Appeal Hearing Process for Building and Housing Code violations and answered Committee questions regarding procedure.

Mike Hearn, City Building Official, answered Committee questions regarding the scope of Building Code violations.

COMMITTEE MEMBER AND STAFF COMMENTS

Committee Members commented on various items.

PUBLIC COMMENTS REOPENED TO ACCOMMODATE MEMBER OF THE PUBLIC

Chair Stine reopened Public Comments at 7:29
Gilbert Cantellano spoke regarding a Code Enforcement issue at 7096 Via Marbella.
Chair Stine closed Public Comments at 7:41

Information Item - CCAC will meet again on Wednesday, October 10, 2018.

ADJOURNMENT

Chair Stine adjourned the meeting at 7:42, after a moment of silence in honor of Council Member Russ Blewett.

*Erin Baum
Secretary to the City Council Advisory Committee*

**CITY COUNCIL ADVISORY COMMITTEE
REGULAR MEETING
October 10, 2018
MINUTES**

CALL TO ORDER 6:07 p.m.

A. Pledge of Allegiance:

Committee Member Kirk led the Pledge of Allegiance..

B. Invocation

City Council Liaison Rebekah Swanson led the invocation.

C. Roll Call:

Present: **Vice Chair John Holland**
 Member Sophie Steeno
 Member Mark Kirk

Absent: **Chair Robert Stine**
 Member James Roberts

Mayor Pro-Tem Rebekah Swanson, City Council liaison to the city Council Advisory committee was also in attendance.

PUBLIC COMMENTS

Vice Chair Holland opened Public Comments at 6:10

Mr. Al Vogler spoke on various items.

Vice Chair Holland closed Public Comments at 6:14

CONSENT CALENDAR

1. **Consideration of the July 18, 2018 City Council Advisory Committee Draft Meeting Minutes.**

There were not enough Committee members present who were in attendance during the Regular July Meeting to conduct a vote. This item was continued until the next scheduled City Council Advisory Committee Meeting.

ITEMS FOR CONSIDERATION

2. PRIDE Enhancement Program Nominee Selection

It is recommended that the City Council Advisory Committee (CCAC) review nominations and select an honoree for recognition in the City's PRIDE Enhancement Program.

Environmental Programs Coordinator Dan Sousa gave a presentation on the PRIDE program and answered Committee questions regarding the program.
Committee Members discussed merits of nominees and commended all for their efforts.

A motion was made by Committee Member Kirk, and seconded by Chair Holland to nominate submission #1 to the City Council for award. The motion carried by the following vote:

VOTE: 3-0
AYES: Vice Chair Holland, Member Steeno, and Member Kirk
NOES: None
ABSENT: Chair Stine and Member Roberts

COMMITTEE MEMBER AND STAFF COMMENTS

Committee Members commented on various items.

ADJOURNMENT

Vice Chair Holland adjourned the meeting of the committee at 6:39 p.m.

Erin Baum
City Council Advisory Committee Secretary

City of Hesperia
STAFF REPORT



DATE: November 9, 2018

TO: Chair and Committee Members
Hesperia City Council Advisory Committee

FROM: Ernesto Montes, Senior Code Enforcement Officer

SUBJECT: Appeal of the Notice of Public Nuisance

PROPERTY: 7070 Summit Valley Road. – APN: 0397-144-01

CASE NO: CE17-00617

APPLICANT: Debbie Vespe
15067 Farmington Street
Hesperia, CA 92345

OWNER: Silverwood Properties Corporation
7070 Summit Valley Rd #A
Hesperia, CA 92345

RECOMMENDED ACTION:

It is recommended that the Hesperia City Council Advisory Committee consider the following narrative regarding the appeal of Notice of Public Nuisance and uphold the notice.

Narrative:

I have made inspections of the property located at 7070 Summit Valley Road. I found multiple buildings that appeared to be hangars to be in violation of the Hesperia Municipal Code due to lack of building permits.

Inspection:

On 9/26/2018 I inspected the property and found multiple hangars on the property. I checked with Building and Safety and no permits were found for the hangars. I attempted to make contact on the office door but received no response. I issued a Notice of Violation. I posted the Notice of Violation on the office door. I called the manager Debbie Vespe, and she met me at the property. Debbie removed the notice from the door when she arrived. I explained the violations to Debbie. I asked her if I could measure the hangars. Debbie said I could only look at the hangar from the outside. She would not let me look inside the hangars. I measured one of the hangars and found it to be 1,020 square feet. I asked her what keeps the hangars from flying away on windy days. She told me the hangars are fastened to the asphalt with spikes that go down pretty deep. I asked her how the hangars are portable. She told me they would have to remove the spikes, attach the wheels and weld a new tongue on in order to be moved. I took photos and left the property. I mailed a copy of the Notice of Violation to the property owner.

The Notice of Violation gave the property and business owner 14 days to correct the following:

Violation Cited:

| | |
|---------------|---------------------------|
| CBC 105.1 | Permits Required |
| HMC 15.04.010 | California Codes Adopted. |

Submit plans and obtain permits/approvals from Building and Safety for the illegal airplane hangars or remove the hangars from the property.

Inspection:

On 10/24/2018 I re-inspected the property. I checked with Building and Safety and there were no completed plans for the hangars. I knocked on the office door, but I received no response. I posted a Notice of Public Nuisance on the door for the violations. I left the property. I called Debbie a few minutes later and she told me she found the notice on the door. I mailed copy of the Notice of Public Nuisance to the property owner.

The Notice of Public Nuisance gave the property and business owner 10 days to correct the following:

Violation Cited:

| | |
|---------------|---------------------------|
| CBC 105.1 | Permits Required |
| HMC 15.04.010 | California Codes Adopted. |

Submit plans and obtain permits/approvals from Building and Safety for the illegal airplane hangars or remove the hangars from the property.

EVIDENCE:

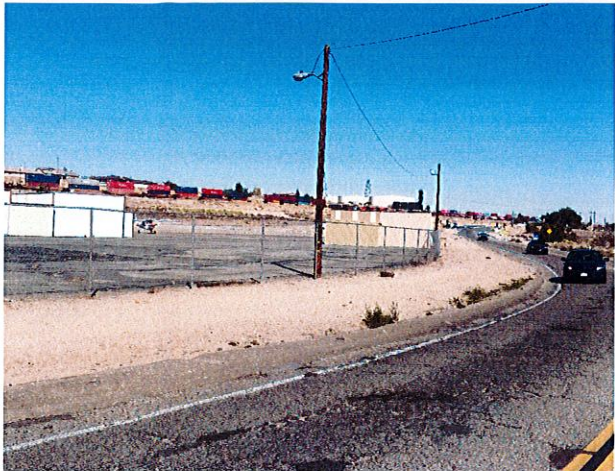
Photographs taken of the violations at the property on October 24, 2018.
Photographs taken of the violations at the property on November 9, 2018.

ATTACHMENTS:

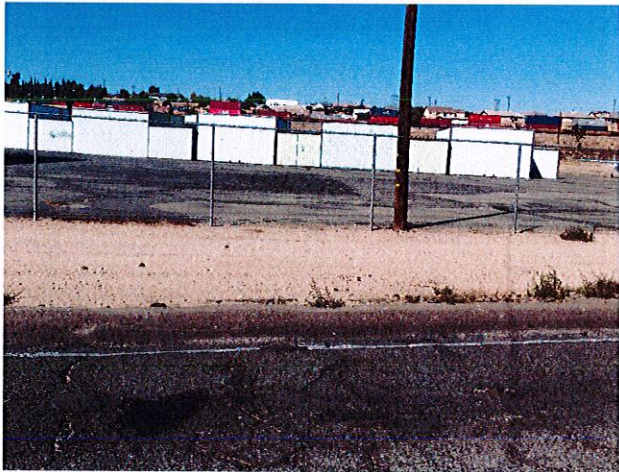
Appeal of Notice of Public Nuisance Application
Copy of Notice of Violation
Copy of Notice of Public Nuisance
Copy of HMC Section 15.04.010
Copy of CBC Section 105.1



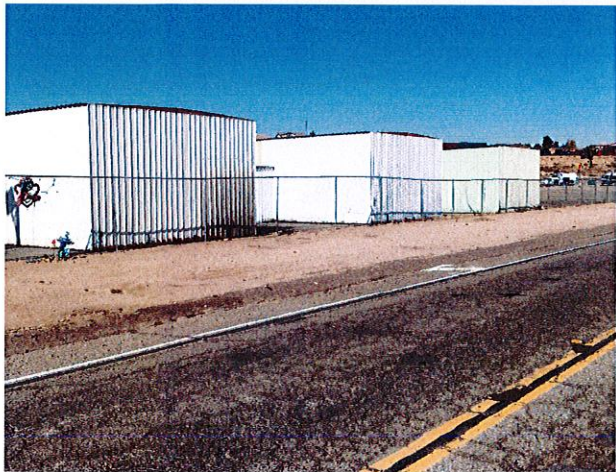
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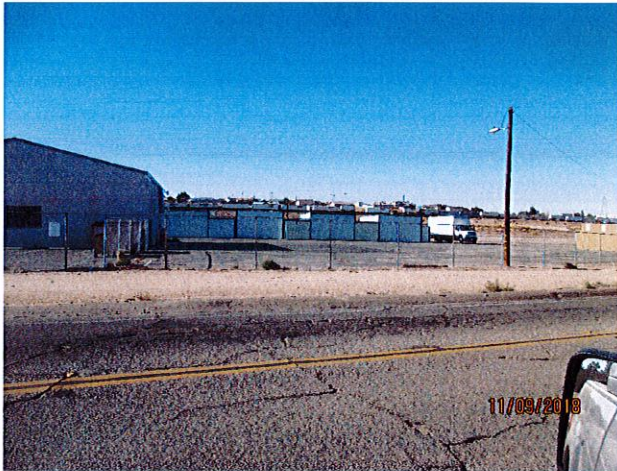
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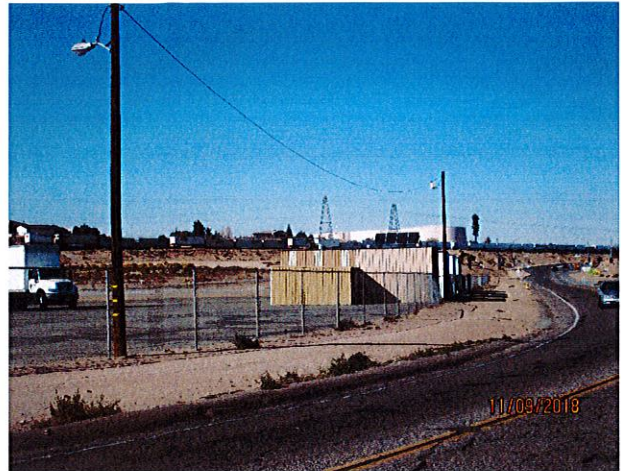
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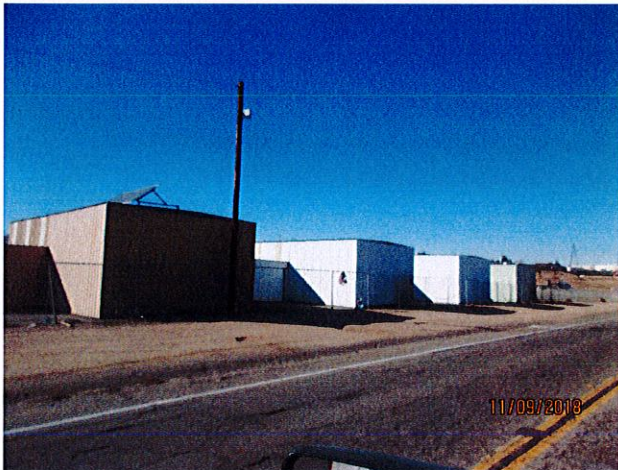
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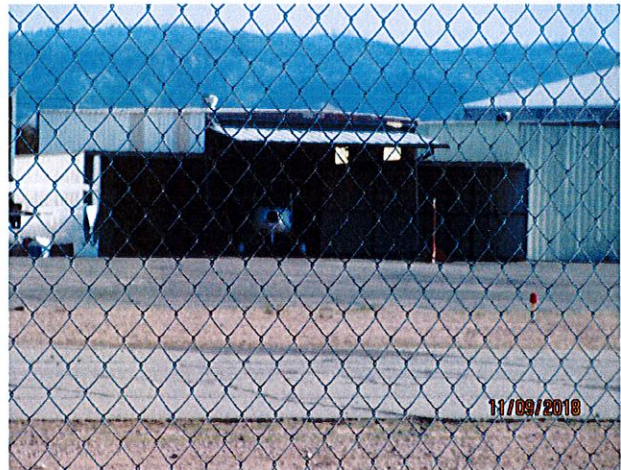
Before



Before



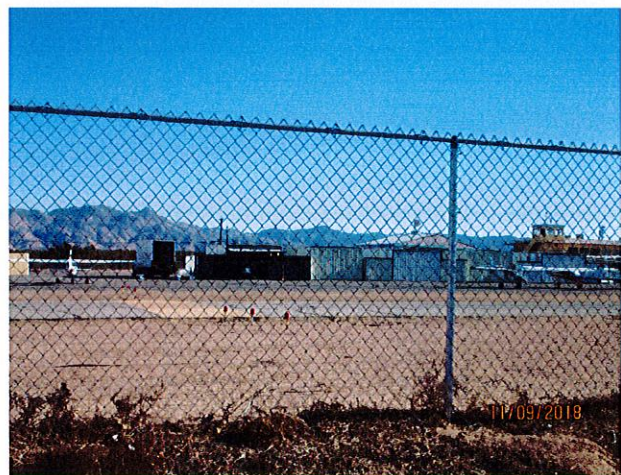
Before



Before



Before



Before



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

NOTICE OF VIOLATION

09/26/2018

Date of Notice

To: SILVERWOOD PROPERTIES CORPORATION
3749 CAHUENGA BLVD WEST
STUDIO CITY, CA 91604

Case Number: CE17-00610

Concerning real property or structure located at: 7070 SUMMIT VALLEY RD

Parcel Number: 039714401

The City of Hesperia has investigated a possible code violation for the above mentioned property. Our site inspection of your property revealed the following violation(s) exist:

Violation

PERMITS REQUIRED
CA CODES ADOPTED

Description

CBC 105.1. PERMITS REQUIRED
HMC 15.04.010. CALIFORNIA CODES ADOPTED

The City requires that the following action be taken to correct the noted violation(s):

Submit plans and obtain permits/approvals from Building and Safety for the illegal airplane hangars or remove hangars from the property..

ALL VIOLATIONS MUST BE CORRECTED BY 10/10/2018

Failure to comply will result in further action, which may include criminal prosecution, and/or recordation of property with abatement fees.

If you have any questions regarding this matter, contact the Code Enforcement Department Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed below.

Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Sincerely,

ERNESTO MONTES
Code Enforcement Officer

760-947-1074
Phone Number



City of Hesperia
Code Enforcement Department
15840 Smoke Tree St. Hesperia, CA 92345

NOTICE OF PUBLIC NUISANCE

10/24/2018

Date of Notice

To: SILVERWOOD PROPERTIES CORPORATION
3749 CAHUENGA BLVD WEST
STUDIO CITY, CA 91604

Case Number: CE17-00610

Concerning real property or structure located at: 7070 SUMMIT VALLEY RD

Parcel Number: 039714401

On , an inspection of the above-referenced real property was conducted. The following Public Nuisance(s) was/were found:

Violation

PERMITS REQUIRED
CA CODES ADOPTED

Description

CBC 105.1. PERMITS REQUIRED
HMC 15.04.010. CALIFORNIA CODES ADOPTED

To abate the public nuisance(s) the following action(s) must be completed by 11/05/2018

Submit plans and obtain permits/approvals from Building and Safety for the illegal airplane hangars or remove hangars from the property..

ERNESTO MONTES

Code Enforcement Officer

760-947-1074

Phone Number

Code Enforcement Officers will be available Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed above.

Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Right of Appeal

If you object to the determination of a public nuisance(s), you have a right to appeal this notice pursuant to Hesperia Municipal Code. Any appeal must be in writing and received by the Hesperia Code Enforcement Officer at 15840 Smoke Tree St., Hesperia, CA 92345 within ten (10) calendar days of the date of this notice. The appeal shall (i) be dated and signed by the person filing the appeal, (ii) contain the typed or printed name, address, and telephone number of the person appealing, (iii) the address of the property where the public nuisance is alleged to exist, and (iv) the reason(s) for the appeal. The appeal must be accompanied by the appeal fee as set by the Hesperia City Council.

Please take further notice that your failure to file a timely appeal or to abate the public nuisance(s) in the required period may lead to the initiation of civil, equitable, or criminal court proceedings against you, as well as administrative actions by the City to abate the public nuisance(s). You may also be charged enforcement and abatement costs.



City of Hesperia
Code Enforcement

Advisory Committee

APPEAL OF NOTICE OF PUBLIC NUISANCE

Date: 11-1-18 (Date Filed With City) Case # CE17-00610
Fee: 25.00 (\$25.00)
Receipt #: R35182 Issuing Officer: ERNESTO MONTES

Site Address: 7070 Summit Valley Rd
APN#: 039714401

Property Owner: Name: Silverwood Properties Corp
Address: 7070 Summit Valley Rd #A
Phone #: 442-243-4331

Tenant: Name: _____
Address: _____
Phone #: _____

Applicant: Name: Debbie Vespe
(If other than Address: 15067 Farmington St
above.) Phone #: 442 243-4331

I hereby appeal the notice at the above referenced address for the following reason(s):

Attorney Louis Fazzi is handling permits

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

Debbie Vespe
(Signature)

Debbie Vespe
(Print name)

(Signature)

(Print name)

(Signature)

(Print name)

PROOF OF SERVICE

Case Number CE17-00610

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I am employed in the City of Hesperia, County of San Bernardino, and State of California. I am over the age of 18 and not a party to the within action. My business address is 15840 Smoke Tree St., Hesperia, California, 92345.

On 11/20/2018, I served the within document described as;
(month, day, year)

☐ Notice of Violation ☐ Notice of Public Nuisance ☐ Citation ☒ Other: Officer Case Narrative Appeal of NOPN

on the interested parties in this action by placing a true copy there in enclosed in a sealed

envelope addressed as follows:

DEBBIE VESPE
(Name)
15067 FAMINGTON ST.
(Address)
HESPERIA, CA 92345
(City, State, Zip)

VIA CERTIFIED PRIORITY MAIL



(By Certified Priority Mail) By placing a true copy of the within document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Hesperia, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on 11/20/2018, at Hesperia, California.
(date)




(By Personal Service) I caused such envelope to be delivered by hand to the/office of the addressee. Executed on _____, at Hesperia, California.
(date)



(Posted) I caused such envelope to be posted at the property. Executed on _____, at Hesperia, California.
(date)

I declare under penalty of perjury, under the Law of the State of California that the above is true and correct.

LISA VIERA
(Print name)


(Signature)

PROOF OF SERVICE

Case Number CE17-00610

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I am employed in the City of Hesperia, County of San Bernardino, and State of California. I am over the age of 18 and not a party to the within action. My business address is 15840 Smoke Tree St., Hesperia, California, 92345.

On 11/20/2018, I served the within document described as;
(month, day, year)

☐ Notice of Violation ☐ Notice of Public Nuisance ☐ Citation ☒ Other: Officer Case Narrative Appeal of NOPN

on the interested parties in this action by placing a true copy there in enclosed in a sealed envelope addressed as follows:

SILVERWOOD PROPERTIES CORP.

(Name)

7070 SUMMIT VALLEY RD # A

(Address)

HESPERIA, CA 92345

(City, State, Zip)

VIA CERTIFIED PRIORITY MAIL

☒ (By Certified Priority Mail) By placing a true copy of the within document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Hesperia, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on 11/20/2018, at Hesperia, California.
(date)

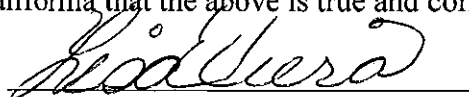
☐ (By Personal Service) I caused such envelope to be delivered by hand to the/office of the addressee. Executed on _____, at Hesperia, California.
(date)

☐ (Posted) I caused such envelope to be posted at the property. Executed on _____, at Hesperia, California.
(date)

I declare under penalty of perjury, under the Law of the State of California that the above is true and correct.

LISA VIERA

(Print name)


(Signature)

PROOF OF SERVICE

Case Number CE17-00610

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I am employed in the City of Hesperia, County of San Bernardino, and State of California. I am over the age of 18 and not a party to the within action. My business address is 15840 Smoke Tree St., Hesperia, California, 92345.

On 11/20/2018, I served the within document described as;
(month, day, year)

☐ Notice of Violation ☐ Notice of Public Nuisance ☐ Citation ☒ Other: Officer Case Narrative Appeal of NOPN

on the interested parties in this action by placing a true copy there in enclosed in a sealed envelope addressed as follows:

SILVERWOOD PROPERTIES CORP.

(Name)

3749 CAHUENGA BLVD. WEST

(Address)

STUDIO CITY, CA 91604

(City, State, Zip)

VIA CERTIFIED PRIORITY MAIL

☒ X

(By Certified Priority Mail) By placing a true copy of the within document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Hesperia, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on 11/20/2018, at Hesperia, California.
(date)

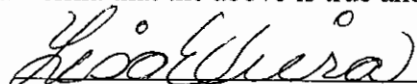
☐ (By Personal Service) I caused such envelope to be delivered by hand to the/office of the addressee. Executed on _____, at Hesperia, California.
(date)

☐ (Posted) I caused such envelope to be posted at the property. Executed on _____, at Hesperia, California.
(date)

I declare under penalty of perjury, under the Law of the State of California that the above is true and correct.

LISA VIERA

(Print name)


(Signature)

PROOF OF SERVICE

Case Number CE17-00610

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I am employed in the City of Hesperia, County of San Bernardino, and State of California. I am over the age of 18 and not a party to the within action. My business address is 15840 Smoke Tree St., Hesperia, California, 92345.

On 11/20/2018, I served the within document described as;
(month, day, year)

☐ Notice of Violation ☐ Notice of Public Nuisance ☐ Citation ☒ Other: Officer Case Narrative Appeal of NOPN

on the interested parties in this action by placing a true copy there in enclosed in a sealed envelope addressed as follows:

LAW OFFICES OF LOUIS G. FAZZI
(Name)
11601 PARK LANE
(Address)
APPLE VALLEY, CA 92308
(City, State, Zip)

VIA CERTIFIED PRIORITY MAIL



(By Certified Priority Mail) By placing a true copy of the within document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Hesperia, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on 11/20/2018, at Hesperia, California.
(date)



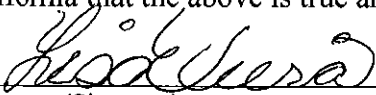
(By Personal Service) I caused such envelope to be delivered by hand to the/office of the addressee. Executed on _____, at Hesperia, California.
(date)



(Posted) I caused such envelope to be posted at the property. Executed on _____, at Hesperia, California.
(date)

I declare under penalty of perjury, under the Law of the State of California that the above is true and correct.

LISA VIERA
(Print name)


(Signature)

Title 15 - BUILDINGS AND CONSTRUCTION :

Chapter 15.04 - BUILDING CODES^[1] :

15.04.010 - California codes adopted. :

The 2016 California Building Code, Volumes 1 and 2, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Fire Code, the 2016 California Green Building Standards Code, and the 2016 California Referenced Standards Code, are hereby adopted as the building regulations for the City of Hesperia, together with the amendments, additions, deletions, and exceptions set forth in this Section.

(Ord. No. 2016-08, § 3(Exh. A), 11-15-16)

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. *[DSA-SS, DSA-SS/CC & OSHPD 1, 2 & 4] Alternative system shall satisfy ASCE 7 Section 1.3, unless more restrictive requirements are established by this code for an equivalent system.*

[DSA-SS, DSA-SS/CC] Alternative systems shall also satisfy the California Administrative Code, Section 4-304.

[OSHPD 1, 2 & 4] Alternative systems shall also satisfy the California Administrative Code, Section 7-104.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Peer review. *[OSHPD 1 & 4] When peer review is required, it shall be performed pursuant to Section 3414A.*

104.11.4 Earthquake monitoring instruments. *[OSHPD 1 & 4] The enforcement agency may require earthquake monitoring instruments for any building that receives approval of an alternative system for the Lateral Force Resisting System (LFRS). There shall be a sufficient num-*

ber of instruments to characterize the response of the building during an earthquake and shall include at least one tri-axial free field instrument or equivalent. A proposal for instrumentation and equipment specifications shall be forwarded to the enforcement agency for review and approval.

The instruments shall be interconnected for common start and common timing. Each instrument shall be located so that access is maintained at all times and is unobstructed by room contents. A sign stating "MAINTAIN CLEAR ACCESS TO THIS INSTRUMENT" shall be posted in a conspicuous location.

The Owner of the building shall be responsible for the implementation of the instrumentation program. Maintenance of the instrumentation and removal/processing of the records shall be the responsibility of the enforcement agency or its designated agent.

SECTION 105 PERMITS

[A] 105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

[A] 105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.