

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION/
OFFICE OF STATEWIDE HOSPITAL PLANNING AND DEVELOPMENT
REGARDING THE 2025 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(OSHPD 07/25)**

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 PROVISION FOR ALL COMPLIANCE METHODS

SECTION 304A—STRUCTURAL DESIGN LOADS AND EVALUATION AND DESIGN PROCEDURES

304A.3.5 Modifications to ASCE 41-13 for SPC-2 and SPC-4D.

Section 304A.3.5.16 is proposed to be added and subsequent sections, 304A.3.5.17 and 304A.3.5.18, are renumbered which increases the total items modified in ASCE 41-13 to 18.

CAC Recommendation:

Approve.

Agency Response:

Accept.

304A.3.5.13 ASCE 41-13 Section 10.7.1.1. Monolithic Reinforced Concrete Shear Walls and Wall Segments.

The HCAI amendment to ASCE 41 Section 10.7.1.1 is proposed for revision to clarify that only flexure controlled and shear controlled horizontal wall segments or spandrels, reinforced with closed hoops or stirrups anchored to the longitudinal reinforcement top and bottom for shear wall coupling beams in ASCE 41 are permitted to be classified as coupling beams. This detailing ensures that horizontal wall segments or spandrels have the necessary ductility to classify for the more liberal acceptance criteria as coupling beams. This amendment repeals portions of an existing language related to Table 10-19 and Table 10-21, acceptance criteria for reinforced concrete shear walls and associated components controlled by flexure where model code has been demonstrated as adequate to be classified as coupling beams and does not materially alter the intent of existing code amendment. This amendment is for clarification only and does not materially alter the intent of existing code provisions or impact the cost of compliance.

CAC Recommendation:

Approve.

Agency Response:

Accept.

304A.3.5.16 ASCE 41-13 Chapter 13.

A new section is proposed to be added for Penthouse Structures 304A.3.5.16 in [OSHPD 1] ASCE 41-13, Seismic Evaluation and Retrofit of Existing Buildings as the code is not clear how existing penthouse structures are to be evaluated as related to seismic upgrades of existing hospital buildings from SPC-1 to SPC-4D. The structural performance criteria are specified for the building, but not the small rooftop structures. Requirements for buildings with small roof top structures being upgraded to SPC-4D to meet the 2030 seismic compliance deadline therefore cannot be uniformly enforced without a clear defined performance criteria. This proposed amendment clarifies the criteria for design of these roof top penthouse structures consistent with the definition in ASCE 7. This amendment is for clarification only and does not materially alter the intent of existing code provisions or impact the cost of compliance.

CAC Recommendation:

Further Study Required under criteria #6.

- CAC recommended to clarify what “roof area” means. Some offered suggestions such as: does the roof area include supporting roof overhang or supporting roof deck area only. Penthouse definition should also be coordinated with Section 1511.1.1.
- Clarify that penthouse is limited to one story only in this application
- Clarify the language in the last sentence, specifically the phrase: “Penthouse structures larger than one-third of the roof area and/or extension of the building frame...” as the use of “and/or” may result in misleading or inconsistent interpretation of the language.

Agency Response:

Accept.

HCAI confirmed that area limit for penthouse matched the definition of penthouse in CBC Section 1511.1.1. Therefore, no additional changes were made to the definition. The requirement for the design was revised to clarify that the area limit of one third of the roof area only applied to rooftop structures that are not extension of the building frame. The previous language implied that the rooftop structure that is not an extension of the building frame could include the entire roof area as indicated in CAC recommendation third bullet discussion item. The revised language is consistent with how penthouse structures are designed in accordance with ASCE 7-22 Section 13.5.11.

304A.3.5.17 and 304A.3.5.18

Sections 304A.3.5.17 and 304A.3.5.18 are renumbered from Sections 304A.3.5.16 and 304A.3.5.17 as the proposed section addition for penthouse structures would now replace previous Section 304A.3.5.16.

CAC Recommendation:

Approve.

Agency Response:

Accept.

304A.3.6 Modifications to ASCE 41-23.

Section 304A.3.6.9 is a new proposed addition similar to Section 304.3.5.16 for Penthouse structures when ASCE 41-23 is used for the evaluation. Section 304A.3.6.10 is renumbered from Section 304.3.6.9, as the new section would increase the number of items modified in ASCE 41-23 to 10.

CAC Recommendation:

Approve.

Agency Response:

Accept.

304A.3.6.9 ASCE 41-23 Chapter 13

A new section is proposed to be added for Penthouse Structures 304A.3.6.9 in [OSHPD 1, 1R, 2, 4 & 5] ASCE 41-23, Seismic Evaluation and Retrofit of Existing Buildings. This amendment aligns the performance level for evaluation and retrofit of small rooftop penthouse structures to the same performance level permitted for existing SPC-1 buildings upgraded to the SPC-4D performance level for non SPC-1 buildings regardless of which version of ASCE 41 is used for the evaluation/retrofit. The definition of what qualifies as a penthouse for evaluation using Chapter 13 is consistent with its original design for new construction in ASCE 7. This amendment is for clarification only and does not materially alter the intent of existing code provisions or impact the cost of compliance.

CAC Recommendation:

Further Study Required under criteria #6.

The same CAC recommendations as for Section 304A.3.5.16.

Agency Response:

Accept.

The same Agency Response as for Section 304A.3.5.16.

304A.3.6.10 ASCE 41-23 Chapter 16 and 17

Section 304A.3.6.10 is renumbered from Section 304.3.6.9 as the proposed section addition for penthouse structures would now replace previous Section 304.3.6.9.

CAC Recommendation:

Approve.

Agency Response:

Accept.

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.

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

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

HCAI 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.

The proposed building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public's health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state's environment.

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.

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 Department. 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.

All items have no adverse impact on small business. Alternatives were not explored.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC 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.

HCAI has identified that there will be no adverse economic impact on businesses on the basis that the provisions proposed are clarifications only and do not materially alter the intent of existing code provisions or impact the cost of compliance.

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.

HCAI finds that the proposed building standards are for clarification only and do not materially alter the intent of existing code provisions or impact the cost of compliance.

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.