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## PROCEDURE: CODE APPEAL

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

**1. PURPOSE AND GOAL:** When efforts to resolve code interpretation or code application disagreements with the DSA plan review/field staff have been exhausted, a code appeal process is available. The code appeal process provides for official interpretations by DSA of the California Building Standards Code (CBSC).

The process has the following 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. The decisions and interpretations rendered represent the official position of DSA.
- 1.4 Achieve consistency between regional offices. When an interpretation is likely to have broad application, it will be made available to all DSA staff.
- 1.5 Complete the code appeal process within 30 working days, unless extended by mutual agreement.

**2. PROCEDURE:** The code appeal process consists of the following steps:

1. The appellant (Architect/Engineer) initiates the appeal using form *DSA 160: Code Appeal Router* (available on the DSA website).
2. The first level of review at DSA is by the supervisor of the DSA group from which the comment being appealed was generated. The DSA supervisor will, as appropriate, confer with staff and cause any necessary research. The supervisor will provide either an approval or disapproval of the appeal with supporting documentation.
3. If the supervisor disapproves the appeal, the next level of review is by the regional manager (Principal Structural Engineer or Principal Architect). The regional manager will, unless the appeal is rejected as unfounded, obtain an interpretation/recommendation from the appropriate DSA statewide team (subject matter experts) and cause any necessary research. If the regional manager accepts the statewide team recommendation or rejects the appeal as unfounded, then the regional manager will either approve or disapprove the appeal with supporting documentation. If the regional manager agrees with the statewide team recommendation, the finding of the appeal is final and is the official position of DSA. If the regional manager disagrees with the statewide team recommendation, then the appeal is elevated to the executive team for a final decision.

**Notes:**

- a. If at any point the client agrees with a DSA determination, or DSA agrees with the client's interpretation, the process is considered complete.
- b. Unfounded code appeals are those which have been resolved on past projects, have no code basis, or are clearly in direct conflict with well-defined code provisions and should be disapproved by the regional manager.

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- c. Form DSA 160 shall remain attached to and routed with all supporting documentation provided by all parties affected as the appeal progresses.
- d. The name of the person attaching any documents to the 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.
- e. Before elevating to the next level, the client and DSA may meet or teleconference to discuss the issue(s) or proposed alternative means of compliance.

**2.1 Code Appeal Numbering:** The regional offices will assign a code appeal number as follows:

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

No spaces between digits in code appeal number.

**Example:** For the fifth Access Compliance code appeal from the San Diego Office in 2010, the number would be **2010AC04-05**.

**2.2 Initiating the Code Appeal**

- 2.2.1** When a decision is made by DSA plan review or field staff and the client does not agree, the client should first try to reach a resolution with that DSA staff person (at this point it is expected that the DSA staff person will discuss the issue with their supervisor). If a resolution cannot be reached at that level, then the client may appeal the decision by using the code appeal process. All appeals must be in writing using form DSA 160.
- 2.2.2** The code appeal process is not intended for code alternate design, means and methods. Proposed alternate design, means and methods may be submitted utilizing the Design Alternate Means and Methods procedures delineated in DSA Procedure *PR 18-01: Request for Alternate Design, Materials and Methods of Construction* on form *DSA 1-AMM: Request for Alternate Design, Materials & Methods of Construction*.
- 2.2.3** Code appeals which have been resolved on past projects, have no code basis, or are clearly in direct conflict with well-defined code provisions may be rejected at the discretion of the regional manager.
- 2.2.4** The appellant (Architect/Engineer) begins the process by completing the top portion of form DSA 160. The appellant is responsible for clearly documenting their position on the issue and must 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.

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3. A specific contact person for questions and for receiving responses to the appeal.

**2.2.5** The appeal is then sent, by the appellant, to the DSA staff person (or their supervisor) who initiated the comment that is being appealed.

**2.2.6** The DSA plan review or field supervisor responsibilities:

1. Complete the “DSA Plan/Field Review Supervisor” portion of the DSA 160.
2. Assign the regional office code appeal number (per protocol in Section 2.1 above) and select a title for the appeal (the title will contain one to four (1-4) descriptive words) and then log the appeal into the code appeal data base.
3. Review all of the information provided by the appellant.
4. Approve or disapprove the code appeal within five days of receipt. As part of this effort, the supervisor will:
  - Use staff and other resources to investigate and research the issue if needed.
  - Discuss the appeal with the appellant (this may include a meeting) if needed.
  - Provide a response to each justification offered by the appellant. The response must also include any reasoning in support of the DSA position, including any applicable building code sections, DSA policies, or other relevant information.
  - If the code appeal is disapproved, forward it to the regional manager.
  - If the code appeal is approved, complete the process outlined in section 2.2.7 below.

**2.2.7** If the code appeal is approved by the DSA supervisor, then the supervisor is responsible for:

1. Notification in writing to the appellant, affected DSA staff and the regional manager, of the appeal approval and the reason for approval.
2. Updating the DSA code appeal database.
3. Disseminate the approval to staff who may be affected by this determination on future projects by creating a form *DSA 60: Code Interpretations Reporting and Tracking* and forwarding it to the affected statewide team for ratification and publishing.
4. Filing the code appeal package and the form DSA 160 in the project file.

## **2.3 Regional Manager Review**

**2.3.1** Regional Manager Review and Evaluation:

Within 5 working days of receipt of the code appeal package, the regional manager will:

1. Confer with the responding DSA plan review/field review supervisor to gain an understanding of the appeal and associated issues. Unfounded code appeals (those which have been resolved on past projects, have no code basis, or are clearly in direct conflict with well-defined code provisions) should be rejected.
2. Research or direct research of the topic.
3. Confer with the appropriate statewide team lead.
4. Direct the appropriate statewide team to review the appeal by sending the code appeal package to the appropriate statewide team lead.

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**2.3.2** Regional Managers Responsibility for Appeal Decision:

Within five (5) working days of receiving a recommendation from the statewide team, the regional manager will be responsible (either by assigning the tasks or personally performing the tasks) for:

1. Decisions that follow the recommendations of the statewide team:
  - Preparing the written decision.
  - Approving the decision by signing the form DSA 160.
  - Presenting the decision to the State Architect for concurrence and signature on the form DSA 160. (If the State Architect is not available, then his/her signature will not be required. The regional manager will write "Not Available" on the State Architect signature line on the DSA 160.)
  - Notification to the appellant, affected DSA staff and the DSA statewide team lead, in writing, of the appeal decision and the reason.
  - Updating the DSA code appeal database.
  - Filing the code appeal package and final DSA 160 in the project file.
2. Decisions that do not follow the recommendations of the statewide team:
  - Preparing a written opinion with supporting documentation as needed.
  - Escalating the code appeal to the executive team.
  - Convening an executive team meeting and presenting the appeal.
  - Preparing the written decision of the executive team.
  - Approving the decision by signing the form DSA 160.
  - Presenting the decision to the State Architect for concurrence and signature on the form DSA 160. (If the State Architect is not available, then his/her signature will not be required. The regional manager will write "Not Available" on the State Architect signature line on the DSA 160.)
  - Notification to the appellant, affected DSA staff and the DSA statewide team lead, in writing, of the appeal decision.
  - Updating the DSA code appeal database.
  - Filing the code appeal package and final DSA 160 in the project file.

**2.3.3** Regional Manager Responsibility for Follow Up:

Within thirty (30) working days of the appeal decision, the regional manager will be responsible (either by assigning the tasks or personally performing the tasks) for:

1. Creation of a form DSA 60 when the appeal decision is likely to have broad application to DSA staff.
2. Recommending or causing the development of an Interpretation of Regulations or other USP document when the appeal decision is likely to have broad application to DSA staff and external stakeholders.

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**2.3.4** Statewide Team Lead Responsibility:

1. Confer with the regional manager / regional designee as requested.
2. If statewide team review is required, then review the documents received and request additional information as necessary. This review must begin within one day of receipt of the code appeal package.
3. If needed, contact the appellant and/or the regional office to provide any additional background information on the issue.
4. Send copies of the supporting documents to all the team members for review.
5. Set up a team meeting and present the appeal. The statewide team will review the appeal. The goal of the team lead and members will be the building of a consensus view. However, the team recommendation will be made and announced by the team lead, with due consideration of all views. The team lead takes final responsibility for the recommendation.
6. Issue a written recommendation within two weeks (ten working days) of receipt of the appeal package.
7. Present the written interpretation/recommendation to the regional manager.
8. Complete the "DSA Statewide Team" portion of form DSA 160.
9. If directed by the regional manager, initiate a form DSA 60 to record the decision.
10. File the final determination provided by the regional manager in statewide team code appeals files.

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A DSA Procedure documents a process or series of steps that DSA staff and/or external stakeholders must complete in order to fulfill one or more administrative requirements of DSA's review and approval of plans and specifications and construction oversight programs