



INFORMATION BULLETIN

IB-001

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Code Modification and Alternative Method

The construction and use of buildings or structures is governed by specific standards and regulations set forth in the California Building Standards Code (“Code”) and Long Beach Municipal Code (“LBMC”). The Building Official and/or Fire Marshal is(are) responsible for enforcing the provisions of the LBMC, or other ordinances of the City, or laws and statues of the State. While prescriptive requirements demand full compliance, occasions can arise where modifications to the Code and/or LBMC or proposed alternative materials, design or method of construction or equipment may be warranted. LBMC §18.03.050 or §18.03.060 empowers the Building Official and/or Fire Marshal the authority to grant modifications or alternatives to the prescriptive requirements of the Code and/or LBMC. This Information Bulletin (IB) highlights the steps involved for seeking a code modification or alternative method request:

I. APPLICATION

All requests for code modifications or the use of alternative materials, design and methods of construction and equipment must be submitted on the “Request for Code Modification and Alternative Method” Application (“Application”) provided by the Building and Safety Bureau (“Bureau”). The Application is available at:

Development Permit Center
411 W. Ocean Blvd., 2nd Floor
Long Beach, CA 90802

Alternatively, the Application may be obtained on the Department’s website at www.longbeach.gov/lbds/forms.

The Application must be completed 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 Applications that are classified as Category 1 (see Section VI), signature from the petitioner in lieu of the building owner or company officer may be acceptable. Where multiple issues exist, a separate form may be submitted for each issue. This may permit approval of certain items in the event it is necessary to deny one or more issues.

II. MAKING THE REQUEST

The request portion of the Application must contain a clear statement of the issue(s) that the Building Official and/or Fire Marshal is(are) 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 alternative materials, design and methods of construction and equipment.

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

The Application 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 considering the request. In addition, any substantiating and supporting documents, details, or plans must be included with the completed Application. An initial non-refundable filing fee to review the Application shall be collected when the Application packet is submitted. The request letter shall be addressed to:

Building Official		Fire Marshal
Department of Development Services	AND/OR	Fire Department
Building and Safety Bureau		Fire Prevention Bureau

III. JUSTIFICATION OR FINDING OF EQUIVALENCY

The justification portion of the Application 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 alternative materials, design and methods of construction and equipment. Furthermore, a registered design professional licensed in the State of California must justify the Application that involve issues related to fire-life safety or structural design in the request letter. LBMC §18.03.060.C 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. Plans submitted must 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" in size.

CODE MODIFICATION:

The requirements and prerequisites for granting a modification are enumerated in LBMC §18.03.050.A. 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 shall have the authority to grant modifications for individual cases, upon the application of the owner or owner's representative, provided the Building Official shall first find that 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 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 Bureau.

ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT:

The requirements and prerequisites for granting a request for alternative materials, design and methods of construction, and equipment are enumerated in LBMC §18.03.060.A. 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. 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 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

Application that have not been thoroughly and clearly completed and Application that have not been submitted with the required fee will be rejected. Additionally, Application 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 may be rejected.

V. PROCESSING TIME AND DEADLINES

Application 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 four (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.

VI. FEES

An initial non-refundable filing fee to review an Application is based on an hourly rate or fraction thereof. This fee must be collected and paid with the Application requesting action by the Building Official and/or Fire Marshal on a proposed modification or use of alternative material, design, or construction method. A supplemental hourly fee may be charged after the initial filing fee is paid if further review is deemed necessary due to the complexity of the issue or the nature of the submittal. The initial filing fee charged for each Application is categorized below based upon the level of complexity of the issues involved as determined by the Bureau. To view the current hourly rate, please see the Master Fee Schedule at www.longbeach.gov/lbds/fee-schedules.

Category 1. The minimum initial filling fee is based on 1 hour of review time and will be charged for issues of minimal complexity and/or have been evaluated frequently on other cases. Surcharges apply and will be added to the filing fee.

Category 2. The minimum initial filling fee is based upon 3 hours of review time and will be charged for issues of moderate complexity and/or have been evaluated infrequently. Surcharges apply and will be added to the filing fee.

Category 3. The minimum initial filling fee is based upon 5 hours of review time and will be charged for issues of higher complexity and/or have not been evaluated previously. Surcharges apply and will be added to the filing fee.

Development Permit Center staff will determine the initial filing fee category. If a second opinion is requested, please ask for a supervisor to assist in this determination. Where the Fire Prevention Bureau's input is required (see Section II), an additional review fee will be collected and paid with the Application submitted.

VII. APPROVAL OR DENIAL OF REQUEST

If an approval is granted for a request, the Applicant will be notified in writing of the reason(s) and condition(s), if any, for the approval. The Applicant may be requested to incorporate the approval letter issued by the Bureau, the request letter, and Application submitted, and any reports or documents used to substantiate the request onto the construction plans. It is expected that the construction 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 and/or Fire Marshal, if applicable, in granting the approval.

If the Building Official and/or Fire Marshal denies the request, the Applicant will be notified in writing of the reasons for the disapproval. Applicant wishing to appeal the decision of the Building Official and/or Fire Marshal may do so by applying for consideration by the Board of Examiners, Appeals, and Condemnation. Please refer to the "Appeal to the Board of Examiners, Appeals and Condemnation" Application for additional information at www.longbeach.gov/lbds/forms. A record of the denial will be maintained in records associated with the project or applicable permit.

VIII. EXPIRATION OF REQUEST

Pursuant to the LBMC §18.03.050.B or §18.03.060.D, 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 the LBMC §18.04.060 or §18.05.060. 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 alternative materials, design and methods of construction and equipment or for submitting to the Board of Examiners, Appeals, and Condemnation may be obtained by contacting the Development Permit Center at (562) 570-7648. Alternatively, the information or applications may be obtained on the Department's website at www.longbeach.gov/lbds/building.

To request this information in an alternative format or to request a reasonable accommodation, please contact the Development Services Department at longbeach.gov/lbds and 562.570.3807. A minimum of three business days is requested to ensure availability; attempts will be made to accommodate requests with shorter notice.