



May 15, 2023

Mia Marvelli  
Executive Director  
California Building Standards Commission (BSC)  
2525 Natomas Park Drive  
Sacramento, California 95833-2936

**RE: Comments on the Initial Express Terms for Proposed Building Standards of the California Building Standards Commission Regarding the 2022 Intervening Code Adoption Cycle, California Code of Regulations, Title 24, Part 11**

Dear Ms. Marvelli:

On behalf of the undersigned signatories, representing organizations in the electric vehicle (EV) charging, commercial real estate and construction industries, thank you for the opportunity to comment on the proposed amendments to the 2022 California Green Building Standards Code, Part 11, Title 24. We appreciate the time and effort that you and your staff have invested into the public process with us and other stakeholders, and your consideration of our proposals and others from stakeholders. However, **we strongly urge you to adjust language related to the power allocation method to allow it to apply to requirements for both EV charging stations (EVCS) and EV capable spaces**, in order to provide developers greater flexibility, the public with greater access to charging, and to accelerate deployment of EVs in line with the State's climate change goals.

In previous comments, we have collectively or individually advocated for two specific changes to the current code, which we strongly believe support state goals by providing additional compliance flexibility, charging capabilities at the site, and support for building owners to design charging solutions best suited to their property and use:

1. Allow direct current fast chargers (DCFC) to be used at a 1-to-5 ratio for compliance with requirements for both EV capable spaces and EVCS
2. Create an additional alternative compliance pathway based solely on power levels.

Regarding the first item, we strongly support the changes proposed to Section 5.106.5.3.2 Electric vehicle charging stations (EVCS) to allow DCFC to be used in a 1-to-5 ratio for both EV capable spaces and EVCS. To clarify that the 5-to-1 ratio applies to both EVCS and EV capable spaces, we encourage the following change to the Express Terms:

**5.106.5.3.2.1** The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE ~~or~~ EVCS with Level 2 EVSE by five and reduce proportionally the required electrical load capacity to the service panel or subpanel.

Regarding the second item, we appreciate the original intent of the proposal, which as stated in the ISOR (pg. 14) “is meant to be used in lieu of the EV charging requirements in Section 5.106.5.3.1 EV capable, Section 5.106.5.3.2 Electric vehicle charging stations and associated Table 5.106.5.3.1.” As the ISOR states (pg. 15), “This new proposed compliance method allows the flexibility to use any kVA combination of EV capable space, Low Power Level 2, Level 2 or DCFC chargers. This compliance method also addresses concerns of dwell times since the owner in coordination with the equipment suppliers and utility companies can decide what is best for their specific project.” We fully agree with this statement and rationale, as the power levels alternative *will only lead to more charging opportunities available at a site*, if developers choose to replace EV capable requirements with Low Power Level 2, Level 2, or DCFC chargers.

At the Code Advisory Committee hearing, some members of our coalition (Electrify America and Tesla, specifically) spoke up in support of this rationale and asked for clarifying changes to the code amendments to avoid ambiguity related to this intent. As far as we are aware, those were the only comments received on the item at the meeting. Therefore, we are surprised to see BSC referencing comments received at that meeting, while proposing to limit applicability of the power allocation method only to EVCS, and not to EV capable spaces, as well. This defeats much of the purpose of the proposal, especially as it pertains to DCFC and shorter dwell time locations.

We urge BSC to make changes to align with the original intent of this proposal, as described in the ISOR, to provide greater flexibility for project developers, *while also providing greater charging access* for California EV drivers. Specifically, we request the following changes to the Express Terms to allow the power allocation method to apply to EVCS and EV capable spaces:

**5.106.5.3.6 Electric vehicle charging stations (EVCS)-Power allocation method.** The Power allocation method may be used as an alternative to the requirements in Section 5.106.5.3.1, Section 5.106.5.3.2 and associated Table 5.106.5.3.1. Use Table 5.106.5.3.6 to determine the total power in kVA required based on the total number of actual parking spaces.

Power allocation method ~~to create EVCS~~ shall include the following:

1. Use any kVA combination of EV capable spaces, Low Power Level 2, Level 2 or DCFC EVSEs.
2. At least one Level 2 EVSE shall be provided.
- ~~3. EV capable spaces shall meet the requirements of Section 5.106.5.3.1 EV capable spaces.~~

We believe these changes will clarify the code and avoid confusion during implementation, while aligning with the intention of the power-level allocation alternative compliance and providing greater access to charging for Californians, in line with the State’s transportation electrification goals.

Thank you very much for your consideration of these comments and your ongoing engagement with stakeholders through this public process.

Sincerely,

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cc: Joshua Cunningham, California Air Resources Board  
Simon Lee, California Energy Commission