



City of Long Beach
Department of Development Services
Building and Safety Bureau
Disabled Access Appeals

Information
Bulletin
BU-019
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The purpose of this Information Bulletin is to outline the process for applicants seeking to appeal any accessibility regulations contained within the California Codes of Regulation Title 24-California Building Standards Code (CCR Title 24) or any action taken by the Building Official in the enforcement or interpretation of those regulations.

The State of California provides specific authority and responsibility to the Building Official in administering and enforcing the CCR Title 24. In cases of practical difficulty, unnecessary hardship, or extreme differences, the Building Official, pursuant to Health and Safety Code §19957, may grant exceptions from the literal requirements of the standards and specifications or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are secured.

The Board of Examiners, Appeals and Condemnation (Board) is established as the body to hear appeals regarding State regulations pertaining to access of public accommodations by persons with disabilities and to provide a forum to review appeals regarding the action taken by the Building Official in the enforcement or interpretation of the those regulations. The authority, functions and duties of the Board are set forth in the Long Beach Municipal Code §2.18 – Advisory Boards, Commissions and Committees and §18.10 – Board of Appeals.

INSTRUCTIONS FOR FILING APPEALS

Appeals to the Board shall be submitted in writing to the Building Official on a Disabled Access Appeals application (www.lbds.info/forms) and shall be accompanied by a filing fee based on three (3) hours of Staff and Board Members' time plus surcharges as set forth in the City's Schedule of Fees and Charges. If, upon review, the application form and/or any substantial material provided is found to be insufficient or in need of clarity, additional information may be requested. Appellants will be notified by the Building Official of the scheduled hearing date when all of the pertinent information has been provided. Refer to the "Schedule of Board Hearing" section of this Information Bulletin for additional information.

The minimum information required on the application form is as follows:

- **Project Address.** Provide the current project address or jobsite address for which the hearing is requested.
- **Project Application No.** If applicable, provide the current Building and Safety project number assigned to this project.
- **Owner.** Provide the name of the building owner/developer for the project address listed.
- **Appellant.** Provide the name of the owner, architect, or other person who will be presenting this case to the Board.
- **Contact Information.** Provide the current complete mailing address, phone, cell phone, and fax number(s), and email address(es) of the appellant and owner/developer.

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- **Request.** Describe the required element of accessibility that you propose to modify, eliminate, or provide as an alternate or equivalence to. 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 alternate materials, design and methods of construction, and/or equipment.
- **Proposal.** Specify the elements you are proposing to provide as an alternate or equivalency to the accessibility requirements described in the request.
- **Evidence Submitted.** Specify the plans, details, or other evidence you possess that clarifies or substantiates the request. Refer to the “Substantial Material” section of this Information Bulletin for additional information.
- **Submission.** All applications shall be submitted along with a justification letter describing the scope of the project and elaborating on the reason and justification for the hearing. The letter shall be addressed to:

Building Official
Department of Development Services
333 W. Ocean Blvd., 4th Floor City Hall
Long Beach, CA 90802

The application and substantial material should be submitted at least **FOUR WEEKS PRIOR** to the scheduled hearing. The appellant will be notified by the Department of the scheduled hearing date when all of the pertinent information has been provided. Please refer to the “Schedule of Board Hearing” section below for additional information.

SUBSTANTIAL MATERIAL

The appeal shall be accompanied by as much substantiating data as possible. The information provided should be of sufficient clarity to explain and describe the desired appeal or variance to the CCR Title 24. All data submitted will become part of the Board’s file. The type of information required include, but not limited to, the following:

- Floor plans, cross-sections, elevations, plot plans, and/or construction details,
- Alternate material where applicable, and
- Any other pertinent data of a reliable nature (i.e. pictures, drawings, reports, etc.).

SCHEDULE OF BOARD HEARING

Board hearings are held on the third Monday of the month at 2:30 p.m. in the Code Enforcement Conference Room, 100 W. Broadway, Suite 400, Long Beach, CA 90802. Hearings will not be held on months where cases are not filed for that month. Hearings will be scheduled when the Superintendent of Building and Safety or a duly authorized representative has reviewed the application for completeness. Please note that the Board will **ONLY** hear the appeal when the appellant or his/her authorized representative is in attendance at the hearing to personally present his/her case.