

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2019 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(OSHPD 07/19)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

OSHPD's proposal for amending the 2019 California Existing Building Code was presented to the Building Fire and Other (BFO) and Structural Design/Lateral Forces (SDLF) Ad Hoc Code Advisory Committee (CAC) meeting during its March 17 and 18, 2020 meeting. OSHPD will address each item individually.

Item 1

**CHAPTER 1 SCOPE AND ADMINISTRATION
DIVISION I CALIFORNIA ADMINISTRATION
SECTION 1.10 OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
1.10.1 OSHPD 1 and OSHPD 1R**

Clarification of the application for [OSHPD 1R] to include "SPC or freestanding" nonconforming hospital buildings that have been removed from acute-care service.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 1.

OSHPD Response: OSHPD agreed with the CAC recommendation.

Item 2

CHAPTER 1 SCOPE AND ADMINISTRATION DIVISION I CALIFORNIA ADMINISTRATION SECTION 1.10 OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

1.10.4 OSHPD 4

Alignment of code language to reflect the enforcing agency for Correctional Treatment Centers as the California Department of Corrections and Rehabilitation (CDCR) for state prison facilities, and the local building department for county jails.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Further Study (FS) to Item 2.

OSHPD Response: OSHPD disagreed with the CAC recommendation. A public comment was received at the CAC from the State Fire Marshall's office (SFM) stating this may apply to more than just CDCR and it should have Further Study. OSHPD reviewed this further and discussed with SFM and it was agreed to remain as proposed. No change made to Express Terms.

Item 3

CHAPTER 2 DEFINITIONS SECTION 201 GENERAL

201.1 Scope

Clarified references to Part 1, Chapters 6 & 7 of the California Administrative Code, and Part 2, Chapter 2 of the California Building Code.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 3.

OSHPD Response: OSHPD agreed with the CAC recommendation.

Item 4

CHAPTER 2 DEFINITIONS SECTION 202 GENERAL DEFINITIONS

BUILDING OFFICIAL - Added the banner for [OSHPD 1, 1R, 2, 4 & 5] to the definition to clarify it is adopted by OSHPD.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 4-1.

OSHPD Response: OSHPD agreed with the CAC recommendation.

CHANGE OF OCCUPANCY.
WITHDRAWN (Post CAC)

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Further Study (FS) to Item 4-2.

OSHPD Response: This amendment is being withdrawn in response to a CAC recommendation for Further Study for Change of Use below as the proposed definition added confusion. Since the Change of Use definition is being withdrawn, this amendment is also not required. OSHPD is withdrawing Item 4-2.

CHANGE OF USE.
WITHDRAWN (Post CAC)

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Further Study (FS) to Item 4-3.

OSHPD Response: This amendment is being withdrawn in response to a CAC recommendation for Further Study as the definition added confusion. It was determined that this definition is not required. OSHPD is withdrawing Item 4-3.

CODE OFFICIAL. Added the banner for [OSHPD 1, 1R, 2, 4 & 5] to the definition for Code Official to clarify it is adopted by OSHPD.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 4-4.

OSHPD Response: OSHPD agreed with the CAC recommendation.

SUBSTANTIAL STRUCTURAL DAMAGE. Added IBC language back in that was replaced on the triennial revisions for Substantial Structural Damage.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 4-5.

OSHPD Response: OSHPD agreed with the CAC recommendation.

Item 5

CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS
SECTION 305 ACCESSIBILITY FOR EXISTING BUILDINGS

This section is not adapted by OSHPD as reference to the accessibility requirements are in CBC, Part 2, Volume 1 which will remain.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 5.

OSHPD Response: OSHPD agreed with the CAC recommendation.

Item 6

CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS

SECTION 309 [OSHPD 1R] REMOVAL OF HOSPITAL FROM GENERAL ACUTE CARE SERVICES

Renamed title of section to align with wording elsewhere in the code and to clarify that a hospital building can be an SPC or freestanding building, "***SECTION 309 [OSHPD 1R] Hospital SPC and Freestanding Buildings removed from General Acute Care Services remaining under the jurisdiction of OSHPD***". Section 309 and 309A were coordinated so it is clear the requirements to remove a General Acute Care Hospital from acute care services are under 309A but once the services are removed, the removed building will fall under Section 309. To clarify this, many parts of 309A, and all of 310A, were moved to Section 309.

309.2 Definitions. Definitions for "**FREESTANDING**" and "**SPC BUILDING**" have been added as references are made to them frequently in Part 10.

CHAPTER 3A PROVISIONS FOR ALL COMPLIANCE METHODS [OSHPD 1]

SECTION 303A STRUCTURAL DESIGN LOADS AND EVALUATION AND DESIGN PROCEDURES

Sub-Section 303A.5 added an additional exemption to the list of exemptions in ASCE 41 currently permitted, to include buildings evaluated to SPC-4D when performance level is higher than life safety. This exemption currently exists for other buildings evaluated to SPC-4D using the 1980 California building code as referenced in the 2019 CEBC. This exemption encourages hospital owners to evaluate and retrofit existing SPC-1 or 2 buildings to the SPC-4D performance category without the additional requirement for a time-consuming pounding analysis where the outcome from the analysis may not provide reliable results. Where judgement indicates the adjacent building could be vulnerable to collapse due to pounding, those buildings are not exempt from evaluation by this proposal. In addition, these provisions have been vetted through the Hospital building safety board with a motion to proceed with the proposed code change.

CHAPTER 3A PROVISIONS FOR ALL COMPLIANCE METHODS [OSHPD 1]

305A ACCESSIBILITY FOR EXISTING BUILDINGS

305A.2 through 305A.9.4. These sub-sections are repealed as they were mistakenly left in for the triennial edition and do not pertain to buildings under OSHPD jurisdiction. 305A.1 is a pointer to the accessibility requirements in CBC, Part 2, Volume 1, which will remain.

**CHAPTER 3A PROVISIONS FOR ALL COMPLIANCE METHODS [OSHPD 1]
SECTION 309A REMOVAL OF HOSPITAL BUILDINGS FROM GENERAL ACUTE
CARE SERVICE**

This section was coordinated with Section 309 and much of it relocated to 309 as it had to do with buildings after they were already removed from General Acute Care Services.

**CHAPTER 3A PROVISIONS FOR ALL COMPLIANCE METHODS [OSHPD 1]
SECTION 309A REMOVAL OF HOSPITAL BUILDINGS FROM GENERAL ACUTE
CARE SERVICES**

This section is relative to hospital buildings already removed from acute care service reclassified as OSHPD 1R and no longer as OSHPD 1. The intent of Chapter 3A is locate requirements for OSHPD 1 buildings together for ease of use of the code. The language that was placed under Section 310A has been relocated to Sections 309.1.1 through 309.1.3.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 6.

OSHPD Response: OSHPD agreed with the CAC recommendation.

Item 7

**CHAPTER 2 DEFINITIONS
CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS
CHAPTER 4 REPAIRS
CHAPTER 5 PRESCRIPTIVE COMPLIANCE METHOD**

Adopt entirety of Chapters 2, 3, 4 and 5 of the 2018 International Existing Building Code (IEBC) for OSHPD 3. When Chapter 34 was moved to Part 10 of the 2016 edition of the CBSC, it was not adopted by OSHPD. When the triennial issue of the 2019 CBSC was issued, Part 10 adoption was added for OSHPD 1, 1R, 2, 3, 4 and 5 for Chapters 1 through 5A as appropriate, but OSHPD 3 was mistakenly mismarked in the Chapters 2 and 3 matrices and omitted from adoption for Chapters 4 and 5. OSHPD 3 should have adopted Chapters 2, 3, 4 and 5 in their entirety and is now being corrected.

CAC Recommendation: The BFO and SDLF Ad Hoc Code Advisory Committee recommended Approve as Submitted (AS) to Item 7.

OSHPD Response: OSHPD agreed with the CAC recommendation.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

Response: There are no formal studies, reports or documents to be identified as the basis for the proposed amendments.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

Response: The proposed changes do not mandate any specific technologies or equipment and do not require any prescriptive standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

Response: There were no alternatives for consideration by the Office. Proposed amendments will provide clarification and consistency within the code and are in alignment with national standards.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

Response: Small businesses will not be adversely impacted by the proposed adoption, amendments or repeal of code requirements.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

Response: The Office did not identify any cost to comply with the proposed rulemaking. The proposed amendments will provide clarification within the code and repeal outdated requirements.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Office of Statewide Health Planning and Development has assessed whether or not and to what extent this proposal will affect the following:

- A.** The creation or elimination of jobs within the State of California.

Response: The proposed regulations will not create nor eliminate jobs within the State of California.

- B.** The creation of new businesses or the elimination of existing businesses within the State of California.

Response: The proposed regulations will not create new businesses nor eliminate existing businesses within the State of California.

- C.** The expansion of businesses currently doing business within the State of California.

Response: The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

Response: OSHPD promulgates building standards regarding the design and construction of licensed health facilities to ensure the protection of the public's health and safety in the facilities. The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state's environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

Response: OSHPD did not identify any cost to comply with the proposed adoption and amendments. The proposal includes minor technical and editorial modifications that will provide clarification and consistency within the code.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt

regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

Response: The proposed regulations do not duplicate or conflict with federal regulations.