



# CITY OF NEWPORT BEACH

## COMMUNITY DEVELOPMENT DEPARTMENT BUILDING DIVISION

100 Civic Center Drive | P.O. Box 1768 | Newport Beach, CA 92658-8915  
[www.newportbeachca.gov](http://www.newportbeachca.gov) | (949) 644-3200

**CASE NO.:** \_\_\_\_\_

- REQUEST FOR MODIFICATION TO PROVISIONS OF TITLE 9 (FIRE CODE) OR TITLE 15 (BUILDING CODE) OF THE NEWPORT BEACH MUNICIPAL CODE**  
(See Reverse for Basis for Approval) (Fee \$306)
- REQUEST FOR ALTERNATE MATERIAL OR METHOD OF CONSTRUCTION**  
(See Reverse for Basis for Approval) (Fee \$306)

*For above requests, complete Sections 1, 2 & 3 below by printing in ink or typing.*

FOR STAFF USE ONLY	
Plan Check # _____	# of Stories _____
Occupancy Classification _____	
Use of Building _____	# of Units _____
Project Status _____	
Construction Type _____	
Verified by _____	
No. of Items _____	
Fee due _____	
<b>DISTRIBUTION:</b>	
<input type="checkbox"/> Owner	<input type="checkbox"/> Plan Check _____
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Inspector
<input type="checkbox"/> Fire	<input type="checkbox"/> Other

**1 JOB ADDRESS:**

**SITE ADDRESS:** \_\_\_\_\_

Owner \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Daytime Phone ( ) \_\_\_\_\_

**PETITIONER:**

Petitioner \_\_\_\_\_  
*(Petitioner to be architect or engineer)*

Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Daytime Phone ( ) \_\_\_\_\_

Email: \_\_\_\_\_

**2 REQUEST:** Submit plans if necessary to illustrate request. Additional sheets or data may be attached.

\_\_\_\_\_

\_\_\_\_\_

**3 JUSTIFICATION/FINDINGS OF EQUIVALENCY:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CODE SECTIONS:**

\_\_\_\_\_

Petitioner's Position \_\_\_\_\_

Signature \_\_\_\_\_ CA Professional Lic. # \_\_\_\_\_ Date: \_\_\_\_\_

FOR STAFF USE ONLY	
<b>DEPARTMENT ACTION:</b> In accordance with:	<input type="checkbox"/> CBC 104.11/CFC 104.9 (Alternate materials & methods)
	<input type="checkbox"/> CBC 104.10/CFC 104.8 (CBC Modification)
<input type="checkbox"/> Concurrence from Fire Code Official is required.	<input type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Disapproved</b> <input type="checkbox"/> Written Comments Attached
	By: _____ Date _____
<input type="checkbox"/> Request (DOES) (DOES NOT) lessen any fire protection requirements.	
<input type="checkbox"/> Request (DOES) (DOES NOT) lessen the structural integrity	
<b>The Request is:</b>	<input type="checkbox"/> <b>Granted</b> <input type="checkbox"/> <b>Denied</b> <i>(See reverse for appeal information)</i>
	<input type="checkbox"/> <b>Granted (Ratification required)</b>
<b>Conditions of Approval:</b>	_____
	_____
	_____
Signature _____	Position _____ Date _____
Print Name _____	

APPEAL OF DIVISION ACTION TO THE BUILDING BOARD OF APPEALS (See Reverse)  
(Signature, statement of owner or applicant, statement of reasons for appeal and filing fees are required.)

**CASHIER RECEIPT NUMBER:** \_\_\_\_\_

# **Guidelines for Approval of Alternate Materials, Design and Methods of Construction**

## **Basis For Approval**

For the Chief Building Official and Fire Code Official or their designated agent to approve a request for modification or a request for alternate material or method of construction, he/she must determine that special, individual reasons exist that make compliance with the strict letter of the Code impractical and that equivalency is provided. The resulting condition must be in conformance with the spirit and purpose of the Code provisions involved and that such modification does not lessen fire protection, structural integrity or occupant safety. The applicant must provide sufficient information with this application to allow the above evaluation to be made.

## **Requirements for Submittals**

The applicant design professional shall prepare a Written Report that describes the alternate proposal along with the applicable data listed below:

- State specific code provisions for which alternative is requested and why request is being submitted.
- Describe by code section those provisions for which alternative is desired.
- Compare the proposed alternative versus the code requirements in terms of structural strength, suitability, effectiveness, fire resistance, safety and health impacts affecting the building or user of the building.
- Demonstrate that the proposed alternative is compatible with balance of code requirements.
- When applicable, specify how authoritative consensus document(s) are used to substantiate proposal. (Reference draft ICC Building Performance Code Commentary Section 1.4.2.3 for background information).
- Provide assumptions, references, and documentation of evaluation methods utilized. This includes intended use, input data, anticipated outputs, and limitations of computer models and other analytical tools or methods.
- Specify when and where special inspection and testing are required and the standards of acceptance for demonstrating compliance. Show how the proposed alternate, if accepted, will be identified on the job site.
- Where land use restrictions and building setbacks are required, deed restrictions may be an appropriate method to ensure continued compliance.
- State how and where alternate proposal is incorporated within construction plans and prepare plan amendments as necessary. The design professional has the responsibility to coordinate all construction documents and ensure compatibility between documents.
- The report and design documents shall be dated, signed and stamped by the design professional according to the plan submittal procedure.
- For alternate methods of design requests, the applicant shall set performance criteria for his design. Performance criteria shall be reviewed, amended and approved by the Building or Fire Code Official prior to start of design.

## **Alternative Design Review/Verification**

The Chief Building Official or Fire Code Official has the responsibility to review design submittals for compliance to the adopted codes and procedures. If the Building or Fire Code Official does not have the expertise on staff to make a thorough and competent review, the Building or Fire Code Official shall select a consultant that possesses the necessary qualifications to perform a third-party or peer review. Cost of peer review shall be paid by applicant to the Building Division prior to commencing the review.

- Verify that all applicable information and justifications listed above as requirements for submittals is received and verify that evaluation and design methods used by designer are appropriate to the alternative proposed.
- Verify products are being used in accordance with their listing conditions as required by recognized listing agencies. If not available, require documentation and/or testing to demonstrate compliance with intent of code and intended use.
- Evaluate performance of material and possible flaws that could affect performance of material in its installed state.
- The reviewer shall document that the submittal has been reviewed and accepted as meeting the alternative materials, design and methods of construction provisions of the code. If the Building or Fire Code Official is not satisfied that the applicant has met the conditions, the request should be denied in writing with the applicable reason(s).

## **Inspection/Field Verification**

The alternate proposal as approved in the construction documents must be verified by inspection, and, where necessary, testing as follows:

- To verify that alternate materials, systems and fabricated products comply with accepted design criteria and the manufacturer's and engineer's installation procedures, inspectors should check product labeling, certification, quality assurance processes, and testing, as applicable.
- When appropriate, an approved third party quality assurance inspection and testing service may be required for continuous and complex inspection and testing activities. This is intended to verify that construction complies with the code and the approved plans.

## **Information on Procedure for Appeal from a Determination or Action by the Chief Building Official or Fire Code Official**

Appeal from the determination or action of the Chief Building Official or Fire Code Official or their designated agent may be made to the Building and Fire Board of Appeals. To appeal, the applicant must provide special individual reasons that make compliance with the strict letter of the Code impractical. Appeals or ratifications pertaining to State Disabled Access Standards require complete evidence to substantiate that the proposed design is equivalent to that prescribed by that standards or that due to legal or physical constraints, compliance with the standards or providing equivalency would create an unreasonable hardship.

Appeals must be submitted on the Appeal Form available at Permit Counter accompanied by the proper fee. You will be notified in writing of the appeal hearing's time and date.