



DSA and Proposition 39

January 31, 2014

100+ Years of California Architecture

PROPOSITION 39

- DSA collaborated with the California Energy Commission on Guidelines RE:
- Triggers for Required DSA Review
 - Structural
 - Fire and Life Safety
 - Access
- Structural Exemptions and Exceptions
- Access Related Exemptions

Governing Document per SB 73:

Proposition 39: *California
Clean Energy Jobs Act-2013*

Program Implementation
Guidelines

**Adopted by California Energy Commission
December 19, 2013**

DSA Reference on Page 31 of CEC Guidelines:

Energy Efficiency Project Construction Compliance Requirements Division of the State Architect (DSA)

Certain eligible energy measures funded by Proposition 39 might be exempt or excluded from DSA review and approval for structural safety, depending on the scope of work and estimated construction cost. In addition, some eligible energy projects may not be required to include accessibility upgrades outside the scope of work area.

To help LEAs determine the various requirements for eligible energy measures, and possible exemptions, the DSA provides resources and guidelines on its website at:

<http://www.dgs.ca.gov/dsa/Programs/progSustainability/prop39.aspx> .

Page 31 of CEC Guidelines DSA excerpt (continued):

Energy Efficiency Project Construction Compliance Requirements Division of the State Architect (DSA)

LEAs are advised to consider DSA requirements early in their planning for Proposition 39-eligible energy projects and contact the appropriate DSA Regional Office with jurisdiction over the area in which the project is located.

<http://www.dgs.ca.gov/dsa/AboutUs/contact.aspx>.

STANDARD EXEMPTIONS

- **DSA review and approval is not required for alteration or reconstruction projects:**
 - When estimated construction cost is less than \$40,268.17 (No design review by DSA is required)
- or
- When estimated construction cost is between \$40,268.17 and \$161,072.67 and the Design Professional confirms that there is no Structural, Fire/Life Safety or Access work in the project.

CBC: TITLE 24, PART 2

California Code of Regulations, Title 24, Part 2 (the CBC) when alterations or additions are made to existing buildings. If the existing “path of travel” elements do not comply with current code provisions, upgrades are required to the area of the work and designated elements serving the area that is being altered. **Upgrades to the current “path of travel” are required as follows:**

- **If cost of the project is <\$143,303, then cost of compliance is limited to 20 percent of the adjusted construction cost.**
- **If the cost of the project is ≥\$143,303, no limit to the cost of compliance.***

***If unreasonable hardship is determined by enforcing agency, there must be compliance by equivalent facilitation to the greatest extent possible. The cost of compliance shall not be <20 percent of adjusted construction cost.**

CBC: 11B-202.4 EXCEPTIONS

- 11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs. When alterations or additions are made to existing buildingsan accessible path of travel....shall be provided.

Exceptions:

- **7. Projects consisting only of heating, ventilation, air conditioning, reroofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by this code, such as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals and office equipment shall not be required to comply with 11B-202.4. unless they affect the usability of the building or facility.**
- **ALTERATION [DSA-AC]** A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. **Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.**

ACCESS RELATED EXEMPTIONS

No.	Project Type	Path of Travel Access Upgrades	
		Required?	Applicable 2013 Code Sections
1	Heating, ventilation and air conditioning	No ⁱⁱⁱ	11B-202.4 Exceptions: 7
2	Reroofing with "cool" roof	No ⁱⁱⁱ	11B-202.4 Exceptions: 7
3	Weatherization/caulking	No ^{iv}	2-202 Definitions "Alterations" and 11B-202.4 Exceptions: 7
4a	Window replacement (glazing only)	No ^{iv}	2-202 Definitions "Alterations" and 11B-202.4 Exceptions: 7
4b	Window replacement (frames and glazing)	Yes ^v	2-202 Definitions "Alterations" and 11B-202.4
5a	Window shading devices—window screens (applied to glazing)	No ^{vi}	2-202 Definitions "Alterations" and 11B-202.4

ACCESS RELATED EXEMPTIONS

No.	Project Type	Path of Travel Access Upgrades	
		Required?	Applicable 2013 Code Sections
5b	Window shading devices—solar shading devices requiring structural attachment	Yes ^{vii}	2-202 Definitions “Alterations” and 11B-202.4
6	Energy Management Systems (EMS)	No ^{viii}	2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7
7	Lighting upgrades—re-lamping, ballast replacements, fixture replacement	No ^{ix}	2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7
8	Water-heating upgrades	No ^x	2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7
9	Skylights	Yes ^{xi}	2-202 Definitions “Alterations” and 11B-202.4

DISTRICT'S CHOICE:

- **Utilize Exemptions/Exceptions and bypass DSA**

or

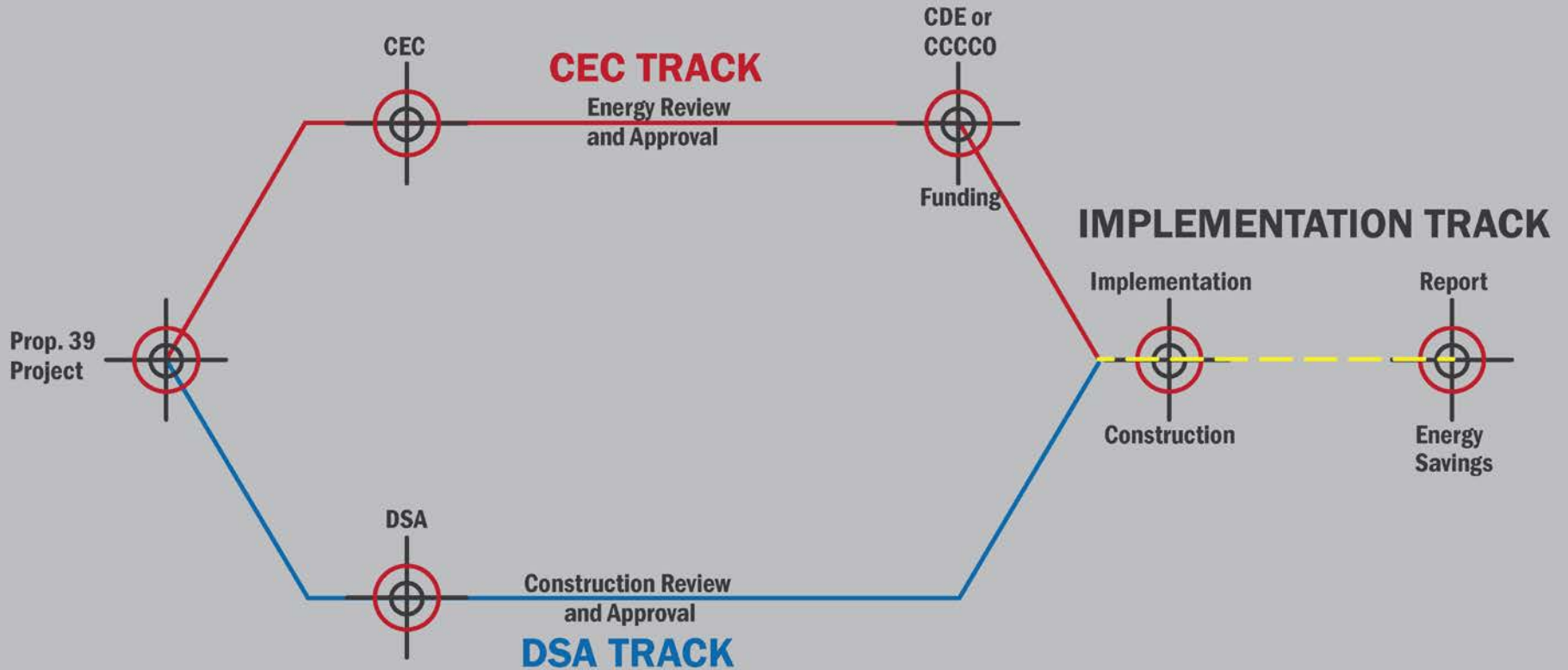
- **Obtain acknowledgment of Exemption/Exception compliance through DSA Over the Counter (OTC) Review**

PARALLEL TRACKS

- **Submit to CEC for energy plan review**
- **Meet with DSA for “over the counter” review**

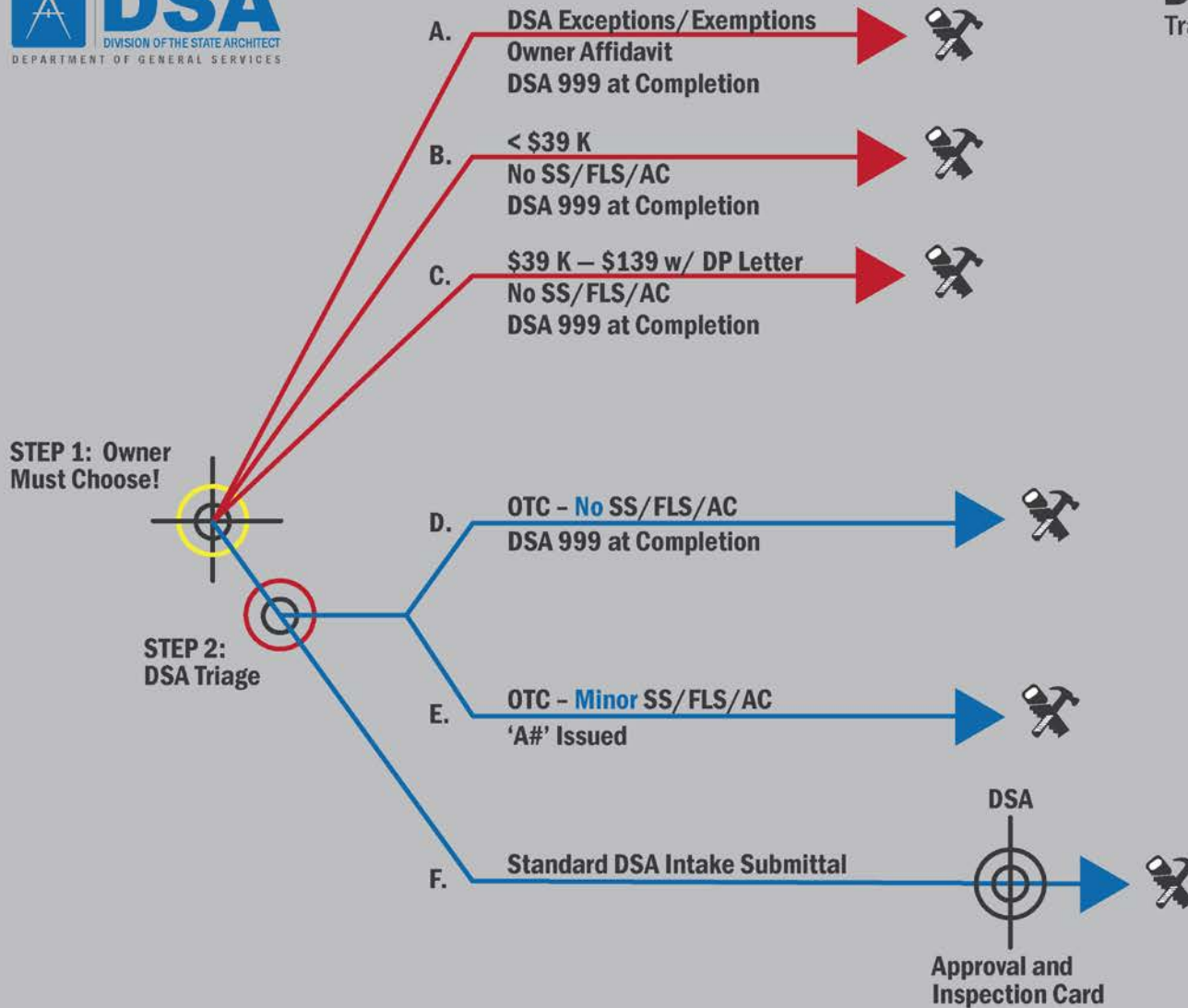
DSA PROP. 39 PROCESS

- Set Up Appointment
- All Submittals Electronic
- Download/Fill Out Template Form
- Meet with DSA Prop. 39 Team
- Pay Fee - Electronic Receipt Sent



DSA PROP. 39 PROCESS

Tracks A through E – Electronic – No paper!



STEP 1: Options A/B/C

- Owner Chooses to Pursue Available Volunteer Paths
- Potential Risks Involved w/out DSA Review - Re: SS/FLS/AC
- Potential for Uncertainties - Access Lawsuits

STEP 2: DSA Triage – Options D/E/F

D: OTC Review

- Flat Fee
- No 'A#' Issued
- 2 Hrs. Max.
- DSA Approval Letter Issued
- Plans + Letter Into DSAbox
- Corrections Noted w/ Bluebeam
- Submit DSA 999 at Completion

E: OTC Review

- Standard % Fee
- 'A#' Issued
- 2 Hrs. Max.
- Corrections Noted w/ Bluebeam
- Inspection Card Issued - DSA 152

F: Standard DSA Intake Submittal Process

- 'A#' Issued
- Expedited Plan Review Process
- Standard % Fee
- Inspection Card Issued - DSA 152

DSA Procedure for Proposition 39 Projects:

- **Visit DSA website for information and instructions**
- **Contact Regional Office to request an OTC appointment**
- **Download and complete form DSA 7 from website**
- **Submit plans and form DSA 7 electronically to DSA**
- **Bring check for \$400.00 to appointment**
- **If project complies with DSA Exemptions/Exceptions, DSA will issue a signed DSA Review Acknowledgement and place in Proposition 39 DSAbox with plans**
- **At completion of construction, Project Inspector will submit DSA Form 999 into Proposition 39 DSAbox**

Form DSA 7



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APPLICATION FOR CONCURRENCE: PROJECT IS EXEMPT

The Division of the State Architect (DSA) reviews and approves plans for construction projects under its jurisdiction for Title 24 compliance. The scope of DSA's review depends on the facility type and the scope of the project. Certain types of projects, depending on scope, may be exempt from the requirement to be reviewed and approved by DSA.

SCHOOL DISTRICT (or state agency)

Name of District (or state facility):

School Campus County- District- School or Fusion Number:

Director of facilities (or appropriate contact):

Email:

Telephone Number:

APPLICANT

Contact Name:

Date Submitted:

Firm Name (if not the school district):

Email:

Telephone Number:

Address:

City:

State:

ZIP Code:

Applicant's Statement of Responsibility: I certify, under the penalty of perjury, that I am acting for the school district/state agency in the legal capacity of agent making this application. I further certify that, to the best of my knowledge, the information given on this application is true and correct.

Applicant's Signature: _____

Is this a Proposition 39 funded energy efficiency improvement project? Yes No

Brief description of the project scope (submittal of construction documents is also required):

DSA USE ONLY

Exempt Request No.:

File No.:

Date Received:

Fee Received: \$

DSA Assessment By:

Date of Assessment:

Project is exempt. (Does not require DSA approval. Project must fully comply with all applicable design, construction, and inspection provisions contained in California Code of Regulations, Title 24)

Project is not exempt. DSA approval is required for:

Structural Safety

Fire & Life Safety

Accessibility

QUESTIONS?

Contact:

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