

Nearman, Michael@DGS

From: Dylan Ryall <dylan@dcn.org>
Sent: Saturday, September 20, 2014 12:06 AM
To: CBSC@DGS
Subject: Comments on HCD Items 7 & 8
Attachments: Delil, Hollyn-ECVS.....pdf

Date: September 20, 2014

Subject: Comments on HCD Items 7 & 8

From: Dylan Ryall
1709 Drexel dr
Davis, CA 95616

Dear Commissioners: I am writing to oppose Items 7 and 8, code change proposals from the Department of Housing and Community Development regarding electric vehicle charging station parking.

BSC Criteria 1: Item #7 is in violation of BSC Criteria 1. The proposed building standards by HCD conflict with existing applicable building standards. Without justification, HCD is proposing parking standards for electric vehicle charging which conflict with standards in Title 24 11A and 11B for accessible parking. HCD's proposed standards in Item #8 4.106.2.2, as referenced in Item #7, 4.106.2.1, do not provide accessibility standards that would make the parking described in 4.106.2.2 usable by persons with disabilities because this proposed section does not require an accessible route to the charging unit and the required clear floor space for use of the charging unit.

Other parking requirement of 11A and 11B deal with issues other than space requirements and are not discussed in the proposed code. In particular, HCD is eliminating signage requirements that restrict use of the 4.106.2.2 Item 3 parking space to use by persons with disabilities only. Whereas people who do not need accessible parking spaces will have access to all charging parking spaces, persons with disabilities will have access to less than one

BSC Criteria 2: Item7 is in violation of BSC Criteria 2. The proposed building standards by HCD are outside of the parameters established by Section 504 of the 1973 Rehabilitation Act, The Americans with Disabilities Act, CA Civil Codes 54 and 55, the FHAA, CA Government Codes 4450 and 4452, and Health and Safety Code 19955 because they do not require a dedicated accessible parking space for only persons with disabilities for EV charging or an accessible parking space with its own charger. The proposed code allows a choice between using an accessible 11A parking space accompanied by an inaccessible space described in 4.106.2.2 Item 3 OR an inaccessible space on an accessible route. These last option is outside of the parameters of the laws listed above. (In addition, the two options are ambiguous and vague as discussed below.)

As stated in part in Sid Cohen's letter (attached):

"The problem . . . is that the location of the charging stations and services are in fact parking spaces that are subject to applicable federal ADA statutes, implementing regulations and standards and applicable California statutes, implementing regulations and standards **that require 1 dedicated parking space for every 25 spaces, but not less than 1** for as long as it takes the parked vehicle to charge, which may be for an extended period of time. The fact that a charging station and service is provided at the parking space 1) does not override or abrogate the statutory, regulatory, and standard requirements for parking spaces, which include the requirement for the 1 in 25, but no less than 1, dedicated parking space for persons with disabilities and 2) is not inconsistent with providing such a dedicated parking space. Put another way, the parking space charging stations are both a parking space subject to the federal and state dedication requirements for persons with disabilities and a place

where an electric vehicle charging takes place. Any interpretation to the contrary would be contrary to the clearly spelled out requirements for parking spaces and would also run afoul of the policy to interpret such civil rights statutes broadly, with a view to maximizing access for persons with disabilities and to not frustrate the purposes of such civil rights statutes. (see, e.g., Greater Los Angeles Council on Deafness, Inc. v. Zolin (9th Cir. 1987) 812 F.2d 1103, 1113)."

Further, Sid states, "if for purposes of argument only there was a requirement for multiple parking space charging stations and charging equipment but not a requirement for a dedicated parking space charging station with its own charger provided (1 in 25 but no less than 1), **then "equal access" would require that each and every charging station comply with the parking space accessibility requirements** of the ADA implementing regulations and standards (ADAAG or ADAS) and Unruh Act and Disabled Person's Act implementing regulations and standards (CBC) .**For example, under a scenario in which 10 parking space charging stations and charging equipment were required, "equal access" would require that all ten comply with the ADA and CBC standards for slope, width, length, etc.** Otherwise, persons with disabilities would not have "equal access" to the parking space charging stations and charging equipment as would persons without disabilities.⁴"

BSC Criteria 6. Items 7 and 8 are In conflict with Criteria 6 which states the proposed code cannot be unnecessarily ambiguous or vague.

a. Item #7 4.106.2.1 ambiguously states that a charging station may be provided next to a parking space described in 4.106.2.2 Item 3 **and** next to an 11A parking space for use by persons with disabilities without specifying that one or two chargers will be serving the two spaces. This is unnecessarily vague and will cause interpretation problems by code enforcers and others.

b. If the charger is placed next to an accessible 11A parking space as required for housing and common use areas, the code needs to address the issue of timing. Is someone who is parking in the 11A accessible space going to be limited in the amount of time they can park in the space because it is next to a charger, as most charging parking spaces will have signage limited the time vehicles can be parked there? If so, this would be in violation of Federal and state laws. This is another example of how the proposed code is unnecessarily vague and ambiguous.

c. In addition, Item #7 does not make it clear that the inaccessible space per 4.106.2.2 in Option 1 should be on an accessible route. Placing it adjacent to an 11A accessible space does not address this issue. This is another example of how the proposed code is unnecessarily vague.

d. The two options of Item 7, 4.106.2.1 are not equivalent. Option 1 allows a fully accessible 11A parking space to have a nearby charger, and Option 2 which should be equivalent to Option 1 provides a charger next to a parking space that is not fully accessible and usable by persons with disabilities.

4. BSC Criteria 7. HCS's Items 7 and 8 are in conflict with BSC Criteria 7 because they do not incorporate national specifications and published standards for parking.

a. HCD proposes only a few standards required for accessible parking, but not all the standards to make the space accessible.

b. In addition, HCD does not require any spacial requirements that would make the parking and charging units usable by persons with disabilities. Without requirements for an accessible route from the parking space to the charging unit and a required clear floor space to allow use of the charging unit, persons with disabilities will be prohibited from being able to charge their vehicles.

c. In addition, the full degree of accessible parking standards readily available Federally and in 11A and 11B of CA Title 24 are not incorporated by HCD, thereby denying access to parking which is prohibited by Federal and state laws.

Below are Items 7 & 8 under consideration by the Building Standards Commissioners:

Item # 7. HCD proposes to adopt Chapter 4, Section 4.106.4.2.1 with amendments, as follows:

SECTION 4.106

SITE DEVELOPMENT

4.106.4.2.2 4.106.4.2.1 Electric vehicle charging station (EVCS) locations. Construction documents shall indicate the location of proposed EVCS. At least one EVCS shall be located in common use areas and available for use by all residents.

When EV chargers are installed, EVCS required by Section 4.106.4.2.14.106.4.2.2, Item 3, shall comply with at least one of the following options:

-
1. The EVCS shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.

2. The EVCS shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

-
Item # 8. HCD proposes to adopt Chapter 4, Section 4.106.4.2.2 with amendments, as follows:

4.106.4.2.1 4.106.4.2.2 Electric vehicle charging station (EVCS) dimensions and slope. The EVCS shall be designed to comply with the following:

1. The minimum length of each EVCS shall be 18 feet (5486 mm).

2. The minimum width of each EVCS shall be 9 feet (2743 mm).

3. One in every 25 EVCS, but not less than one EVCS, shall also have a ~~5-foot (1524 mm)~~ an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EVCS is 12 feet (3658 mm).

-
a. Surface slope for this EVCS and ~~5-foot (1524 mm) wide~~ the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.