



The City of Long Beach

Department of Development Services  
**Code Modifications and Alternates**

Information  
Bulletin  
**BU-001**

Effective: 01-01-2008  
Revised: 11-09-2009

The construction and use of buildings or structures is governed by specific standards and regulations set forth in the California Building Code (CBC) and Long Beach Municipal Codes (LBMC). Section 18.20.020 of the LBMC directs the Building Official "to enforce all of the provisions of this title, and other pertinent regulations of this code". This provision places responsibility upon the Building Official for enforcement. While these are prescriptive requirements demanding full compliance, occasions can arise where modifications to the code or alternate forms of design or construction are warranted. The Code empowers the Building Official to grant code modifications or approve the use of alternate materials, design and methods of construction and equipment not specifically prescribed by the building, electrical, plumbing, or mechanical regulations. The following information will highlight the steps involved for seeking a request:

## **I. APPLICATION**

All requests for code modification or the use of alternate materials, design and methods of construction and equipment must be submitted on an application form provided by the Department. The application is available at:

Development Services Center  
Department of Development Services  
333 W. Ocean Blvd., 4<sup>th</sup> Floor City Hall  
Long Beach, CA 90802

Alternatively the application form may be obtained via the Department's home page on the worldwide web at <http://lbs.longbeach.gov>. Applications must be completed (and typewritten whenever possible) by the petitioner (which may be the building owner or company officer, architect, engineer, etc.) and signed by the building owner or company officer. For requests that are classified as Category 1 (see Section VI), signature from the petitioner in lieu of the building owner or company officer is acceptable.

Where multiple issues exist, a separate application must be submitted for each issue. This will permit approval of certain items in the event it is necessary to deny one or more of a series of issues.

## **II. MAKING THE REQUEST**

The request portion of the application form must contain a clear statement of the issue(s) that the Building Official is requested to address. The section(s) of the applicable code or standard that is the subject of the appeal must be cited. The issue(s) may be an interpretation or application of a code provision or a finding on the equivalency to code requirements of an alternate materials, design and methods of construction and equipment.

All applications shall be submitted along with a request letter. The request letter shall describe the scope of the project, elaborate on the reason and justification for the granting of the request. In addition, any substantiating and supporting documents, details, or plans must be included and received by staff at the Development Services Center. An initial non-refundable filing fee to review the application shall be collected prior to acceptance of any applications, request letters and supporting documents. The request letter shall be addressed to the Building Official as follows:

Mr. Lawrence Brugger, S.E., C.B.O.  
Superintendent of Building and Safety  
Department of Development Services  
Building and Safety Bureau

### III. JUSTIFICATION OR FINDING OF EQUIVALENCY

The justification portion of the application form and the submitted request letter must state the basis for the request and substantiate the claim of impracticality or hardship for the purpose of code modification or finding of equivalency to code requirements for the purpose of proposed alternate materials, design and methods of construction and equipment. Furthermore, a registered design professional licensed in the State of California must justify applications that involve issues related to fire-life safety, accessibility, or structural design in the request letter.

Section 18.04.090.C of the LBMC authorizes the Building Official to require the submission of test data as proof of compliance at the applicant's expense whenever there is insufficient evidence of compliance with any of the provisions of this title or evidence that any material or construction does not conform to the requirements of this title.

Plans submitted in support of the request must clearly indicate the location, nature, extent, and details of the subject of the appeal. The submitted plans must also be of sufficient size to be suitable for filing and distribution and should be no smaller than 8.5 x 11 or no larger than 11 x 17 inch size. Two copies will be required for the initial review.

**Code Modification:** The requirements and prerequisites for granting a modification are enumerated in Section 18.04.100.A of the Long Beach Municipal Code. This Section provides in pertinent part as follows:

*"Whenever there are practical difficulties involved in carrying out the provisions of this title, the building official may grant modifications for individual cases, upon the application of the owner or owner's representative, provided the building official shall first find that a special individual reason makes the strict letter of this title impractical and the modification is in compliance with the intent and purpose of this title and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements."*

The justification given must specifically address that there are practical difficulties involved, a special individual reason must exist, and fire protection or structural safety are not diminished in order for the Building Official to consider granting a modification. The details of any action granting modifications shall be recorded and kept on file with the Department.

**Alternate Materials, Design and Methods of Construction and Equipment:** The requirements and prerequisites for granting a request for alternate materials, design and methods of construction and equipment are enumerated in Section 18.04.090.A of the Long Beach Municipal Code. This Section provides in pertinent part as follows:

*“The provisions of this title are not intended to prevent the installation of any materials or to prohibit any design or method of construction not specifically prescribed by this title provided that any such alternative has been approved and its use authorized by the building official. An alternative material, design or method of construction may be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this title, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this title in quality, strength, effectiveness, fire resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.”*

It is prudent and proper for the Code to accommodate new technologies that were not considered in the formulation of prescriptive requirements. Indeed, a failure to do so would constitute an arbitrary prohibition of new products or methods without due consideration of merit.

The justification or finding of equivalency given must specifically address the cited criteria (i.e., quality, strength, effectiveness, fire resistance, durability and safety). Additional information substantiating claims of equivalence such as code analyses, test reports, engineering analysis as well as other background information may be compiled in a report used as a part of the justification. Copies of documents, in part or in their entirety, referenced in the reports that are not commonly available may need to be provided.

#### **IV. REJECTION OF APPLICATION**

Applications that have not been thoroughly and clearly completed and applications that have not been submitted with the required fee will be rejected. Additionally, applications that do not contain the request letter nor include sufficient documentations or necessary plans or analyses that substantiate claims of equivalence and compliance with the code intent will also be rejected.

#### **V. PROCESSING TIME AND DEADLINES**

Applications may be submitted for consideration at any time during the design process as well as during the plan review or during the construction inspection process. There is no specific deadline for submittal of requests and all submittals will be reviewed on a first come first served basis. Most applications will be processed within 4 weeks of the initial submittal date with a written response returned at the culmination of the review process. Where additional information or clarification will be necessary for the review, staff will contact applicants.

For projects that are in high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111 of the California Building Code regulated by the Office of the State Fire Marshal, the Fire Department’s input will be required for request related to fire-life safety.

## VI. FEES

The initial non-refundable filing fee to review applications is set at a rate of \$150.00 per hour or fraction thereof. This fee must be collected and paid with all applications requesting action by the Building Official on a proposed modification or use of alternate material, design, or construction method. A supplemental hourly fee may be charged after the initial filing fee is paid when upon further review it is deemed necessary due to the complexity of the issue or the nature of the submittal. The initial filing fees charged for each application is categorized below based upon the level of complexity of the issues involved as determined by the Department:

Category 1. The minimum initial filling fee of \$209.00 (based upon 1 hour of review time) will be charged for issues of minimal complexity and/or have been evaluated frequently on other cases. Including surcharges, the filing fee required is **\$228.44**.

Category 2. The minimum initial filling fee of \$627.00 (based upon 3 hours of review time) will be charged for issues of moderate complexity and/or have been evaluated infrequently. Including surcharges, the filing fee required is **\$685.31**.

Category 3. The minimum initial filling fee of \$1,045.00 (based upon 5 hours of review time) will be charged for issues of higher complexity and/or have not been evaluated previously. Including surcharges, the filing fee required is **\$1,142.19**.

The staff at the Development Services Center will determine the initial filing fee category. If a second opinion is requested, please ask for a supervisor to assist in this determination.

Where Fire Department's input is required (see Section V), an additional review fee of **\$634.01** (\$597.00 + \$37.01 surcharge) must be collected and paid with all applications submitted.

## VII. APPROVAL OR DENIAL OF REQUEST

When approval is granted for a particular request, the applicant will be notified in writing the reason and conditions, if any, for the approval. The applicant may be requested to incorporate the approval letter issued by the Department, the request letter and application submitted, and any reports or documents used to substantiate the request onto the plans. Additionally, it is expected that plans submitted for review and approval by plan review staff will include all alternative features and items proposed in the request as well as any conditions required by the Building Official in granting the approval.

When the Building Official denies a request, the applicant will be notified in writing with the reasons for the disapproval clearly outlined. Applicants wishing to appeal the decision of the Building Official may do so by applying for consideration by the Board of Examiners, Appeals, and Condemnation. Please refer to the "Appeals and Condemnation" or "Disabled Access Regulation Appeals" information bulletins as well as "Application for Examiners, Appeals and Condemnation Board Hearing" or "Application for Disabled Access Appeals Board Hearing" forms for additional information. A record of the disapproval will be maintained in records associated with the project or applicable permit.

### **VIII. EXPIRATION OF REQUEST**

Pursuant to Section 18.04.090.E or 18.04.100.C, the rights and privileges granted by the Building Official shall be voided if the permit is not secured within 12 months of the date the approval was granted or if the permit expires under any of the conditions specified in Section 18.12.100. However, the Building Official may grant extensions of time if an applicant submits in writing substantial evidence that unusual condition or circumstances precluded the securing of the permit within the allocated time or caused the permit to expire.

### **IX. FOR ADDITIONAL INFORMATION**

Additional information regarding the process of requesting code modification, the use of alternate materials, design and methods of construction and equipment or for submitting to the Board of Examiners, Appeals, and Condemnation or Disabled Access Appeals Board process may be obtained by contacting the Development Services Center of the Department of Development Services at (562) 570-LBDS. Alternatively the information or form may be obtained via the Department's home page on the worldwide web at <http://lbs.longbeach.gov>.

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**City of Long Beach**  
**Department of Development Services**  
 333 West Ocean Blvd., 4<sup>th</sup> Floor  
 Long Beach, CA 90802  
 Phone (562) 570-LBDS  
 Fax (562) 570-6753

**Application Request For (please check box):**

- Modification of Building Ordinances (18.04.100 L.B.M.C.)
  - Alternate Material or Method of Construction (18.04.090 L.B.M.C.)
  - Hardship Exemption or Equivalent Facilitation (19957 H.S.C.)
- H.S.C.= Health and Safety Code, L.B.M.C.= Long Beach Municipal Code*

## Modification or Alternate Request Form

Updated as of 11-09-2009.

<i>Department Use Only</i>	
Case #: (Mod. or Alt.)	Project #: (Mod. or Alt.)

**Please print clearly** (or typewritten). All portions of application must be completed (where applicable).

<b>Information</b>	Project Address:			Project #: (Plan Check/Permit)		Legal Description (Lot, Block, Tract, APN):								
	Petitioner's Name:			Owner's (or Officer's) Name:			Job Status: (Please check box)							
	Address:			Address:			<input type="checkbox"/> Proposed							
	Phone: (     )			Phone: (     )			<input type="checkbox"/> In Plan Check							
	Fax: (     )			Fax: (     )			<input type="checkbox"/> Under Construction							
	Email:			Email:			(Please check box)							
	Present Use:			Proposed Use:		Occupancy:		Occupant Load:		Type of Constr.:	No. of Stories:	Bldg. Height:	No. of Units:	
						<input type="checkbox"/> New Building			<input type="checkbox"/> Existing Building			<input type="checkbox"/> Addition		
						<input type="checkbox"/> Alteration/Remodel			<input type="checkbox"/> Change of Use					

Provide a clear statement of the issue(s) that the Building Official is requested to address. The section(s) of the applicable code or standard that is the subject of the request or appeal must be cited. All applications shall be submitted along with a request letter.

<b>Request</b>	
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Provide justification for the claim of impracticality or hardship for code modification request. Provide finding of equivalency to code requirements for alternate materials, design and methods of construction and equipment. Attach supporting documentations, drawings or reports to substantiate claims made herein.

<b>Justification</b>	
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<i>Signature (see instruction on back of application)</i>	<i>Print Name</i>	<i>Title/Position</i>	<i>Date</i>

**INSTRUCTION AND INFORMATION**

**APPLICATION**

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**FOR DEPARTMENT USE ONLY**

<i>Distribution List (please check box)</i>				Received _____	# of Hrs. (est.) _____
<input type="checkbox"/> Owner	<input type="checkbox"/> Plan Check	<input type="checkbox"/> Planning	<input type="checkbox"/> Development Services	Date _____	# of Hrs. (act.) _____
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Inspection	<input type="checkbox"/> Fire Prevention	<input type="checkbox"/>		Fee \$_____