

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT  
REGARDING THE 2022 CALIFORNIA BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, VOLUME 2  
(OSHPD 03/22)**

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 16 STRUCTURAL DESIGN**

**1605.2 Alternative allowable stress design load combinations.**

The reference to OSHPD 2B is revised to OSHPD 2 in the OSHPD banner to align with revisions made to Title 24, Part 2 Volume 1, Section 1.10.2 OSHPD 2 where the references to OSHPD 2A and 2B is proposed to be removed as there is no longer a difference in requirements between skilled nursing facilities that are single-story wood frame or light steel construction and multi-story facilities.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

**ITEM 2**

**CHAPTER 16A STRUCTURAL DESIGN**

**1617A.1.4 ASCE 7, Table 12.2-1.**

OSHPD amendment prohibiting the use of cantilever column systems is revised to permit the use of these systems for relatively light single-story canopy structures and covered walkways if they are designed as essentially elastic using a lower response modification factor R than permitted by ASCE 7.

**1617A.1.18 ASCE 7, Section 13.1.4.(6) [OSHPD 1, 2, 4 & 5] Interim Equipment:**

Specified the minimum seismic design force required for anchorage and bracing on non-structural equipment classified as interim equipment that have uses beyond the 180-day temporary limit but are required to provide service to the hospital till the use of that

equipment is no longer needed for that project. Interim equipment must be associated with an active construction project and must be removed prior to closure of the project. Clarified that use of ballasts for seismic or wind bracing supports and attachments for interim equipment need to be designed only for effect of the overturning when the equipment is not placed within the hospital and is located in say the parking lot on the floor or a mobile trailer.

**1617A.1.18 ASCE 7, Section 13.1.4.(7) Other Equipment (d)(e) [OSHPD 1, 2, 4 & 5].**

Clarified the requirement for “Other Equipment” that is required to be anchored. This includes any equipment weighing more than 400 pounds not otherwise defined in the list of equipment to be anchored that is also required to be anchored. The location of OSHPD amendment appeared after requirement “c Could fall and block a required means of egress”. This was confusing as the intent was to anchor any equipment that could fall and block a means of egress, and equipment weighing more than 400 pounds, not just requiring anchorage for equipment weighing more than 400 pounds that could block a means of egress.

**1617A.1.41 Peer Review Requirements. [OSHPD 1, 1R, 2, 4 & 5].**

Added an exception to the peer review requirements permitting that check to be performed by an additional reviewer within OSHPD who is familiar with the design of the system requiring peer review.

**CAC Recommendation:**

Approve all items except **1617A.1.18 ASCE 7, Section 13.1.4.(6). [OSHPD 1, 2, 4 & 5] Interim Equipment** which was recommended for Further Study under 9-Point Criteria #6 – Recommended to revise the language for clarification. For **1617A.1.41 Peer Review Requirements. [OSHPD 1, 1R, 2, 4 & 5].**, the CAC suggested editorial correction to remove the first word “The” of the exception.

**Agency Response:**

Accept all items. In response to Further Study, the language for **1617A.1.18, ASCE 7 Section 13.1.4.(6).a.** regarding seismic design for supports and attachments for interim equipment was revised to delineate the three modifications and add a statement that it is acceptable to use ballasts for seismic or wind bracing supports and attachments and limit the design to overturning only without the consideration of sliding, unless directly or indirectly supported by the building structure. In response to an editorial suggestion made by the CAC for Section **1617A.1.41**, the word “The” has been deleted.

## ITEM 3

### CHAPTER 17 SPECIAL INSPECTION AND TESTS

**1705.3.9 Shotcrete. [OSHPD 1R, 2 & 5]**

**1705.5.5 Structural glued laminated and cross-laminated timber. [OSHPD 1R, 2 & 5]**

The reference to OSHPD 2B is revised to OSHPD 2 in the OSHPD banner to align with revisions made to Title 24, Part 2 Volume 1, Section 1.10.2 OSHPD 2 where the references to OSHPD 2A and 2B is proposed to be removed as there is no longer a difference in requirements between skilled nursing facilities that are single-story wood frame or light steel construction and multi-story facilities.

**1705.14.3.1 Special seismic certification. [OSHPD 1R, 2 & 5]**

AB 2511 (Chapter 788, Statutes of 2022) amended Health and Safety Code, Section 1418 and added Section 1418.22 to require that Skilled Nursing Facilities (SNFs) have an alternative source of power to protect resident health and safety for no fewer than 96 hours for power outages that may result from a public safety power shutoff, an emergency, a natural disaster, or other cause. As such, these systems are required to remain functional post-earthquake and are required to have special seismic certification. SNFs have previously been required to provide 6 hours of on-site fuel storage for emergency power system sources such as emergency generators. These systems may need to be augmented to address the new statutory requirements. The proposed amendment is in response to the new law.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

**ITEM 4**

**CHAPTER 17A SPECIAL INSPECTION AND TESTS**

**1703A.1.1 Independence.**

Clarified the distinction between the inspections performed by special inspectors employed by an approved agency and the project inspector of record (IOR) or the entity providing inspection services. They need to be independent from each other.

**1704A.5 Submittals to the building official.**

Deleted model code requirement where certificates of compliance alone are adequate for fabricated steel load bearing or lateral load resisting members if the fabrication is done on the premises of an approved fabricator. OSHPD does not permit approved fabricators and special inspection at the fabricator shop is required. The proposed deleted requirement is redundant and confusing. This change is consistent with DSA's amendment and aligns DSA's and OSHPD's amendments.

**CAC Recommendation:**

Further Study for **1703A.1.1 Independence.** under 9-Point Criteria #6.

Recommended to consider replacing "or" with "and" and adding "broker" to the entities listed in the proposed language to clarify the intent.

Approve **1704A.5 Submittals to the building official.**

**Agency Response:**

Accept. HCAI (OSHPD) coordinated with DSA and adjusted the language to be more concise and accurate with the intent to avoid conflicts of interest between the inspector of record(s) and the approved agency.

## ITEM 5 CHAPTER 18 SOILS AND FOUNDATIONS

The reference to OSHPD 2B is revised to OSHPD 2 in the OSHPD banner to align with revisions made to Title 24, Part 2 Volume 1, Section 1.10.2 OSHPD 2 where the references to OSHPD 2A and 2B is proposed to be removed as there is no longer a difference in requirements between skilled nursing facilities that are single-story wood frame or light steel construction and multi-story facilities.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

## ITEM 6 CHAPTER 19 CONCRETE

The reference to OSHPD 2B is revised to OSHPD 2 in the OSHPD banner to align with revisions made to Title 24, Part 2 Volume 1, Section 1.10.2 OSHPD 2 where the references to OSHPD 2A and 2B is proposed to be removed as there is no longer a difference in requirements between skilled nursing facilities that are single-story wood frame or light steel construction and multi-story facilities.

### ***1901.3.4.5 Test acceptance criteria.***

The exception added to Chapter 19A during the Triennial code adoption cycle was also added to Chapter 19 for anchor tension testing in concrete for buildings under OSHPD jurisdiction. The language in the exception was in reference to the support locations for tension testing of anchors to be a minimum of 1.5 times the anchor embedment depth. The existing language for tension testing of anchors in Chapter 19 was generic and not quantitative. Adding the similar text from Chapter 19A related to tension testing of anchors addresses the discrepancy.

**CAC Recommendation:**

Approve all items except ***1901.3.4.5 Test acceptance criteria.*** which was recommended for Further Study under 9-Point Criteria #6 – Recommended to revise the language for clarification.

**Agency Response:**

Accept all items. In response to Further Study, the language was revised to be stated in the affirmative.

## ITEM 7 CHAPTER 21 MASONRY

The reference to OSHPD 2B is revised to OSHPD 2 in the OSHPD banner to align with revisions made to Title 24, Part 2 Volume 1, Section 1.10.2 OSHPD 2 where the references to OSHPD 2A and 2B is proposed to be removed as there is no longer a difference in requirements between skilled nursing facilities that are single-story wood

frame or light steel construction and multi-story facilities.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

**ITEM 8**

**CHAPTER 21A MASONRY**

***2104A.1.3.1 TMS 602, Article 3.2 F Cleanouts***

Reinserted and clarified the language that was replaced in the 2021 Triennial code amendment cycle, as to the location of where cleanouts are to be provided when required based on grout pour heights. This language was inadvertently deleted and is corrected by the proposed amendment.

***2104A.1.3.11.1 TMS 602, Article 2.3 A & 2.3 B Masonry unit materials.***

Clarified the language to add “reinforced” before hollow-unit masonry as this applies to reinforced hollow-unit masonry not for hollow-unit masonry without reinforcement.

**CAC Recommendation (if applicable):**

Approve

**Agency Response:**

Accept

**ITEM 9**

**CHAPTER 23 WOOD**

***2304.10.2.1 Additional requirements. [DSA-SS and OSHPD 1, 1R, 2, 4 & 5]***

The reference to OSHPD 2B is revised to OSHPD 2 in the OSHPD banner to align with revisions made to Title 24, Part 2 Volume 1, Section 1.10.2 OSHPD 2 where the references to OSHPD 2A and 2B is proposed to be removed as there is no longer a difference in requirements between skilled nursing facilities that are single-story wood frame or light steel construction and multi-story facilities.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

**ITEM 10**

**CHAPTER 35 REFERENCED STANDARDS**

***AAMA 501.4-18***

American Architectural Manufacturing Association (AAMA) Reference Standard for

501.4.18, clarified that the elastic design displacements required for the tests to show acceptable performance of the curtain wall system are design story drifts corresponding to the design earthquake.

**CAC Recommendation:**

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).

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.

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 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 has 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 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 with 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, cost savings, and/or cost that is reasonable if the facility chooses to incorporate a specific building standard into the project design.

## **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.