

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The OSHPD has determined that the proposed amendments to Title 24, Part 4, California Mechanical Code do not conflict, overlap or duplicate existing building standards.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

The OSHPD's authority and jurisdiction are mandated by the Alfred E. Alquist Hospital Facilities Seismic Safety Act (HFSSA) of 1983 (Health and Safety Code, Division 107, Part 7, Chapter 1, Articles 1 through 9, Section 129675 through 130070). In addition, Health and Safety Code Section 129850 authorizes the Office to develop building standards, as necessary and appropriate, to effectively carry out the Act. The proposed regulations are within the parameters of the statute and are not within the exclusive jurisdiction of another agency.

3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.

The HFSSA is intended to serve the public interest by assuring that health facilities are designed and constructed for the health and safety of the patients and staff. OSHPD is proposing these regulations under the mandated authority to effectively carry out the HFSSA.

In addition, Health and Safety Code Section 18928 mandates the adoption of the most recent model code. This rulemaking represents OSHPD's proposal to adopt the 2015 Uniform Mechanical Code with amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

The proposed regulations are not unreasonable, arbitrary, or capricious. The proposed action will adopt the 2015 Uniform Mechanical Code for incorporation, into the 2016 California Mechanical Code and will

carry forward existing California amendments related to the design and construction hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The proposed building standards reflect consistency with nationally recognized standards, current practices and new technology and will make minor editorial modification for clarification and consistency within the code.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

The proposed building standards will not result in additional costs to the public or to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

The OSHPD finds that the proposed amendments are not ambiguous or vague. The language was developed, drafted and reviewed to provide clarification of the existing regulations and consistency with national standards.

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

Applicable national specifications, published standards and model code have been incorporated in these proposed building standards. These regulations are based on the 2015 Uniform Mechanical Code.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

The format of this proposal is consistent with the format adopted by the California Building Standards Commission. The OSHPD has followed the procedural outline of the Commission and has complied with the requirements of the State Building Standards Law and Administrative Procedures Act.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The Office of the State Fire Marshal reviewed and approved OSHPD's proposed building standards. (Please refer to the attached approval letter dated October 19, 2015.)