

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(OSHPD 06/18)**

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

The Office of Statewide Health Planning and Development (OSHPD) is mandated to adopt the most recent edition of model code pursuant to Health and Safety Code Section 18928. This rulemaking represents OSHPD’s proposal to adopt the 2018 International Existing Building Code (IEBC) published by the International Code Council. In addition, it was also necessary to propose editorial and minor technical modifications to the existing requirements for benefit of clarification and consistency within the code as identified below. Specific amendments are as follows:

Chapters 3A, 4A and 5A – Editorial. The “A” chapters are added to identify these chapters as amendments to the California Existing Building Code for OSHPD 1 buildings, General Acute Care Hospital buildings, and do not apply to other OSHPD buildings identified by other OSHPD categories, and regulated by OSHPD.

Relocated Code Sections from Chapter 34A of the 2016 CBC to the 2019 CEBC

2016 CBC Chapter 34A		2019 CEBC	
Description	Section	Section	Notes
Additions, alterations and repairs	3401A.1.1	301A.1	Modify 301
Maintenance	3401A.2	302A.7	Modify 302
Compliance	3401A.3	302A.3	Modify 302
Building material, equipment and Systems	3401A.4	302A.4	Modify 302
Existing seismic force resisting systems	3401A.4.3	302A.4.1	Modify 302
Definitions	3402A	202A	Modify 202
Additions	3403A	502A	Modify 502
Alterations	3404A	503A	Modify 503
Repairs	3405A	405A	Modify 405
Glass Replacement	3407A	402A.1	Modify 402
Change of Occupancy/Function	3408A	506A	Modify 506
Seismic Retrofit Pre-1973 buildings	3411A	303A.3	Modify 303.3
Compliance Alternatives for Seismic Retrofit	3412A	303A.3	Modify 303.3
Modifications to ASCE 41	3413A	303A.3.5	Modify 303.3
Peer Review Requirements	3414A	-	Moved to CBC Chapter

			16A
Earthquake Monitoring Instruments	3415A	306A	New CEBC Section
Compliance Alternatives for Services/Utilities	3416A	307A	New CEBC Section
Compliance Alternative for Means of Egress	3417A	308A	New CEBC Section
Removal of Hospital Buildings from GAC	3418A	309A	New CEBC Section
Hospitals Removed from GAC	3419A	310A	New CEBC Section

CHAPTER 1 SCOPE AND ADMINISTRATION:

The purpose of adopting the 2018 IEBC with amendments, is to align OSHPD requirements with model code as required by Health and Safety Code Section 18930 and conform with the transition from Chapter 34 in the 2013 California Building Code to the California Existing Building Code introduced with the 2016 edition.

SECTION 1.10 specifies the scope of application of buildings regulated by OSHPD identified by OSHPD 1 and 1R, 2, 3, 4 and 5 and their respective Applications, Enforcing Agency, Administrative Standards and Building Standards.

CHAPTER 2 DEFINITIONS:

SECTION 202 GENERAL DEFINITIONS- definitions are relocated from CBC Part 2 to accompany the relocation of former Chapter 34 and 34A from Part 2 to Part 10.

Change in Function – Editorial pointer to relocation of existing definition in 2016 CBC Chapter 34A.

Critical Care Area – Editorial. Pointer to the definition, as it is not in the same part of the Code, and avoids duplication in the standard.

Existing Structure – Editorial. Relocation of existing definition for buildings under OSHPD jurisdiction in 2016 CBC Chapter 34A.

General Acute Care Hospital – Editorial, referencing the pointer to the CBC as this section reference is not in the same part of the code.

Incidental Structural Alteration – Editorial. Relocation of existing definition for OSHPD 1 & 4 in 2016 CBC Chapter 2. Application to OSHPD 2 buildings is deleted, as these buildings need to comply with requirements in model code, and need not comply with the requirements for hospital buildings. This is consistent with the approach used for new building construction.

Major Structural Alteration – Editorial. Relocation of existing definition for OSHPD 1 & 4 in 2016 CBC Chapter 2. Application to OSHPD 2 buildings is deleted, as these

buildings need to comply with requirements in model code, and need not comply with the requirements for hospital buildings. This is consistent with the approach used for new building construction.

Minor Structural Alteration – Editorial. See ISOR for Major Structural Alteration.

Nonstructural Alteration – Editorial. Relocation of existing definition in 2016 CBC Chapter 34A.

Repair – Editorial. Relocated definition from 2016 CBC, Chapter 34A. Changed “Chapter” to “Code” to match reference information.

SPC seismic Separation – Editorial. Relocation of existing definition in 2016 CBC Chapter 34A.

Substantial Structural Damage – This definition is revised from the existing definition in the 2016 CBC, to conform to the language in the 2018 IEBC. The triggers for damage have been kept the same as in the 2016 CBC for OSHPD 1 & 4 buildings, but the method to calculate the trigger is consistent with the 2018 IEBC. Definition in the 2018 IEBC would apply to all other buildings regulated by OSHPD.

Unreinforced Masonry – Editorial. Relocation of existing definition in 2016 CBC Chapter 34A.

Unreinforced Concrete – Editorial. Relocation of existing definition in 2016 CBC Chapter 34A.

Voluntary Structural Improvements – This section title is revised from voluntary structural alteration to voluntary structural improvement to match with the intent of the alteration which is to improve the vertical or lateral resisting capacity of the structure.

CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS:

Section 301 Language clarifies which OSHPD building categories are governed by this Chapter and identifies the additional functional requirements that need to be complied with, which are located in the California Building Code. OSHPD does not adopt all sections in Chapter 3.

Section 301.1 – Existing buildings cannot be relocated and brought into OSHPD jurisdiction.

Section 301.3 Editorial. Clarifies which sections of this chapter are not adopted by OSHPD.

Section 301.3.1 Clarifies the scope of application of this Chapter as limited to buildings within OSHPD jurisdiction but not classified as OSHPD 1 buildings.

Section 307 New Section added for services/systems and utilities in existing OSHPD regulated buildings governed by this Chapter.

Section 307.1 Clarifies limitations for services, systems and utilities serving these buildings.

Section 308 New Section added for means of egress in existing OSHPD regulated buildings governed by this Chapter.

Section 308.1, Editorial pointer to Part 2 pertaining to egress in existing buildings.

Section 308.1.1 Clarifies the limits on the means of egress through these buildings.

Section 309 New section includes clarifying language regarding occupancies permitted in buildings removed from Acute Care Services which remain under OSHPD jurisdiction.

CHAPTER 3A – PROVISIONS FOR ALL COMPLIANCE METHODS:

New chapter that adopts specific sections from IEBC Chapter 3 and relocates various sections from previous Part 2 Chapter 34A as noted in table above, and specified below.

Section 301A – Administration.

Section 301A.1 – Editorial. Relocation of existing language in 2016 CBC Chapter 34A.

Section 301A.2 – Editorial. Clarifies which chapter applies.

Section 301A.3 – Editorial. Clarifies that certain methods are permitted to be combined when different compliance alternatives are exercised.

Exception for Substantial structural damage is covered in the California building code. This requirement is deleted here.

Section 301A.3.1 – Editorial. Clarifies these requirements pertain to structural work only and fire protection requirements are specified elsewhere.

Section 301A.3.2 – Editorial. Since this Chapter applies only to OSHPD 1 buildings, the section numbers of the unused chapters in the 2018 IEBC have been reassigned to correspond with existing code requirements in Chapter 34A of the 2016 CBC.

Section 301A.3.3 – Editorial. Compliance options specifically use ASCE 41 which is performance based standard. The section title is revised to recognize this.

Section 301A.4 – Editorial. This section is now entitled Moved Structures with provisions relocated from 2016 CBC Section 3410A.

Section 301A.5 – Amended to reference the CBC provisions for accessibility of existing buildings and facilities.

Sections 301A.6, 301A.7, 301A.8, 301A.9, 301A.10 & 301A.11 – Sections provided in the CEBC that are pointer references to specific code requirements relocated from sections in the 2016 CBC Chapter 34A into the CEBC.

Section 302A – General Provisions.

Section 302A.1, 302A.2 and 302A.6 - Editorial. Adopt model code as amended.

Sections 302.3 through 302A.5 and 302A.7 – Amended to provisions relocated from 2016 CBC Section 3401A with necessary changes to reference the appropriate code used.

Section 302A.8 – Additional requirement for information to be added to the construction documents to state what loads and methods are used as the basis of design or evaluation of the existing structure. This information is necessary when future additions, alterations, and remodels to the existing structure are made in order to know the seismic hazard used for design.

Section 303A – Structural Design Loads and Evaluation and Design Procedures.

Sections 303A.1 and 303A.2 – Editorial. Adopt model code as amended.

Section 303A.3 – Existing 2018 IEBC section is replaced with relevant sections relocated from Chapter 34A of the 2016 CBC. Changes in this section are either relocation of existing sections or editorial to reference the appropriate code or reference section.

Section 304A – In-situ Load Tests

Section 304A.1 – Editorial. Adopt pointer to section in California Building Code.

Section 305A - Amended to reference the CBC provisions for accessibility of existing buildings.

Section 306A through 310A – Editorial. Sections relocated from Chapter 34A with necessary changes to reference the appropriate code used, and to accommodate other changes made in the California building code or the California Administrative code.

Section 307A.1.1.1.5 – Exception is added for buildings removed from service to continue to serve SPC-1 and SPC-2 buildings if there are no critical care areas are served by these utilities, essential power does not pass through these buildings, and

the SPC-2 buildings are removed from service by a given date, or cannot be served by the building removed from service.

Section 310A.4 – New signage requirement is added for licensing, buildings officials, design professional and hospital administrators to easily identify in which building areas no acute care functions should occur.

CHAPTER 4 REPAIRS: Adopt entire IEBC Chapter 4 with the following amendments:

Section 401.1 Scope editorial pointer back to Part 2 Chapter 12 requirements for healthcare facilities.

Sections 405.2.1.1, 405.2.3.1, 405.2.3.3 and 405.2.5 Editorial references to the California Building Code.

Sections 406 Not adopted, added reference pointer to the requirements in the California Electrical Code for electrical repairs.

CHAPTER 4A – REPAIRS:

New chapter 4A that adopts specific sections from the IEBC Chapter 4 and relocates provisions from Part 2, Chapter 34A.

Section 401A.1 - Amended this section for scope to OSHPD 1 buildings.

Section 401A.3 – Amended to provisions relocated from 2016 CBC Section 3401A with necessary changes to reference the appropriate code used.

Section 402A.1 – Editorial. Sections relocated from Chapter 34A with necessary changes to reference the appropriate code used, and to accommodate other changes made in the California building code or the California Administrative code.

Section 403A and 404A – Pointer reference to comply with requirements in the California building code. No new requirements added.

Section 405A – Editorial. Sections relocated from Chapter 34A with necessary changes to reference the appropriate code used, and to accommodate other changes made in the California building code or the California Administrative code.

Section 405A.2.3.1 – Permit alternate evaluation procedures using a performance based approach to evaluate buildings that have sustained substantial structural damage in an earthquake to a level commensurate with their expected seismic performance category. Prescriptive procedures may not be feasible when the existing detailing does not conform to the requirements of current code.

Section 405A.2.3.3 – Permit alternate extent of repair based on a performance based approach for buildings that have sustained substantial structural damage in an

earthquake to a level commensurate with their expected seismic performance category. Prescriptive procedures may not be feasible when the existing detailing does not conform to the requirements of current code.

Section 406A – Amend to reference the CEC for electrical.

Section 407A - Editorial.

Section 408A – Editorial. Requirements have been changed to meet water conservation requirements.

CHAPTER 5 PRESCRIPTIVE COMPLIANCE METHOD: Adopt Sections 501 through 506 of the IEBC with the following amendments:

Section 506.1.2 Change in function, editorial addition to include Change in function requirement that parallels Title 24, Part 1 and Part 2 requirements for healthcare facilities to maintain required functional spaces. Exception for OSHPD 1R rooms re-used for a similar purpose added for clarification.

CHAPTER 5A – PRESCRIPTIVE COMPLIANCE METHOD:

New chapter that adopts specific sections as amended from IEBC Chapter 5 and contains provisions relocated from 2016 Part 2, Chapter 34A.

Section 501A.1 – Editorial. No OSHPD regulated buildings are designated as historic structures, reference to historic structures is deleted.

Section 501A.1,1 – Editorial.

Section 501A.2 – Amend to reference the CBSC for fire-resistance ratings.

Section 501A.3 – Editorial. Sections relocated from Chapter 34A with necessary changes to reference the appropriate code used, and to accommodate other changes made in the California building code or the California Administrative code.

Section 501A.3.3 – Section is revised for consistency with the California Administrative Code. Appropriate references to the new NPC-4D seismic performance category are identified, and reference to the NPC-3R seismic performance category has been eliminated.

Section 501A.3.3.3 – Existing language as to the limits of the design for non-structural components where the integrity of the supporting structure need not be considered is clarified. Incorrectly stated in the 2016 CBC.

Section 502A – ADDITIONS. Editorial to include language relocated from Part 2, Chapter 34A.

Section 502A.6 and 502A.7 – Editorial. Title 24, Part 10 does not regulate requirements for fire protection which is regulated by the State Fire Marshall.

Section 503A – ALTERATIONS. Editorial to include language relocated from Part 2, Chapter 34A.

Section 503A.5 through 503A.12 – Editorial deletions. These requirements are either not applicable to hospital construction, or are addressed elsewhere in the code.

Section 503A.13 – Voluntary Seismic Improvements. Editorial to include language relocated from Part 2, Chapter 34A.

Section 503A.14 and 503A.14 – Editorial. Title 24, Part 10 does not regulate requirements for fire protection which is regulated by the State Fire Marshall.

Section 503A.16 – Editorial. Requirements for refuge area are addressed elsewhere in the code.

Sections 504A and 505A – Sections 504 and 505 of the IEBC are not adopted, but the section numbers are reserved for the future and for editorial reasons.

Section 506A – CHANGE OF OCCUPANCY. Editorial to include language relocated from Part 2, Chapter 34A. Exception added to Change in Function for clarification, similar to Section 506.1.2 for consistency.

Section 507 – Not adopted by OSHPD.

CHAPTERS 6 THROUGH 15 – Not adopted by OSHPD.

CHAPTER 16 – REFERENCED STANDARDS:

Reference to other chapters [OSHPD 1] – Identifies the additional or adopted reference standards for OSHPD 1 buildings.

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).

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

References in this chapter are updated for consistency with OSHPD amendments in chapters 2, 2A, 3, 3A, 4, 4A, 5, 5A.

2018 IBC: International Building Code.

2018 IEBC: International Existing Building Code.

ASCE 7-16: Minimum Design Loads for Buildings and Other structures.

ASCE 41-13: Seismic Evaluation and Retrofit of Existing Buildings. This reference standard has not been updated to the latest version of ASCE 41 for consistency with the new seismic performance category SPC-4D, where non-conforming buildings upgraded to this standard are permitted to provide General Acute Care service to 2030 and beyond. Updates in the ASCE 41-17 will cause inconsistency in performance of these buildings. The full impact of the updates in ASCE 41-17 has not yet evaluated for buildings being evaluated/upgraded to SPC-4D. Once the impact of the changes are quantified, future versions of the code will be adopt the most current version of ASCE 41 with necessary 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.

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.

There were no alternatives for consideration by the Office. The adoption of the 2018 International Building Code complies with the mandate of Health and Safety Code Section 18928. In addition, 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.

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.

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 OSHPD 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.

The proposed regulations will not create, or eliminate jobs within the State of California.

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

The proposed regulations will not create new businesses, or eliminate existing businesses within the State of California.

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

The proposed regulations will not cause expansion of businesses currently doing business within 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.

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.

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.

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