

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE
CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, VOLUME 2, STRUCTURAL**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

The Office of Statewide Health Planning and Development (OSHPD) finds that no revisions have been made which would warrant a change to the initial statement of reasons for the following proposed amendments:

- Adopt supplement No. 2 of reference standard ASCE 7-05, which will mitigate the deficiencies in minimum base shear calculations
- Adopt supplement No. 1 of reference standard ASCE 41-06, which addresses the seismic performance of existing concrete buildings
- Prohibit the use of precast concrete intermediate shear walls based on commentary in updated concrete design reference standard ACI 318-08
- Adopt a new standard for epoxy injection repair of concrete & masonry, ACI503.7-07

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

OSHPD received two public comments regarding the proposed regulations.

Commenter: Degenkolb Engineers

The commenter recommended that OSHPD add a section on the OSHPD form for submission of Alternate Methods of Compliance to address shoring design.

OSHPD Response: This proposal has a great deal of merit, but unfortunately is outside of the rulemaking, and is therefore inappropriate for inclusion as part of this process.

The commenter has noted that OSHPD has proposed adding a Section 104.11.4 to add earthquake monitoring to hospital buildings. The commenter has further noted that the title of Section 104.11 is "Alternative materials, design and methods of construction and equipment". The specific suggestion is to have OSHPD add a Section "D" to the OSHPD form for submitting Alternate Methods of Compliance, which would address shoring design. OSHPD will study this proposal further, and may indeed modify the standard OSHPD form to include a section "D" for shoring as requested. However, no changes to the building code are necessary to implement this suggestion.

Commenter: Mehran Keshavarzian Structural Engineer

Summary of comment: The alternate wind design provisions in Section 1609.6 for OSHPD 2 should not be added, since there are already several methods in ASCE 7 for wind force calculations. Simplified provisions should not be added until there is proper justification and until there are assurances that the results of this proposed method will consistently provide equal or more conservative results to the ASCE 7 methods.

OSHPD Response:

Simplified wind design provisions have been proposed by OSHPD in response to a petition filed by the SEAOC (Structural Engineers Association of California) with the California Building Standards Commission (CBSC).

SEAOC, feels strongly that changing the wind design provisions that are in the 2001 CBC to the much more complex wind design provisions in the 2007 CBC can not be justified. SEAOC has noted that in most cases, both procedures produce forces that are within 10% of each other, and yet the degree of difficulty in procedures is much greater. Furthermore, in California, most building design is governed by seismic forces rather than wind loads, making extra efforts to calculate wind loads unjustifiable.

The simplified wind design provisions, as proposed, were developed by the structural engineers association of California, Oregon & Washington. NCSEA, which represents the national structural engineering community, proposed simplified wind design provisions for adoption into the 2009 International Building Code that are almost identical to what OSHPD has proposed for the 2007 CBC. Furthermore, the International Code Council – Structural Committee (ICC-S) has already approved the proposed NCSEA simplified wind design provisions for adoption in to the 2009 IBC. OSHPD has concluded that there is national recognition by the structural engineering community that a simplified wind provision is necessary.

In response to the commenter's concerns regarding equivalent results, note that both SEAOC and NCSEA have found that in all cases that they have studied, the simplified procedures do indeed produce conservative results compared to ASCE 7 procedures.

Finally, please note that OSHPD 2 buildings are single story Type V structures with light-frame construction. The relative safety of these buildings has long been recognized in building code and statute. Simplified wind load provisions for these buildings are highly desirable.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective, and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No alternatives were proposed. OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

OSHPD did not receive comments from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY

OSHPD did not receive comments from the Trade and Commerce Agency.