105.5.4 Authority of the commission. The commission shall have and exercise the following powers:

1. To hear and determine written appeals brought by any person from actions taken by the Department of Building and Safety (Department) in the enforcement of the requirements of Section 19955, et seq., of the *California Health and Safety Code*, the provisions of state law dealing with access to public accommodations by physically disabled persons.
2. To hear and determine written appeals brought by any person from the rulings, decisions and determinations of the Department granting or denying applications for exceptions pursuant to Section 19957 of the *Health and Safety Code*.
3. To hear and determine written appeals brought by any persons wherein it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the Department in the enforcement or administration of Title 24, Part 2, *California Code of Regulations*, Section 101.17 *et seq.*, and any other federal, state or municipal handicapped access and adaptability requirements.

   All appeals shall be reviewed by the Department. The Department may reverse or modify the action appealed from at any time prior to final action by the commission. Any such new action may then be appealed to the commission.
4. To respond to the department's request for advice on any matter within the department's jurisdiction relating to access to public accommodations and housing by the physically disabled.
5. To exercise the authority granted in Section 105.6.

105.5.5 Appeals.

105.5.5.1 Procedures. An appeal to the commission may be filed by any person aggrieved, or by an officer, board, department or bureau of the city. An appeal shall be in writing and shall be filed in the Office of the Board of Building and Safety Commissioners upon appropriate forms provided by the Department. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or an abuse of discretion by the Department.

When considering an appeal from an action by the Department, the commission shall make its determination within 30 days from the filing of the appeal. This time limit may be extended by mutual written consent of the applicant and the commission. Upon receipt of the appeal, the commission shall set the matter for hearing and give notice by mail of the time, place and purpose thereof to the appellant, to the applicant, to the owner or owners of the property involved, and to any interested party who has requested in writing to be so notified. Such notice shall be in writing and mailed at least 10 days prior to said hearing. No other notice thereof need be given except in those cases hereinafter mentioned.

The commission may grant, conditionally grant, or deny any appeal. All actions of the commission shall be final. Any action within the jurisdiction of the commission shall be final and conclusive as to the Department in the absence of fraud or abuse of discretion.

A separate appeal shall be filed for each single building as described in Section 98.0403.2 of the *Los Angeles Municipal Code*. Appeals to the Appeals Commission shall be accompanied by a filing fee as set forth in Table 4-A of Chapter 4 of Article 8, Chapter IX, of the *Los Angeles Municipal Code*.

If the commission fails to act on any appeal within the time limit specified in this section, then the action of the Department on the matter shall be final.

105.5.5.2 Decision. The decision upon an appeal shall be concurred in by at least three members of the commission. The commission may modify or reverse a ruling, decision or determination appealed from only upon making written findings setting forth specifically wherein the action of the Department was in error or constituted an abuse of discretion. The commission shall make specific written findings supporting any modification or reversal.

Upon making a decision, a copy of the findings and determination shall be furnished the applicant, the appellant and the Department of Building and Safety.

105.5.5.3 Special findings. Before granting or affirming the grant of an exception pursuant to Section 19957 of the *Health and Safety Code*, the commission must find that the application involves a case of practical difficulty, unnecessary hardship, or extreme differences and that it is clearly evident that equivalent facilitation and protection will be secured.

105.5.5.4 Revocation of approvals. The commission shall revoke or rescind any determination, including the grant of an appeal or exception, if made in error in violation of any provision of law, or in reliance on any false statement or misrepresentation as to a material fact.

105.5.5.5 Time limits. The rights and privileges granted by the commission pursuant to any decision, determination, approval, appeal or exception shall be void if all required building permits are not secured within one year of the effective date of such action, or if the permit expires under any of the conditions specified in Section 98.0602 of the *Los Angeles Municipal Code*.

However, the commission, and the superintendent acting on behalf of the commission, may grant extensions of time if the applicant submits in writing substantial evidence that unusual conditions or circumstances either precluded the securing of all required permits within the allocated time or caused the permit to expire as specified in Section 98.0602 of the *Los Angeles Municipal Code*.

Requests for extensions of time shall be made not later than 30 days after the expiration times specified in this section.