

**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 07/22)**

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 3A PROVISIONS FOR ALL COMPLIANCE METHODS
CHAPTER 5A ADDITIONS**

301A.5 Compliance with accessibility.

Editorial change to repeal existing amendment and reserve Section 301A.5 as International Existing Building Code (IEBC), Section 301.5 was previously deleted.

SECTIONS 307A–309A

Sections 307A and 308A related to smoke alarms and carbon monoxide alarms are added back to align with changes made in the 2021 IEBC. Section 502.6 and 502.7 and Section 503.14 and 503.15 from the 2018 IEBC were combined and replaced in the 2021 IEBC with Sections 307 and 308. Sections 307A and 308A now include the language from the previous amendments in sections 502A.7, 502A.8, 503A.19 and 503A.20. Section 309A continues as reserved.

502A.6 Enhanced classroom acoustics. This section does not apply to OSHPD buildings and is deleted.

502A.7 Smoke alarms in existing portions of a building. This amendment is relocated to Section 307A.

502A.8 Carbon monoxide alarms in existing portions of a building. This amendment is relocated to Section 308A.

503A.16 Enhanced classroom acoustics. This section does not apply to OSHPD buildings and is deleted.

503A.17 Locking arrangements in educational occupancies. This section does not apply to OSHPD buildings and is deleted.

503A.19 Smoke alarms. This amendment is relocated to Section 307A.

503A.20 Carbon monoxide alarms. *This amendment is relocated to Section 308A.*

CAC Recommendation:

Approve. Even though the CAC recommended to approve all the proposals in this item, it was suggested to consider adding pointers to accessibility provisions somewhere if section 301A.5 is reserved.

Agency Response:

Accept. In response to the CAC suggestion for Section 301A.5, there is an existing pointer to the California Building Code, Part 2, Volume 1, Chapter 11B that remains in Section 306A.1.

ITEM 2

CHAPTER 3A, SECTION 304A STRUCTURAL DESIGN LOADS AND EVALUATION AND DESIGN PROCEDURES

304A.3.5.2 ASCE 41 Section 2.4 Seismic Hazard.

A new seismic performance category SPC-4D for hospital buildings was added to the California Building Standards Code in 2016. Buildings retrofit or demonstrating compliance with this seismic performance standard are permitted to provide acute care services to 2030 and beyond. SPC-4D was a specific seismic performance category whereby buildings retrofit to the 1980 CBC or to the requirements on ASCE 41-13 as modified in the CBC Chapter 34A were permitted to be reclassified as SPC-4D. In the 2018 Triennial code cycle, the requirements in Chapter 34A were moved to the 2019 CEBC, Title 24, Part 10. An existing amendment for the construction of the response spectra and acceleration time histories which referenced sections of the 2016 CBC were inadvertently left out. This amendment reestablishes the original amendment thus giving a consistent retrofit target for reclassification of nonconforming hospital buildings to SPC-4D.

304A.3.5.5 ASCE 41 Section 7.5.1.

Clarified the requirement that for buildings being upgraded to SPC-4D where building drifts exceed the allowable drifts in ASCE 7 for risk category IV buildings, the acceptance criteria for nonstructural elements may be limited to only items identified in Chapter 6, Article 10 of the CAC.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 3

CHAPTER 3A, SECTION 312A REMOVAL OF HOSPITAL SPC AND FREESTANDING BUILDINGS FROM GENERAL ACUTE CARE SERVICE

312A.3 Establishing eligibility for removal from general acute care service.

Both CBC Sections 503.1 and 706.1 previously indicated that the portions of a structure separated by one or more fire walls were required to be considered as separate buildings. This is no longer the case. The use of fire walls is now strictly limited to only the determination of permissible types of construction, based upon allowable building area and height.

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.