

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

(OSHPD 05/21)

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.

Item 1

**CHAPTER 1 SCOPE AND ADMINISTRATION
DIVISION I CALIFORNIA ADMINISTRATION
DIVISION II SCOPE AND ADMINISTRATION**

Adopt 2021 International Existing Building Code (IEBC). Adopt specific sections of Chapter 1 and carry forward existing amendments of the 2019 California Existing Building Code (CEBC) for OSHPD 1, 1R, 2, 3, 4 and 5.

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 2

CHAPTER 2 DEFINITIONS

Adopt 2021 International Existing Building Code (IEBC) Chapter 2 for OSHPD 3. Adopt 2021 International Existing Building Code (IEBC) Chapter 2 for OSHPD 1, 1R, 2, 4 and 5 and carry forward existing amendments of the 2019 California Existing Building Code (CEBC).

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 3

CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS

Adopt 2021 International Existing Building Code (IEBC) Chapter 3 for OSHPD 3. Adopt specific sections of Chapter 3 for OSHPD 1R, 2, 4 and 5 and carry forward existing amendments of the 2019 California Existing Building Code (CEBC) with the following modification:

Sections 307, 308 and 309 renumbered to **310, 311 and 312** to align with ICC amendments. All references to revised sections have been amended to reflect new numbering. Exceptions to this are specifically listed below.

312.3.3.2 Amended existing language to replace 1224.31 with Section 1228 for psychiatric nursing service. 1224.31 is for medical psychiatric services and is not acceptable for an OSHPD 1R building.

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 4

CHAPTER 3A PROVISIONS FOR ALL COMPLIANCE METHODS

Adopt Chapter 3 of the 2021 IEBC as Chapter 3A of the 2022 CEBC for OSHPD 1 as amended. All existing California amendments that are not revised shall continue without change.

301A All references to former sections 303A, 306A, 307A, 308A, 309A, and 310A have been amended to reflect new numbering.

303A Reserved – This new section is indicated as reserved to match the new Section 303 in the 2021 IEBC related to storm shelter. All subsequent sections have been renumbered to accommodate the model code change to include storm shelters.

304A renumbered to follow the 2021 IEBC numbering. All references to former section 303A have been amended to reflect new numbering except as specifically listed below.

304A.3.4.5.1 - SPC-1 or 2 buildings evaluated to the SPC-4D seismic performance level using ASCE 41 require a pounding analysis to be performed where there is a building immediately adjacent to the building being evaluated to SPC-4D with an inadequate seismic separation. Some of the seismic separation exemption requirements in ASCE 41 are inconsistent with the existing seismic separation exemptions in the California Administrative Code. There are currently buildings rated SPC-3 and higher that have adjacent buildings that would not meet this exemption and require a pounding analysis to be performed.

An attempt was made in the 2019 intervening code cycle to address this issue, but because of the location where the language was introduced in the building code to modify the requirements in ASCE 41-13, did not achieve the intent of the code change. Therefore, the entire section on seismic separations in ASCE 41-13 is replaced to be more consistent with the initial intent of the change and current inventory of SPC-3 and higher buildings, at

the same time ensure adequate level of safety from collapse of the adjacent building due to potential pounding impacts.

304A.3.5 Editorial correction to correct reference numbers.

304A.3.5.9 ASCE 41 Section 8.4.2.3.2.1 - For foundations modeled as a fixed base or a flexible base, an alternate acceptance criteria provision by use of finite element analysis is added to evaluate the soil bearing capacity and the foundation structural element to address the inherent stability issue encountered when using pseudo elastic forces with a nonlinear overturning capacity of the foundation based on stability. Mixing pseudo force elastic demands from the superstructure with a nonlinear foundation model where uplift is permitted gives a wrong estimate of foundation capacity and demands to the foundation. Permitting only the seismic component of the demand to be reduced by a m-factor or ductility factor gives more reasonable results consistent with designs of new buildings using ASCE 7. The alternate method will also permit faster and easier evaluation of the foundation system.

304A.3.5.10 through 304A.3.5.12 – Renumbered to align with new sections.

304A.3.5.13 ASCE 41 Section 10.12.3 – An exception has been added when evaluating the foundation structural component to permit a higher capacity based on the action on the component. For actions that are force controlled, a lower bound capacity is used, no change while the expected strengths are permitted for actions that are deformation controlled.

304A.3.5.14 through 304A.3.5.16 – Renumbered to align with new sections.

306A renumbered to follow the 2021 IEBC numbering.

Former sections 306A, 307A, 308A and 309A renumbered to **313A, 310A, 311A and 312A** to align with non-A chapter amendments. All references to revised sections have been amended to reflect new numbering. **Sections 307A, 308A and 309A** are now designated as reserved.

CAC Recommendation (if applicable):

Approve all OSHPD proposals for Chapter 3A except for section 304A.3.4.5.1 which was recommended for Further Study.

Agency Response:

Accept.

Language in Section 304A.3.4.5.1 has been editorially clarified. Changed “Matches” to “Match” in item B. Added “and the building being evaluated” between “adjacent structure” and “need not be evaluated” in B.1). Clarified that the minimum separation of 2 inches times the number of stories required is determined at each level where the floors are aligned in B.2)a).

Item 5

CHAPTER 4 REPAIRS

Adopt 2021 International Existing Building Code (IEBC) Chapter 4 for OSHPD 3. Adopt 2021 International Existing Building Code (IEBC) Chapter 4 for OSHPD 1R, 2, 4 and 5 and carry forward existing amendments of the 2019 California Existing Building Code (CEBC).

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 6

CHAPTER 4A REPAIRS

Adopt Chapter 4 of the 2021 IEBC as Chapter 4A of the 2022 CEBC for OSHPD 1 as amended. All existing California amendments that are not revised shall continue without change.

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 7

CHAPTER 5 PRESCRIPTIVE COMPLIANCE METHOD

Adopt 2021 International Existing Building Code (IEBC) Chapter 5 for OSHPD 3. Adopt specific sections of Chapter 5 for OSHPD 1R, 2, 4 and 5 and carry forward existing amendments of the 2019 California Existing Building Code (CEBC).

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 8

CHAPTER 5A PRESCRIPTIVE COMPLIANCE METHOD

Adopt Chapter 5 of the 2021 IEBC as Chapter 5A of the 2022 CEBC for OSHPD 1 as amended. All existing California amendments that are not revised shall continue without change.

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 9
CHAPTERS 6 through 15

Entire Chapters 6 through 15 not adopted by OSHPD.

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 10
CHAPTER 16 REFERENCED STANDARDS

Adopt 2021 International Existing Building Code (IEBC) Chapter 16 and carry forward existing amendments of the 2019 California Existing Building Code (CEBC) for OSHPD 1, 1R, 2, 3, 4 and 5 with the following modification:

ASCE/SEI American Society of Civil Engineers / Structural Engineering Institute

ASCE 41-17 a reference standard from 2021 IBC adopts ASCE 7-16 for determination of the ground motion values. However, changes were made to ASCE 7-16 near the end of the cycle that created a situation where one could not develop the general response spectrum per for the BSE-1E and BSE-2E on Site Class E because there is no F_v value for Site Class E. F_v values was provided in Supplement 1. Supplement 1 also contains modifications to Chapter 21 of ASCE 7-16, the site specific hazard procedures. Supplement 3 of ASCE 7-16 changes the exception to Section 11.4.8 of ASCE 7 that permits users to use the general response spectra with a modified S_{D1} value as opposed to a site specific spectra when situated on Site Class D and E. The original exception required C_s multiplied by 1.5. Because there is no C_s in ASCE 41, one could use the exception without amplifying the BSE-1N and BSE-2N S_{X1} parameter by 1.5, which is the intent of the exception. Supplement 3 revises the exemption to require the S_{D1} parameter be multiplied by 1.5.

ASCE 41-17 supplement 1 proposes to adopt ASCE 7-16 supplements 1 and 3 to address the issues stated above. The proposal also clarifies the applicability of the expanded requirements for site specific spectra to only apply to the BSE-1N and BSE-2N seismic hazard level, which was the intent of the ASCE 41-17 update committee as affirmed by a recent formal interpretation ballot. ASCE 41-17 supplement 1 is currently being balloted by ASCE 41-23 committee and should be available prior to the adoption of the 2022 CBSC.

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

Item 11
APPENDICES A, B, C, D and RESOURCE A

Entire Appendices A, B, C, D and RESOURCE A not adopted by OSHPD.

CAC Recommendation (if applicable):

Approve

Agency Response:

Accept

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).

OSHPD has developed these provisions in consultation with the Hospital Building Safety Board (HBSB) in multiple Structural Nonstructural Subcommittee meetings over the past year. Meeting minutes are available on request.

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. 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 identified that there will be no adverse economic impact on businesses on the basis that the provisions proposed are optional and are being proposed to allow facilities to provide services that better match their needs.

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) 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 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.
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 finds that the proposed building standards will result in no cost if the facility chooses to incorporate a specific building standard into the project design. The proposed amendments will provide clarification 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.