From: Bob [mailto:drsts@comcast.net]
Sent: Sunday, June 08, 2014 12:52 PM
To: McGowan, Jim@DGS
Cc: HolLynn D'Lil
Subject: Code change 4.106.4.2.1

Please accept these comments on the HCD's proposed code change 4.106.4.2.1: The proposed code change below discriminates against people with disabilities because it does not provide the necessary standards that insure that persons with disabilities can use electric vehicle charging stations. Without the requirements for signage, accessible route and van parking loading zone requirements, this proposed code change insures that people with disabilities will be discriminated against in charging station construction.

The code change should be disapproved because it is in violation of the following BSC Criteria:

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

The proposed code change is in violation of parking standards provided in Chapters 11A and 11B.

(2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.

The proposed code change is in violation of CA Civil Code 51 and 54, CA Government Code 4450 and Health and Safety Code 19955, as well as the ADA. CA law has required since 1968 that building standards include standards to insure that persons with disabilities can use the built environment.

(3) The public interest requires the adoption of the building standards.

The public interest is violated by this proposed code change in that persons with temporary or permanent disabilities will be excluded from using electric vehicle charging stations due to the lack of access requirements.

(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

The proposed building standard is unreasonable, arbitrary, unfair and capricious in the deliberate intent to exclude persons with disabilities from the use of electric vehicle charging stations. Lack of specificity regarding an accessible route to the charging station parking space, lack of signage and ommission of well established requirements for making parking spaces accessible to persons with disabilities as required in Chapter 11B demonstrate a bias and unreasonable discrimination against persons with disabilities.

(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.

The proposed building standard is purposefully ambiguous and vague by requiring only part of the standards necessary for the construction of accessible parking spaces for persons with disabilities, particularly in the omission of signage.

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

The applicable national specifications in the ADA, CA Title 24 11B have not been incorporated.

(A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.

No such statement is provided.

(B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.

National specification and published standards are commonly available, but not included in this proposed code change.

<u>Suggested Revisions to the text</u>: The Commission should direct HCD to include a statement that parking for electric vehicle charging stations should comply with current code for parking as stated in CA Title 24 11B-208.

Proposed Code Change:

7. HCD proposes to adopt Chapter 4, Section 4.106.4.2.1, as follows:

4.106.4.2.1 Electric vehicle charging station (EVCS) dimensions and slope. The EVCS shall be des
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) wide aisle.
slope for this EVCS and 5-foot (1524 mm) wide aisle shall not exceed 1 unit vertical in 48 units horiz
(2.083 percent slope) in any direction.

Bob

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