

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

REGARDING THE CALIFORNIA GREEN BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

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.

OSHPD has determined that the proposed amendment to Title 24, Part 11, California Green Building Code does 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.

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 proposed emergency regulation is in response to the State of Emergency proclamation issued by Governor Brown in Executive Order B-29-15 (issued April 1, 2015) due to severe water shortage caused by the drought in California.

OSHPD has authority to enforce building standards for the physical plant of hospital and skilled nursing facility construction. The enforcement for requirements pertaining to the grounds, landscaping and outdoor water irrigation is retained by the local authority having jurisdiction.

The proposed emergency regulation clarifies that the standards regarding reduction of potable water use for exterior landscape irrigation for nonresidential buildings applies to hospitals and skilled nursing facilities. It clarifies that these standards will be enforced by the local agency having jurisdiction and that evidence of compliance must be obtained and submitted to OSHPD prior to issuance of OSHPD's plan approval or building permitting.

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

The proposed building standards are not unreasonable, arbitrary, unfair, or capricious. The regulations provide clarification.

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

The proposed regulation will not result in a cost impact to the public. The proposal will clarify that the responsibility for enforcement of outdoor water use standards for hospitals and skilled nursing facilities lies with the local agency having jurisdiction.

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

The OSHPD finds that the proposed amendment is not ambiguous or vague. The language provides clarification only.

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

There are no national specifications or standards or model code relevant to the proposed regulation. OSHPD preempts the local building jurisdiction for the enforcement of building standards for hospital and skilled nursing facility construction but not for non-building site issues. OSHPD's proposed language provides clarification that the health facilities under OSHPD jurisdiction must comply with the non-residential mandatory requirements to reduce potable water consumption for exterior landscape irrigation. In addition, it clarifies that the authority for enforcement of the outside irrigation standards is with the local agency having jurisdiction.

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. OSHPD has followed the procedural outline of the Commission and has complied with the requirements of the State Building Standards Law and the 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 has determined that this proposal does not promote fire and panic safety and therefore, meets the criteria of Health and Safety Code Section 18930.