**Public Comment on Proposed Building Standards
For Publication in Title 24, California Code of Regulations**

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# **Commenter Contact Information:**

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September 23, 2021
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# **Proposed Building Standard**

Housing and Community Development – HCD 03/21
Title 24, Part 11
ITEM 4: Chapter 4.1, Section 4.106.4

## **This comment is intended for review during:**

45-Day Comment Period

## **Your recommendation based on the criteria of Health and Safety Code Section 18930(a) below:**

Approve as Amended

## **In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) below. If you recommend anything other than approve, cite the criteria below. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider.**

Comments are based on Health and Safety Code Section 18930(a)1.

DSA supports HCD in this regulatory process to advance electric vehicle charging in multifamily developments, hotels, and motels, and requests edits substantially related to the proposed building standards to maintain consistency with regulations already adopted in the 2019 Title 24, Part 11, related to the applicability of the accessibility provisions of California Building Code Chapter 11B for electric vehicle charging stations in public housing, hotels, and motels.

**DSA requests amendments to Section 4.106.4.2.2, Item 3 in the 45-day Express Terms for HCD Title 24 Part 11**

1. **EV Chargers.** Five (5) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests. When chargers are installed, spaces shall comply with Sections 4.106.4.2.2.1 and 4.106.4.2.2.2.

When Level 2 EVSE is installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

**Rationale:** DSA requests to remove proposed text (last sentence) from this item because reference to the code sections in this sentence are not applicable to California Building Code (CBC) Chapter 11B-regulated facilities of public accommodations, public housing, hotels, and motels, and do not reference the exception of these requirements for these facilities already in regulation. Further specificity is proposed in section 4.106.4.2.2.1 as related to EV charging stations under the scope of the California Building Code, Chapter 11B.

**DSA requests amendments to Sections 4.106.4.2.2.1, 4.106.4.2.2.2 and 4.106.2.2.3 in the 45-day Express Terms for HCD Title 24 Part 11**

**4.106.4.2.2.1 Electric vehicle charging stations (EVCS).** Electric vehicle charging stations required by Section 4.106.4.2.2 Item 3 shall comply with Section 4.106.4.2.2.1.

**Exception:** Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B for applicable requirements.

**4.106.4.2.2.1.1** **Location.** EVCS required by Section 4.106.4.2.2, Item 3, shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A or Chapter 11B as applicable, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

**Exception:** Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.2.1.1 and Section 4.106.4.2.2.1.2, Item 3.

**Note:** Electric vehicle charging stations serving public housing, hotels or motels are required to comply with the California Building Code, Chapter 11B.

**4.106.4.2.2.1.2 Electric vehicle charging stations (EVCS) dimensions.** The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have 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 EV space is 12 feet (3658 mm).
	1. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

**4.106.4.2.2.1.3 Accessible EV spaces.** In addition to the requirements in Sections 4.106.4.2.2.1.1 and 4.106.4.2.2.2.1.2, EV spaces for hotels/motels and all EVSE, when installed, shall comply with the accessibility provisions for EV chargers charging stations in the California Building Code, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A.

**Rationale for Section 4.106.2.2.1:** In the regulatory requirements adopted in the 2019 CALGreen Code for new multifamily dwellings, HCD provided an exception to specific EVCS requirements that conflict with the accessibility provisions of CBC Chapter 11B for public housing, hotels, and motels. In the present Express Terms proposed by HCD, new provisions are introduced that require electric vehicle supply equipment (EVSE) to be installed. These new provisions altered the code structure of the requirements, so that the exceptions for CBC Chapter 11B regulated facilities were not maintained consistent with the requirements already adopted in the 2019 CALGreen.

To maintain consistency with requirements already in regulation, electric vehicle charging stations (EVCS) serving public accommodations, public housing, motels, and hotels must be excepted from the specific requirements for location, dimensions, and accessible EV spaces as proposed by HCD, and reference must be made to comply with the accessibility requirements for electric vehicle charging stations stipulatedin CBC Chapter 11B for these facilities.

While existing text accomplishes this reference by way of a “note;” to create an enforceable action, DSA requests that the “note” be changed to an “exception.”

Relocating the proposed exception in advance of the requirements for location, dimensions, and accessible EV spaces, edits to the hierarchical code numbering structure of the requirements are necessary. DSA recommends the introduction of subsections 4.106.2.2.1.1 (new subsection number and title), 4.106.2.2.1.2 (renumbering only) and 4.106.2.2.1.3 (renumbering, updating references to section numbers). These changes to section 4.106.4.2.2.1 provide clarity as to the specific requirements that are excepted for CBC Chapter 11B regulated facilities.

Proposed changes to section 4.106.2.2.1.3 addressing accessible EV spaces reflect the removal of references to hotels/motels as already covered by the afore mentioned exception and edits pointing to the new hierarchical code section numbering of the referenced sections. Additionally, the proposed changes in this section also provide direction that “chargers” at EVCS in Chapter 11A regulated multifamily housing facilities must comply with CBC Chapter 11B requirements, to eliminate confusion as to the specific element that is required to comply.