

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT (DSA-AC)
REGARDING THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.**

(DSA-AC 01-19)

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Division of the State Architect has not relied on any data, studies, reports, or similar document that was not identified in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The Division of the State Architect has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

Proposed amendments clarify existing accessibility requirements of the CBC.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

Regarding Item 11B.13,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-228.3.2 Minimum Number of Final Express Terms.

The Division of the State Architect is proposing clarifying language in Section 11B-228.3.2 to indicate that each combination of charging level and connector type provided constitutes a facility.

Commenter(s): Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.13,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-228.3.2 Minimum Number of Final Express Terms.

The Division of the State Architect is proposing clarifying language in Section 11B-228.3.2 to indicate that each combination of charging level and connector type provided constitutes a facility.

Commenter(s): California Electric Transportation Coalition (CETC), Electric Vehicle Charging Association (EVCA), ChargePoint, CALSTART, Tesla, EVgo, ABM Industries and Electrify America

Commenter(s) Recommendation: Further study. Oppose inclusion of “EV connector type” which creates confusion and is not necessary when discussing charging levels. Providing a van accessible charging station for each charging level when co-locating Level 2 and DC Fast Chargers may be technically infeasible or costly. Proposed code language should be revised to require a van accessible charging station for the charging level with the greatest number of chargers and a standard accessible charging station for the other level of charger.

Agency Response: The Division of the State Architect respectfully declines to revise this item in response to the comments. The division is obligated by state law to propose building standards that meet or exceed the requirements of the Americans with Disabilities Act Standards for Accessible Design. The proposed code language seeks to provide the appropriate level of accessibility at electric vehicle charging stations consistent with the Americans with Disabilities Act’s protections for people with disabilities to enjoy the benefit from the goods and services provided by public accommodations in a manner that is equal to that afforded to other individuals. The

Division of the State Architect had several meetings with industry representatives to discuss their concerns about this proposal and the division's concerns about meeting the requirements of the Americans with Disabilities Act.

Electric vehicle chargers are provided by numerous manufacturers and are designed responsive to the various types of electric vehicles and their capabilities. There are several standard types of connectors in use by different vehicle manufacturers; the connector types are not generally interchangeable. There are also different levels of charging capacity; higher capacity provides a faster charge for vehicles that can accept it, and lower capacity provides a slower charge. The Division of the State Architect recognizes these qualities as criteria in its proposal to assure that full and equal access is provided at each of the various chargers that may be provided. Alternative proposals would not be as effective in providing full and equal access.

The comments suggest building officials may be confused by the requirements for charging levels or connector type. The Division of the State Architect has not received comments about confusing code language from building officials' organizations.

The comments suggest requiring a van accessible charging station for each charging level when co-locating Level 2 and DC Fast Chargers may be technically infeasible or costly. If technically infeasible, existing Exception 2 of Section 11B-202.3 provides the appropriate method to address the infeasibility. Project costs are a common concern for construction projects and building code regulations influence many decisions in project design and construction. The Division of the State Architect's proposal incorporates the minimum requirements to assure full and equal access. The scope, budget and schedule should be thoroughly discussed and understood by the property owner / site host and the project team.

Regarding Item 11B.13,

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

Section 11B-228.3.2 Minimum Number of Final Express Terms.

The Division of the State Architect is proposing clarifying language in Section 11B-228.3.2 to indicate that each combination of charging level and connector type provided constitutes a facility.

Commenter(s): Michael Ellars

Commenter(s) Recommendation: Further study. Proposal does not adequately address a variety of chargers. Accessible EVCS with all charging options should be able to serve all of the different options offered.

Agency Response: The Division of the State Architect respectfully declines to amend this item in response to the comment. Chargers may be provided with a single charging level and EV connector type or multiple charging levels and EV connector types. If each charging station in a facility has chargers providing identical multiple charging levels and EV connector types, the proposal would consider this one facility and the accessible

charging stations may be provided with the same chargers - provided they meet the applicable code requirements.

Regarding Item 11B.13,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-228.3.2 Minimum Number of Final Express Terms.

The Division of the State Architect is proposing clarifying language in Section 11B-228.3.2 to indicate that each combination of charging level and connector type provided constitutes a facility.

Commenter(s): Electrify America

Commenter(s) Recommendation: Commenter's recommendation submitted July 14, 2020 on this item was outside of the available public comment period for this item – April 3 to May 18, 2020.

Agency Response: The Division of the State Architect respectfully declines to revise this item in response to the comments.

Regarding Item 11B.27,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS**

Section 11B-502.3 Access aisle.

The Division of the State Architect is proposing amendments to Section 11B-502.3 to allow an accessible electric vehicle charging station to share an access aisle with an accessible parking space.

Commenter(s): Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.44,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

11B-812 Electric vehicle charging stations

The Division of the State Architect is proposing amendments to Section 11B-812.7 (and subsections) to allow an accessible electric vehicle charging station to share an access aisle with an accessible parking space; and to allow electric vehicle charging station facilities with four or fewer charging stations to provide an access aisle on either side of a van accessible charging station.

Commenter(s): California Electric Transportation Coalition (CETC), Electric Vehicle Charging Association (EVCA), ChargePoint, CALSTART, Tesla, EVgo, ABM Industries and Electrify America

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.44,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

11B-812 Electric vehicle charging stations

The Division of the State Architect is proposing amendments to Section 11B-812.7 (and subsections) to allow an accessible electric vehicle charging station to share an access aisle with an accessible parking space; and to allow electric vehicle charging station facilities with four or fewer charging stations to provide an access aisle on either side of a van accessible charging station.

Commenter(s): Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

Commenter(s) Recommendation: Support (1st 45-Day Public Comment Period). Oppose (2nd 45-Day Public Comment Period). Latest amendment will result in reduced access for people with disabilities. The driver is forced to back into the space. Unlikely to be a problem in large parking lots but difficult in small parking lots due to reduced space and obstacles.

Agency Response: The Division of the State Architect respectfully declines to amend this item in response to the latest comment. The division understands that currently van accessibility is not consistently provided at each charging level and connector type. The division has also received comments during this rulemaking that indicate the current standard level of accessibility at electric vehicle charging facilities with two distinct charging levels is to provide a van accessible charging station for one charging level and a standard accessible charging station for the other. The exception to Section 11B-812.7 facilitates the provision of a van accessible charging station for each charging level and connector type, albeit with the access aisle able to be located on either side of non-angled van accessible electric vehicle charging stations. DSA believes the proposed changes in Items 11B.44 and 11B.13 will result in comparatively equal or greater access than that which is provided under the current code.

Regarding Item 11B.44,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

11B-812 Electric vehicle charging stations

The Division of the State Architect is proposing amendments to Section 11B-812.7 (and subsections) to allow an accessible electric vehicle charging station to share an access aisle with an accessible parking space; and to allow electric vehicle charging station facilities with four or fewer charging stations to provide an access aisle on either side of a van accessible charging station.

Commenter(s): Electrify America

Commenter(s) Recommendation: Further study. Comments propose two revisions to the exception proposed under Section 11B-812.7.1, both of which seek to additionally apply the exception to facilities with 5-25 chargers.

Agency Response: Comments propose two revisions to the exception proposed under Section 11B-812.7.1, both of which seek to additionally apply the exception to facilities with 5-25 chargers – well beyond the application proposed by the Division of the State Architect which is limited to charging facilities with 1-4 total electric vehicle charging stations where the access aisle for the van accessible charging station may be located on either side of the vehicle space. The division uses the *2010 ADA Standards for Accessible Design* as model code for Chapter 11B; the division also refers to the technical requirements for accessible parking stalls when developing regulations for electric vehicle charging stations. DSA utilizes this approach (in the absence of explicit charging regulations under the *2010 ADA Standards for Accessible Design*) to provide accessibility provisions for charging stations that are consistent with accessibility requirements for similar elements under the federal standard.

The commenter expresses uncertainty whether the exception proposed under Section 11B-812.7.1 applies to CCS chargers in a facility of 5-25. DSA clarifies the exception proposed under Section 11B-812.7.1 applies to van accessible charging stations in facilities with 1-4 total charging stations and does not apply to facilities with 5-25 total charging stations.

Regarding Item 11B.44,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

11B-812 Electric vehicle charging stations

The Division of the State Architect is proposing amendments to Section 11B-812.7 (and subsections) to allow an accessible electric vehicle charging station to share an access

aisle with an accessible parking space; and to allow electric vehicle charging station facilities with four or fewer charging stations to provide an access aisle on either side of a van accessible charging station.

Commenter(s): Dan Kaiser, Alejandra Warner

Commenter(s) Recommendation: The term non-angled is not defined in the code and is very vague.

Agency Response: The Division of the State Architect respectfully declines to amend this item in response to the comment. Many enforcement jurisdictions publish guidance on angled parking and include examples for 30, 45, or 60 degree angled parking, as measured at the acute angle formed by the intersection of the side parking stripe and the line across the front of a row of angled parking stalls. Non-angled vehicle spaces are oriented approximately perpendicular to the line across the front of a row of parking stalls.

Regarding Item 11B.44,

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS

11B-812 Electric vehicle charging stations

The Division of the State Architect is proposing amendments to Section 11B-812.7 (and subsections) to allow accessible electric vehicle charging stations to share an access aisle with accessible parking spaces; and to allow electric vehicle charging station facilities with four or fewer charging stations to provide an access aisle on either side of the van accessible charging station.

Commenter(s): Dan Kaiser, Alejandra Warner

Commenter(s) Recommendation: Disapprove. The proposed language is contrary to established practices, and numerous other sections regarding the location of the access aisle in relationship to a van sized vehicle. Consistency within the codes should be maintained. Most van users have come to expect, in California, that the access aisle will be situated on the passenger side. There will not be any financial burden to the property owner to design the spaces consistent with current standards.

Agency Response: The Division of the State Architect respectfully declines to amend this item in response to the comment. The proposed exception to Section 11B-817.7.1 is limited to electric vehicle charging facilities with four or fewer total charging stations. In these small facilities, ground space in existing parking lots is typically at a premium. Where the exception's configuration is used, 90 square feet of ground space is saved for each pair of van accessible charging stations that share an access aisle. Though existing California Building Code Chapter 11B parking and electric vehicle spaces currently require access aisles for van accessible spaces to be located on the passenger side, the proposed limited exception is consistent with parking provisions in the 2010 ADA Standards for Accessible Design 502.3.4.

Regarding Item 11B.44,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

11B-812 Electric vehicle charging stations

The Division of the State Architect is proposing amendments to Section 11B-812.7 (and subsections) to allow accessible electric vehicle charging stations to share an access aisle with accessible parking spaces; and to allow electric vehicle charging station facilities with four or fewer charging stations to provide an access aisle on either side of the van accessible charging station.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Recommend disapproval. The proposed exception conflicts with the requirement for location of access aisle for van -accessible space specified elsewhere in the code (11B-502.3.4).

Agency Response: The Division of the State Architect respectfully declines to amend this item in response to the comment. Though existing California Building Code Chapter 11B parking and electric vehicle spaces currently require access aisles for van accessible spaces to be located on the passenger side, the proposed limited exception is consistent with parking provisions in the 2010 ADA Standards for Accessible Design 502.3.4. If adopted, designs using the exception will not be in conflict with the current code requirements.

Regarding Item 11B.44,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

11B-812 Electric vehicle charging stations

The Division of the State Architect is proposing amendments to Section 11B-812.7 (and subsections) to allow accessible electric vehicle charging stations to share an access aisle with accessible parking spaces; and to allow electric vehicle charging station facilities with four or fewer charging stations to provide an access aisle on either side of the van accessible charging station.

Commenter(s): Stubbie Barr

Commenter(s) Recommendation: Approve as amended. Perpendicular spaces are approachable from either direction, enabling forward or rearward vehicle entry. However, the term "non-angled" used in the proposed language may be interpreted as vague. Consider replacing the term "non-angled" with "perpendicular".

Agency Response: The Division of the State Architect respectfully declines to amend this item in response to the comment but will retain this suggestion for a future code cycle.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

N/A