



Date: September 24, 2015

To: Jim McGowan, CBSC Executive Director  
Michael Nearman, CBSC Deputy Executive Director  
Dennis Corelis, DSA Deputy State Architect

From: California Building Industry Association  
California Business Properties Association  
Building Owners & Managers Assn. of CA  
California Apartment Association  
NAIOP of California, the Commercial Real Estate Assn  
International Council of Shopping Centers  
California Retailers Association

**RE: SUPPORT: DSA Proposed Changes to CCR, Title 24, Part 2, Chapter 11B  
Items 11B.51–11B.51.06: Disabled Accessibility at Electric Vehicle Charging Stations**

The above listed organizations are pleased to inform you that we support adoption of the amendments to the California Building Code pertaining to the provision of disabled accessibility at electric vehicle charging stations as proposed by the Division of the State Architect.

Of particular note are the following sections:

**Section 11B-228.3.2 Exception #1**

We strongly support the DSA proposal to exclude from these requirements “EVCS not available to the general public and intended for use by a designated vehicle or driver”. We also support maintaining the clarifying language related to this exception which reads “Examples include, but are not limited to, EVCS serving public or private fleet vehicles and EVCS assigned to an employee.”

**Table 11B-228.3.2.1 Electric Vehicle Charging Stations for Public Use and Common Use**

We support DSA’s proposed application thresholds, specifically:

- For a total number of EVCS at a facility which is “1 to 4”, DSA would require one (1) Van Accessible space.
- For a total number of EVCS at a facility which is “5 to 25”, DSA would require one (1) Van Accessible space and one (1) Standard Accessible space.

### **Application of the regulations to EVSE “retrofit” installation projects**

It is clearly understood that the building standards published in the California Building Standard Codes apply to new construction for which a permit application is submitted on or after the effective date of the standards. What is less clear is the application of the disabled accessibility building standards being proposed for CBC Chapter 11B, Section 202, 208, 228 and 812 to the installation of new EVSE in **existing** parking lots.

In addressing this critical issue, the industry coalition supports the suggestions put forth in the 9/24/15 comments submitted by the California Electric Transportation Coalition (Cal ETC). We do not take this request lightly and realize the difficulty DSA has in establishing building standards for retrofit projects which balances the needs for disabled accessibility with the needs to meet the Governor’s goals for EV charging.

#### ***Option A: Exemption***

As pointed out in the Cal ETC comments, the dimensional requirements for one van-sized space (width = 17 feet) could easily take out of service three existing parking spaces, making the EV-retrofit project financially unfeasible for many small- and medium-sized businesses. For this reason, we support the recommendation by Cal ETC for DSA to either **exempt retrofit projects until such time the federal Department of Justice issues regulations on this subject**, or, during the interim period, allow for the application of the “sharing concept” described below.

#### ***Option B: The “Sharing Concept”***

The industry coalition strongly supports the “sharing concept” as proposed in the “Industry Concerns” filed with DSA on June 23, 2015. With regards to the installation of EVCS in existing facilities, especially those associated with small- and medium-size parking facilities, there may not be the physical space necessary that would allow taking 2-3 existing parking spaces out of service in order to accommodate one new EVCS. The “sharing” design concept allows for the installation of dual-service EVSE equipment which serves both an existing disabled-only van-size space and an adjacent parking space. Until such time that the federal DOJ addresses this issue, the sharing concept would allow for a reasonable and cost-conscious way of addressing this critically issue.