



DSA PROCEDURE #09-01

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Supersedes: PR 05-01

To: DSA Regional Offices Staff

**From: Division of the State Architect
Department of General Services
State of California**

SUBJECT: Code Appeal Process (CAP)

1. Purpose and Goal: When informal efforts have been exhausted to resolve plan review or field review code interpretation or code application disagreements, the Code Appeal Process (CAP) is available. CAP is a formal method to provide official interpretations by DSA of the California Building Standards Code (CBSC). CAP supersedes the former Rapid Interpretation Process (RIP).

The process has the following six (6) goals:

- 1.1. Encourage affected parties to resolve code interpretation and application disagreements at the earliest opportunity and at the lowest, appropriate level.
- 1.2. Resolve issues by considering input, documented in writing, from all parties.
- 1.3. Provide accurate, effective, and timely dispute resolution assistance by issuing project-specific interpretations of regulations enforced by DSA. Decisions and interpretations are developed utilizing a discipline-specific DSA Statewide Team. The decisions and interpretations rendered by the DSA Statewide Team represent the official position of the DSA.
- 1.4. Provide answers to all affected parties. When an interpretation is likely to have broad application, DSA Headquarters will make that interpretation available to the public in order to gain consistency in design submittals.
- 1.5. Achieve consistency between Regional Offices. The decisions and interpretations will be made available to all DSA staff, in order to gain consistency in future decisions made by DSA Regional Offices. This also helps to avoid unnecessary duplication of effort on issues previously resolved.
- 1.6. The entire Code Appeal Process will be complete within 30 working days, unless extended by mutual agreement.

2. Procedure: The Code Appeal Process (CAP) is described below:

Notes:

- a. If at any point the client agrees with a DSA determination, or DSA agrees with the client's interpretation, the process is discontinued and will be documented for future reference.

- b. The client’s code appeal must be initiated by completing a form [DSA-160](#), “The Code Appeal Process (CAP) Router.” This form shall remain attached to and routed with all supporting documentation provided by all parties affected as the CAP progresses beyond the Plan Review or Field Review Staff.
- c. The name of the person attaching any documents to the CAP Router must be written on all such documents. Documents must be pertinent and necessary, legible, and reproducible (no reds, yellows, or light pencil markings). Do not attach or send entire rolls of drawings.
- d. Before elevating to the next level, the client and DSA will meet or teleconference to discuss the issue(s) or proposed alternative means of compliance. The dates and participants in these meetings will be indicated on the form DSA-160 CAP Router.
- e. CAP package, including router form and all supporting documents, will be transferred to the next step in the process (including transfer to HQ) in an expedited manner. Package will be received and logged in the same day by the receiving party.

2.1 CAP Numbering: Beginning Jan. 1, 2010, the Regional Offices will assign the CAP number as follows:

Year (2 digits)	Discipline (1, 2, or 3 letters)	DSA Regional Office (2 digits)	- CAP # (2 digits)
2009 = 09 2010 = 10	AC = Access Compliance FLS = Fire-Life Safety SS = Structural Safety E = Energy	01 = Oakland 02 = Sacramento 03 = Los Angeles 04 = San Diego	01, 02, 03, 04, etc.

No word spaces

Example: For the fifth Access Compliance CAP from the San Diego Office in 2010, the CAP# would be **2010AC04-05**

Only appeals that are elevated to DSA Headquarters will get an HQ CAP number. CAP numbers are assigned at DSA Headquarters in the order received.

Example: If the above CAP was the first CAP appealed to HQ in 2010, its CAP number would be **HQ01-2010AC04-05**

2.2 Initiating the Code Appeal Process

2.2.1 When a decision is made by DSA plan review or field review staff and the client does not agree, the client may appeal the decision by elevating the interpretation or application of the code to the next level of review. All appeals must be in writing on Form DSA-160, Code Appeals Process (CAP) Router.

2.2.2 DSA will enforce minimum code requirements as applicable to each project. Proposed alternate means and methods may be submitted to meet the intent of the applicable codes, utilizing the Alternate Means and Methods procedures

delineated in Title 19 (State Fire Marshal Public Safety) and Title 24 (California Building Codes).

2.2.3 The client begins the process by completing **Section A** (Architect/Engineer Appeal) portion of the form. The client shall be responsible for clearly documenting their position on the issue and include:

1. A description of the issue,
2. Reasons for making the appeal of the DSA decision, with any pertinent and necessary justifications in support of such position, including any applicable building code sections or DSA published policies or interpretations, and
3. A specific contact person for questions and for receiving responses to the appeal.

2.2.4 The DSA plan review or field review staff will:

1. Complete **Section B** (Plan/Field Reviewer's Response) of the CAP Router.
2. In coordination with his/her supervisor, assign the Regional Office CAP number (per protocol in Section 2.1 above) and select a title for the CAP. The CAP title will contain one to four (1-4) descriptive words. Log the CAP into the CAP data base, even if the CAP has been resolved in the Regional Office, without HQ involvement.
3. Review all of the information provided by the Architect/Engineer (A/E).
4. Concur with the A/E description of the issue or coordinate with the A/E to rewrite the description.
5. Provide a response to each justification offered by the client. The DSA staff person's response must also include any reasoning in support of his/her position, including any applicable building code sections, DSA policies, or other relevant information.
6. Discuss the appeal with the A/E in an attempt to resolve the issue.

2.2.3 For Fire-Life Safety, documenting DSA's position can include specific interpretations as provided by the State Fire Marshal or model code organizations. For Access Compliance, documenting DSA's position can include specific federal guidelines, federal interpretations, or other laws that apply to persons with disabilities

2.2.4 The DSA plan or field reviewer will respond to the appeal within five (5) working days of receipt of a completed appeal. The CAP package will then be forwarded to the Regional Office's Discipline Lead person for review. Discipline Lead must show receipt of the package on the same day as forwarded from plan review.

2.2.5 The HQ office of the Policy Deputy will be notified by the Regional Office's Discipline Lead person that a CAP has been initiated at the RO level. Policy Deputy office will monitor the CAP data base.

2.3 Discipline Lead Review

2.3.1 Within five (5) working days (including transmittal time which is the time needed to deliver the package to the next person in the process) the Discipline Lead in the local Regional Office will provide a decision and response based on his or her technical review of the documents received. This review must begin within one day of his or her receipt of the complete CAP package.

2.3.2 The DSA Regional Office Discipline Lead will:

- Complete **Section C** (Discipline Lead Review) of the CAP Router form. Any additional supporting documentation is attached to the CAP Router form.
- Discuss the appeal with the A/E in an attempt to resolve the issue.
- Inform the client and DSA review staff of the results of the review.

2.3.4 If the client does not agree with the decision of the Discipline Lead, the client may ask for the decision to be appealed to the DSA Headquarters Statewide Team for review. The Discipline Lead will immediately forward the CAP Router with supporting documentation to the plan reviewer’s or field reviewer’s Supervisor for review.

2.4 Supervisor and Regional Manager Review

2.4.1 Within two (2) working days (including transmittal time) the Supervisor at the local DSA Regional Office will:

- Review the documents received to verify that processes to attempt to resolve the disagreement have been followed and the documents are pertinent, necessary, complete, legible, and reproducible.
- Verify that the DSA response to the A/E’s appeal has completely addressed all issues raised relative to the disagreement.
- Review the appeal and Complete **Section D** (Supervisor’s Review) of the CAP Router form.

2.4.3 The Supervisor will verify that the CAP database is updated to show the status of the appeal.

2.4.4 The Supervisor will inform the Regional Manager who may review the CAP documents.

2.4.5 The Supervisor will forward the CAP Router with supporting documentation to the DSA Headquarters office – addressed to the Policy Deputy’s Executive Assistant.

2.6 DSA Headquarters: The Policy Deputy’s Executive Assistant will assign a Headquarters CAP number based on the protocol shown in Section 2.1 above and send the CAP Router and supporting documents to the appropriate Statewide Team Leader.

2.6.1 DSA Headquarters Statewide Team Review: The DSA Headquarters has six Operations Statewide Teams, any of which may consider a CAP. As of the latest revision date of this Procedure, these teams are:

- Structural Safety
- Fire/Life Safety
- Access Compliance
- Field Engineers
- Project Services
- Community Colleges

All correspondence relating to code appeals shall be directed to the appropriate team leader for the discipline to which the interpretation request applies. In cases where the interpretation request applies to more than one discipline group, each applicable team leader will receive correspondence relating to the appeals. Decisions made by each team are independent of one another, except when interpretation of one discipline has impact on the interpretation of another discipline, in which case, team leads will confer to coordinate responses.

2.6.2 The Statewide Team Leader will:

- a. Review the documents received and request additional information as necessary. This review must begin within 1 day of receipt of the CAP package.
- b. Complete **Section E** (DSA Headquarters Statewide Team Review) of the CAP Router form. Any additional supporting documentation is attached to the CAP Router form.
- c. Send copies of the supporting documents to all the team members for review, if necessary.
- d. The Statewide Team will review the appeal. The goal of the Team Lead and members shall be the building of a consensus view. However, the Team decision will be made and announced by the Team Lead, with due consideration of all views. The team lead takes final responsibility for the decision.
- e. Issue a written decision within 2 weeks (10 working days) of receipt in the DSA Headquarters office.
- f. The Statewide Team Leader will either set up a teleconference Team meeting, or at the discretion of the Team Leader, the issue may be reviewed through e-mail correspondence. The client or the Discipline Lead of the Regional Office that filled out **Section C** may be contacted to provide any needed additional background information on the issue.
- g. Present the decision to the State Architect for his approval and signature on the DSA-160 form, **Section F**.
- h. Notify the DSA Regional Office and the client of the results of the appeal decision in writing.
- i. Update the DSA CAP database and have the decision recorded for inclusion in an Interpretations data base. All forms and supporting documents will be filed at the DSA Headquarters office. (Regional Office CAPs that were resolved in the RO, without HQ involvement, will be filed at the Regional Office.)
- j. Recommend, if appropriate, the development of an Interpretation of Regulations or other USP document as needed to improve consistency in project submittal, review, or oversight.