

**FINAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION  
REGARDING THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11  
(BSC 03/24)**

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 California Building Standards Commission (BSC) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained 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).

BSC has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts. BSC does not have authority to adopt regulations for school districts. If there is a minor increase of costs to local governments to review and check plans for compliance, any increase in costs can be recovered from minor increases in permit fees.

**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.

The text with proposed changes was made available to the public for a 45-Day comment period from May 17, 2024, through July 1, 2024. Joined Public Hearing for HCD Part 11 and BSC Part 11 proposal was held on July 2, 2024, per the request received from the members of the public. All comments received during 45-Day public comment period and Public Hearing are summarized below.

The text, with proposed changes, was made available to the public for an additional 15-Day comment period from July 29, 2024, through August 13, 2024. Public comments received during 15-Day public comment period are summarized below.

## **COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD and PUBLIC HEARING**

### **ITEM 1**

#### **Chapter 5 NONRESIDENTIAL MANDATORY MEASURES, DIVISION 5.1 – PLANNING AND DESIGN SECTION 5.106 SITE PLANNING Section 5.106.4.1 Bicycle parking [with subsections]**

Amend ITEMS 1-1, Section 5.106.4.1.1, and ITEM 1-2 Section 5.106.4.1.2.

#### **1. Commenter(s) and Recommendation(s):**

J. Sanchez; CALBike Coalition letter. 9 commenters that support CALBike comment:

H. Matis  
A. Harley-Trochimczyk  
C. Fiske, Coalition for Responsible Transportation Priorities  
D. Bojack  
E. Astrue  
J. Heiden  
J. Wasserman  
M. Holt  
M. Swire

**For ITEM 1-1**, the commenters recommend Amend as follows:

- Be within 200 feet of the visitor's entrance.
- Be readily discoverable along the likely path of travel by bicycle visitors.
- Be readily observable to passers-by, to discourage theft.
- Be covered by building security cameras, for all projects where external cameras are also newly installed.
- Have racks that support bike upright with two points of contact.
- Accommodate longer cargo and child carrier bikes for at least half the positions.

**For ITEM 1-1 and ITEM 1-2**, the commenters recommend Amend as follows:

- Remove the proposed exception in ITEM 1-1 and related language in ITEM 1-2 stating: “the previously accepted standard that bicycle parking isn’t required no longer applies, and we strongly urge you to eliminate the proposed exemptions.”
- Ensure and facilitate electric bike battery charging and consider all the charging needs for all vehicle types in new and existing unmodified buildings.

## 2. Commenter and Recommendation(s):

B. Nesbit, at the PUBLIC HEARING on July 2, 2024.

Amend ITEM 1-2 and ITEM 1-2 with recommendations as follows:

The commenter agrees with CAL bike Coalition to require charging for electric vehicles bicycles and E-bikes.

## 3. Commenter(s) and Recommendation(s):

S. Huchel  
A. Kadavanich, Bike Fremont  
A. Tapadia  
A. Wang  
A. Larsen, City of Fremont  
B. M. Canez  
E. Weaver, Sonoma County Bicycle Coalition  
J. Moldow  
J. Hu-Nguyen, Bike East Bay  
S. Harris  
S. Skala  
T. Edelman  
D. Sher  
J. Avalos

**For ITEM 1-1 and ITEM 1-2**, the individual commenter’s recommendations are summarized as follows:

- Amend to ensure that “any bicycle parking requirements not solely rely on any bicycle parking infrastructure that requires an individual to lift their bicycle (even only the front wheel) in order to park.”
- Delete the exceptions for short-term bike parking for nonresidential and retail spaces.
- Amend “Short-term bicycle parking” to require high-quality racks or a “U-lock” within 200 feet of the entrance.
- Ensure that every bike in long-term bicycle parking can be securely locked up individually and be readily accessible and secure in businesses.
- Add a requirement that bicycle parking be located next to building entrances and remove all exceptions to mandatory bicycle parking minimums. The commenter points that “1 car parking space can be converted to host 10 bike parking spaces in the same space easily.”

- Ensure that an already developed site that has no previous bike parking facilities will at least add one short term space for existing visitors and not just for net new visitors.
- Amend the code to “require businesses that don’t meet current standards to upgrade bicycle parking when they remodel or make improvements.”
- Amend the code to ensure at least one net new short-term and long-term bicycle parking facility is required for all projects meeting the existing CALGreen Code scoping provisions.
- Consider providing electric bicycle charging infrastructure similar to EV code provisions.
- Provide outlets for E-Bikes and add electric bike battery charging.
- Provide increased percentage of bicycle parking facilities that would be adequate to accommodate longer and larger bicycles, such as electric, cargo, child carrier, and adaptive bicycles. Also add new definitions that align with HCDs bicycle proposals including defining “peak daily visitors.”
- Provide bicycle racks in dense urban areas for “the greater of (a) 100 percent of net new visitor motorized vehicle parking spaces being added; or (b) 10 percent (rounded up to the nearest whole number) of new anticipated peak daily visitors being added”.
- Explicitly state for Section 5.106.4.1.2 and all its renumbered sub-sections that “numbers shall be rounded up, and (within a dense urban area or a semi-dense suburban area) add a minimum floor that is equal to 100% of "net new tenant-occupant vehicular parking spaces being added”.
- Provide Indoor secure bike parking for places like medical buildings.
- Consider bike rack orientation and lockable cabinets.

### **Agency Response to all commenters for ITEM 1:**

Upon review of the public comments received from the various commenters listed above, BSC accepted some of the recommendations. In response, BSC proposed changes in the revised Express Terms and conducted an additional 15-Day public comment period from July 29, 2024, through August 13, 2024. The proposed changes were as follows:

- BSC analyzed the required minimum number of parking facilities (minimum of 1 two-bike rack for short-term and a minimum of one bicycle parking facility for long-term) and proposed to repeal the exception in ITEM 1-1 for additions or alterations which add nine or less visitors and related language in ITEM 1-2. The exemptions are not needed because requirements for projects with less than 10 visitors or tenant-occupants are covered by the required minimum number of parking facilities stated above.
- BSC proposed to relocate existing code language about acceptable bicycle parking facilities from Section 5.106.4.1.5 (repealing this section number) to Section 5.106.4.1.2 for clarification in ITEM 1-2.

- BSC proposed to add the following verbiage to Section 5.106.4.1.2 in ITEM 1-2, “Calculations for bicycle parking requirements shall be rounded up to the nearest whole number.” This code addition is meant to ensure that the proper calculation method is used by requiring the rounding up to the nearest whole number.

BSC has determined to not make any further amendments to the proposed language based on the other recommendations received at this time as the proposed changes are substantive and would need to be vetted during the pre-cycle process. BSC may address these recommendations in future code adoption cycles.

In addition, BSC is proposing the following editorial changes in the Final Express Terms that will further clarify the intent:

- Code sections addressing additions or alterations and new shell buildings in ITEM 1-2 have been renumbered and new code section number has been assigned to the requirements for new buildings. These amendments are meant to clarify the code requirements by providing the code compliance options in the main paragraph for long-term bicycle parking and the specific requirements for new buildings by providing its own code section number and to separate it from the main paragraph. These changes are consistent with the naming convention for triggers to additions and alterations and for new shell buildings. BSC deems these changes as sufficiently related and non-substantive.

## ITEM 2

### Section 5.106.5.3 Electric vehicle (EV) charging

#### 1. Commenter and Recommendation:

D. Leung, California Energy Commission (CEC).

The commenter recommends: Approve for ITEM 2 and all EV proposals.

#### Agency Response:

BSC appreciates the approve comment from CEC.

#### 2. Commenter and Recommendation:

S. Skala.

The commenter recommends: Amend to Section 5.106.5.3 with the following suggestions:

- Clarify the meaning of the word “construction” in section 5.106.5.3.
- Provide a criterion on the extent of an alteration that requires compliance with Table 5.106.5.3.1.
- Consider requiring a level of compliance to Table 5.106.5.3.1 when significant alterations are made to a place of employment.

- Amend the exemption (exemption(s)) to 5.106.5.3 to allow “local compliance agencies to alter Table 5.106.5.3.1 when implemented during an alteration in a means consistent with anticipated costs.”

**Agency Response:**

BSC notes that some of the suggested edits for alterations are already codified. BSC has decided to not make any additional modifications at this time as the proposed changes are substantive and would need to be vetted during the pre-cycle process. BSC would like to discuss these proposals in future EV workshops in upcoming rulemaking cycles.

**3. Commenter(s) and Recommendation:**

R. Murali; PowerFlex,

The commenter recommends: Amend to Section 5.106.5.3.1. The commenter suggests adding the use of ALMS to Section 5.106.5.3.1 EV capable spaces requirements # 2 and #3.

**Agency Response:**

BSC appreciates the commenter’s suggested changes and commenter’s participation in the various CALGreen workshops. The code Section 5.106.5.3.1 is not proposed for change during this rulemaking code cycle and is therefore outside the rulemaking process. BSC is not proposing any modifications at this time; however, BSC would like the opportunity to review these proposals during upcoming workshops and rulemaking code cycles.

**4. Commenter and Recommendation:**

J. Hart; PowerFlex. At the PUBLIC HEARING on July 2, 2024.

The commenter recommends: Amend to Section 5.106.5.3.1. Verbal comments received during the public hearing mirror suggested edits provided during the 45-Day public comment period by R. Murali representing PowerFlex.

**Agency Response:**

Please see BSC response to the comment provided by R. Murali above.

**5. Commenter and Recommendation:**

B. Nesbit. At the PUBLIC HEARING on July 2, 2024.

The commenter would like to know the rationale behind BSC’s decision to co-adopt HCD’s EV parking lift exception.

**Agency Response:**

BSC would like to provide the following rationale. The current BSC exception for lifts is similar to HCD’s exception adopted during the recent 2022 Intervening Code Adoption Cycle. This proposed amendment will align both exceptions, applicable to residential and nonresidential occupancies, as BSC is proposing to adopt the same language.

The original BSC automated lift exception was proposed because at the time the product and technology were not fully developed and available domestically. There were also safety concerns along with possible enforceability issues and accessibility concerns. During the CALGreen Electric Vehicle Workgroup (CEVW) workshop #3 held on January 11, 2024, a parking lift manufacturer provided testimony attempting to address the above-mentioned concerns; however, while the technology appears to be promising, BSC decided to maintain the exception as amended to align with HCD's similar amendment.

After GREEN CAC meeting, where similar questions have been asked, HCD conducted a survey/questionnaire on March 21 through March 28, 2024, prior to the 45-Day public comment period. The survey was sent to major automated lift manufactures inquiring about various safety and accessibility features when using EV charging with lift systems. Separately BSC requested feedback from several lift manufacturers for the applicability in nonresidential occupancies. Some manufacturers stated that their systems can support the use of EVSE on their lift mechanisms. Additional comments stated that the lift systems are NFPA compliant and that the EVSE chargers are UL compliant. However, some manufacturers stated that compliance with accessibility requirements as stated in CBC, Chapters 11 A and 11B could be challenging and recommended the use of traditional surface parking for EV charging.

Upon further review of the received comments and survey responses, BSC coordinated with various state agencies and decided to not make any changes to the automated lift amendments. BSC will continue to conduct research with stakeholders and interested parties for consideration of additional amendments in future rulemaking cycles.

### **ITEM 3**

#### **Table 5.106.5.3.1 EV Capable spaces**

##### **1. Commenter and Recommendation:**

D. Leung, CEC.

The commenter recommends: Approve for ITEM 3 and all EV proposals.

##### **Agency Response:**

BSC appreciates the approve comment from CEC.

##### **2. Commenter(s) and Recommendation:**

W. Chou; Electric Vehicle Charging for All Coalition (EVCAC) and 9 signatories.

The commenter recommends: Amend to Table 5.106.5.3.1 EV Capable spaces and EVCS with the following observations:

- The proposed number of charging spaces shown in Table 5.106.5.3.1 is insufficient to meet the needs of the large number of residents and employees who live in multifamily homes and who do not have charging at home.

- In the first row of Table 5.106.5.3.1, the range should be 1 to 9 spaces for the first category because there are no parking lots with zero spaces.

The commenter provides the following suggestions for the 2025 Intervening Code Adoption Cycle:

- Adjust or eliminate Footnote 2 from Table 5.106.3.1 to ensure the total number of EV Capable spaces is not reduced by the number of EVCS spaces provided. More workplace and public charging will be needed in the future and the EV Capable circuits will be an important part of this effort.
- Align CALGreen non-residential building EV charging requirements with the existing California Building Code occupancy groups to ensure that the required number of charging spaces and charging speeds support the frequency of use, dwell times, and the needs of employees, customers and visitors. Currently Office and Retail uses have the same requirements, which may be appropriate, but all other building uses are combined into one group, irrespective of the employee, customer and visitor needs, dwell times and usage patterns.

### **Agency Response:**

BSC appreciates the comments provided by the EVCAC coalition and thanks them for being an integral part of the CALGreen Electric Vehicle Workgroup. BSC accepts the comment to Table 5.106.5.3.1 regarding the suggested change of the ranges in row 1 from 0-9 to 1-9. BSC determined that the same amendment is needed in other affected EV Tables 5.106.5.3.6, A5.106.5.3.1, A5.106.5.3.2, A5.106.5.3.3, and A5.106.5.3.4. BSC proposed these changes in the 15-Day Express Terms and conducted an additional 15-Day public comment period from July 29, 2024, through August 13, 2024.

BSC has decided to not make any other modifications at this time as the proposed changes to increase EV capable percentages are substantive and would need to be vetted during the pre-cycle process. BSC would like to discuss these proposals in future EV workshops in upcoming rulemaking cycles.

### **3. Commenter and Recommendation:**

D. Corelis; EVCAC at the PUBLIC HEARING on July 2, 2024.

The commenter recommends: Amend to Table 5.106.5.3.1. Verbal comments received during the public hearing mirror the two suggested edits listed above provided by W. Chou (also with EVCAC) during the 45-Day public comment period.

### **Agency Response:**

Please see BSC response to the comment provided by W. Chou above.

### **4. Commenter and Recommendation:**

S. Thesen; EVCAC at the PUBLIC HEARING on July 2, 2024.

The commenter recommends: Amend to Table 5.106.5.3.1. Verbal comments received during the public hearing mirror the two suggested edits listed above



provided by Wendy Chou (also with EVCAC) during the 45-Day public comment period.

The commenter also suggests reviewing the EV charging needs based on dwell times and mentions concerns with the EVSE high pricing from various EV charger manufacturers.

**Agency Response:**

Please see BSC response to the comment provided by W. Chou above. Regarding the suggestion to review the EV charging needs based on dwell times and concerns about EVSE high pricing from various EV charger manufacturers, BSC appreciates the comments but is not proposing any other modifications to the Express Terms at this time as the proposed changes would need to be vetted during the pre-cycle process. BSC may consider reviewing EV charging needs based on dwell times in future EV workshops in upcoming rulemaking cycles.

**5. Commenter(s) and Recommendation:**

K. Cunningham, C. Kim, J. Reefe; California Statewide Utility Codes and Standards Team.

The commenter recommends: Approve for ITEM 3-1. The commenter supports increasing quantities of charging infrastructure for Office & Retail. Additional EV charging access in these settings will increase beneficial consumption during greener-grid daytime periods and add options for EV owners without access to home charging.

The commenter recommends: Amend and the following changes:

- Clarify the acronym EVCS throughout the text, as EVCS can refer either to “EV Capable Space” and “EV Charging Space.” Choosing one term that can be considered “EVCS” will avoid confusion with whether a capable space or actual charger is required.
- Make Table 5.106.5.3.1 easier to use by adding a column that provides the math for the reader instead of making the reader do the subtraction themselves. This will reduce the burden in complying with the code and avoid any errors in calculation or a misunderstanding of the intent.

**Agency Response:**

BSC appreciates the support and the comment with recommended changes. BSC is not proposing any modifications to Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**6. Commenter(s) and Recommendation:**

B. Nesbit at the PUBLIC HEARING on July 2, 2024.

The commenter requested that BSC research EV capacity requirements around load management and the relationship to dwell times during next rulemaking code cycle.

**Agency Response:**

BSC appreciates the comment. BSC is not proposing any modifications to Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**ITEM 4**

**Section 5.106.5.3.2 Electric vehicle charging stations (EVCS) [with subsections]**

**1. Commenter(s) and Recommendation:**

D. Leung, CEC.

The commenter recommends: Approve for ITEM 4 and all EV proposals.

**Agency Response:**

BSC appreciates the approve comment.

**2. Commenter(s) and Recommendation:**

W. Chou; Electric Vehicle Charging for All Coalition (EVCAC) and 9 signatories.

The commenter recommends: Amend Section 5.106.5.3.2.1 to add a reference to a fourth type of receptacle which can supply a minimum of 20A at 208V/240V in order to accommodate “travel” or “convenience” cords that have connectors on each end of the cord for use where the EVSE is contained in the sidewalk charging post or light pole.

**Agency Response:**

BSC appreciates the comment. BSC is not proposing any modifications to Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**3. Commenter(s) and Recommendation:**

K. Cunningham, C. Kim, J. Reefe; California Statewide Utility Codes and Standards Team.

The commenters support amendments proposed in ITEMS 4-2 and 4-3 and suggest the following:

- Specify what voltage would be supplied in section 5.106.5.3.2.2 where the charging connector would have a different voltage than the service with this language: “When using Level 2 SAE J3400 SAE connectors, supplied by with 277 V from a 480 V 3-phase service...”

- BSC work with local governments to collect information on the use of the “infeasibility” exception.
- Limit the use of receptacles as an option for EV spaces.
- Develop a signage standard for using a J1772-to-J3400 adapter.
- Revisit the requirements for EV Charger Connectors as connector standards advance to create inclusive language that supports the SAE-standardized “J3400 Universal AC Socket-Outlet” in the next revision to the code.

**Agency Response:**

BSC appreciates the support and the comment with recommended changes. BSC is not proposing any modifications to Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**4. Commenter(s) and Recommendation:**

M. Zebiak; 2050 Partners, California Energy Codes and Standards (CASE) Team at the PUBLIC HEARING on July 2, 2024.

The commenter recommends: Approve for ITEM 4-3 and Amend for ITEM 4-2 with the following suggestions:

- Develop a signage standard to alert charging customers when a higher voltage charger is being used with a J3400 connector.
- Explore the J3400 EV socket adapter and benefits of bi-directionality and demand response for future code cycles.

**Agency Response:**

BSC appreciates the support and the comment with recommended changes. BSC is not proposing any modifications to Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**5. Commenter(s) and Recommendation:**

K. Corby; CalETC. The commenter submitted written comment during 45-Day public comment period and commended during the PUBLIC HEARING on July 2, 2024.

The commenter recommends: Approve for ITEMS 4-2 and 4-3 and supports BSC amendments to expand EV charging requirements.

**Agency Response:**

BSC appreciates the approve comments.

**6. Commenter(s) and Recommendation:**

M. Skowron; ChargePoint and B. Brint; SWITCH.

The commenter recommends: Amend for ITEM 4-2 with the following recommendations:

- State that Level 2 chargers can substitute low-power Level 2 throughout the code. This clarity will increase customer awareness of product optionality, resulting in optimized charger selection based on site needs.
- Revisit language regarding J1772 and J3400 connector standards in the next triennial code cycle.

**Agency Response:**

BSC appreciates the comments with the recommended changes. BSC is not proposing any modifications to the Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

In the Final Express Terms, BSC proposes editorial correction in Section 5.106.5.3.2 to update referenced section number from 5.106.5.3.2.1 to 5.106.5.3.2.3 as the referenced section is renumbered.

**7. Commenter(s) and Recommendation:**

J. Cohen; ChargePoint, at the PUBLIC HEARING on July 2, 2024.

The commenter recommends: Amend for ITEM 4-2. Verbal comments received during the public hearing restated the provided 45-Day written comments from M. Skowron from ChargePoint and B. Brint from SWITCH.

**Agency Response:**

Please see BSC response to the comment provided by M. Skowron and B. Brint above.

**ITEM 5**

**Table 5.106.5.3.6 EVCS–Power allocation method**

**1. Commenter(s) and Recommendation:**

D. Leung; CEC

The commenter recommends: Approve for ITEM 5 and all EV proposals.

**Agency Response:**

BSC appreciates the approve comment.

**2. Commenter(s) and Recommendation:**

W. Chou; EVCAC and 9 signatories. The comment was submitted for ITEM 3, but it is also applicable to ITEM 5.

The commenter recommends: Amend Table 5.106.5.3.1. In the first row of the table, the range should be 1 to 9 spaces for the first category because there are no parking lots with zero spaces.

**Agency Response:**

While the original comment was made for ITEM 3, it also applies to ITEM 5. BSC accepted the recommendation and proposed changes in the 15-Day Express Terms available for public comments during additional 15-Day public comment period from July 29, 2024, through August 13, 2024.

**ITEM 6**

**Section 5.106.5.3.6 Electric vehicle charging stations (EVCS)–power allocation method [with subsections]**

Added new Sections 5.106.5.3.6.1, 5.106.5.3.6.2, and 5.106.5.3.6.3.

**1. Commenter(s) and Recommendation:**

D. Leung; CEC.

The commenter recommends: Approve for ITEM 6 and all EV proposals.

**Agency Response:**

BSC appreciates the approve comment.

**2. Commenter(s) and Recommendation:**

M. Skowron; ChargePoint and B. Brint; SWTCH.

The commenter recommends: Amend ITEM 6-2 with the following recommendations:

- State that Level 2 chargers can substitute low-power Level 2 throughout the code. This clarity will increase customer awareness of product optionality, resulting in optimized charger selection based on site needs.
- Revisit language regarding J1772 and J3400 connector standards in the next triennial code cycle

**Agency Response:**

BSC appreciates the comments with the recommended changes. BSC is not proposing any modifications to the Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**3. Commenter(s) and Recommendation:**

M. Zebiak; 2050 Partners, California Energy Codes and Standards (CASE) Team at the PUBLIC HEARING on July 2, 2024.

The commenter recommends: Approve for ITEM 6-3 and Amend for ITEM 6-2 with the following suggestions:

- Develop a signage standard to alert charging customers when a higher voltage charger is being used with a J3400 connector.
- Explore the J3400 EV socket adapter and benefits of bi-directionality and demand response for future code cycles.

**Agency Response:**

BSC appreciates the support and the comment with recommended changes. BSC is not proposing any modifications to Express Terms based on these recommendations as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**ITEM 7**

**Section 5.106.5.4.2 Existing buildings or parking areas with previously installed EV capable infrastructure [A]**

**1. Commenter(s) and Recommendation:**

D. Leung; CEC.

The commenter recommends: Approve for ITEM 7 and all EV proposals.

**Agency Response:**

BSC appreciates the approve comment.

**2. Commenter(s) and Recommendation:**

P. Kobernick; Peninsula Clean Energy (PCE)

The commenter recommends: Approve for ITEM 7-1 stating: "Recent changes to section 5.106.5.4.2 that require the utilization of existing EV Capable spaces first are a good improvement that PCE supports."

The commenter suggest additional changes to Section 5.106.5.4, not proposed for changes this cycle:

- Provide additional clarification pertaining to additions and alterations triggers limiting them to the impacted components of specific parking areas to avoid unintended consequences.

**Agency Response:**

BSC appreciates the approve comment and suggested edits to the additions and alterations triggers. BSC is not proposing any modifications to Express Terms based on these suggestions as the proposed changes are too substantive and would need to be vetted during the pre-cycle process. BSC would appreciate the opportunity to review these proposals during upcoming EV workshops and rulemaking code cycles.

**ITEM 12**

**APPENDIX A5 NONRESIDENTIAL VOLUNTARY MEASURES**

**DIVISION A5.1 – PLANNING AND DESIGN**  
**SECTION A5.106 SITE DEVELOPMENT**

**Section A5.106.5.3.1 Tier 1 with Table A5.106.5.3.1 Tier 1 EV capable spaces and  
Section A5.106.5.3.2 Tier 1 Electric vehicle charging stations (EVCS)—Power  
allocation method with associated Table A5.106.5.3.2**

**1. Commenter(s) and Recommendation:**

D. Leung; CEC.

The commenter recommends: Approve for ITEM 12 and all EV proposals.

**Agency Response:**

BSC appreciates the approve comment.

**2. Commenter(s) and Recommendation:**

W. Chou; EVCAC and 9 signatories. The comment was submitted for ITEM 3, but it is also applicable to ITEM 12.

The commenter recommends: Amend Table 5.106.5.3.1. In the first row of the table, the range should be 1 to 9 spaces for the first category because there are no parking lots with zero spaces.

**Agency Response:**

While the original comment was made for ITEM 3, it also applies to ITEM 12. BSC accepted the recommendation and proposed changes in the 15-Day Express Terms available for public comments during additional 15-Day public comment period from July 29, 2024, through August 13, 2024.

**ITEM 13**

**Section A5.106.5.3.3 Tier 2 with Table A5.106.5.3.3 Tier 2 EV capable spaces and  
Section A5.106.5.3.4 Tier 2 Electric vehicle charging stations (EVCS)—power  
allocation method with associated Table A5.106.5.3.4**

**1. Commenter(s) and Recommendation:**

D. Leung; CEC.

The commenter recommends: Approve for ITEM 13 and all EV proposals.

**Agency Response:**

BSC appreciates the approve comment.

**2. Commenter(s) and Recommendation:**

W. Chou; EVCAC and 9 signatories. The comment was submitted for ITEM 3, but it is also applicable to ITEM 13.

The commenter recommends: Amend Table 5.106.5.3.1. In the first row of the table, the range should be 1 to 9 spaces for the first category because there are no parking lots with zero spaces.

### **Agency Response:**

While the original comment was made for ITEM 3, it also applies to ITEM 13. BSC accepted the recommendation and proposed changes in the 15-Day Express Terms available for public comments during additional 15-Day public comment period from July 29, 2024, through August 13, 2024.

## **ITEMS NOT APPLICABLE**

### **Miscellaneous comments for regulations not proposed for change this cycle.**

#### **1. Commenter(s) and Recommendation:**

L. Flores.

The commenter made general comment: "...we need as many people and families using EVs rather than fossil fuel burning vehicles."

#### **Agency Response:**

BSC looks forward to continuing our commitment to increase EV charging opportunities to promote a healthier environment.

#### **3. Commenter(s) and Recommendation:**

M. Bromiley; ROCKWOOL.

The commenter recommends: Amend for WORKSHEET (WS-5) about product GWP compliance—prescriptive path, proposing two non-substantive changes to resolve an internal discrepancy between requirements in Section 5.409.3 and Worksheet WS-5. The commenter also requests amendments in Section 5.504.4.7 about thermal Insulation to clarify an ambiguity in the current code.

#### **Agency Response:**

Section 5.409.3, Worksheet WS-5 and Section 5.504.4.7 are not proposed for change during this rulemaking code cycle and are therefore outside the rulemaking process. BSC is not proposing any modifications at this time. However, BSC would like the opportunity to review these proposals during upcoming workshops and rulemaking code cycles.

## **COMMENTS RECEIVED DURING THE ADDITIONAL 15-DAY COMMENT PERIOD**

### **ITEM 1-1**

#### **Section 5.106.4.1.1 Short-term bicycle parking.**

#### **1. Commenter(s) and Recommendation:**

E. Smith; City of Clovis.

The commenter recommends: Amend. The commenter states that determining the minimum required bicycle racks, beyond the minimum two-bike capacity, will be



unworkable for new projects as these projects would typically lack data to draw from in their estimation of peak daily visitors. The commenter recommends tying the requirement to occupant load and occupancy type, parking spaces, or some other element of the built environment. Additionally, the commenter recommends defining “peak daily visitors”.

**Agency Response:**

BSC staff appreciates the comments. Upon review and further consideration, no additional amendments have been made to the Express Terms. BSC staff may revisit these comments and consider amendments to the bicycle parking regulations in future code cycles.

**ITEMS 3-1, 5-1, 12-1, 12-2, 13-1 and 13-2**

**1. Commenter(s) and Recommendation:**

W. Chou; EVCAC and 9 signatories.

The commenter recommends: Approve for BSC corrections to EV Tables 5.106.5.3.1, 5.106.5.3.6, Appendix Tables A5.106.5.3.1, A5.106.5.3.2, A5.106.5.3.3, and A5.106.5.3.4.

**Agency Response:**

BSC appreciates the coalition’s approval of the 15-Day code language. Upon a close review of the comment letter, BSC noticed that there are several paragraphs which appear to be addressed to the Department of Housing and Community Development (HCD). BSC finds these comments, regarding HCD code language, nonapplicable and out of order. BSC proposed 15-Day code language for non-residential occupancies under BSC authority only. BSC recommends that the commenters address any housing concerns directly to HCD.

**Post BSC 15-Day comment period**, BSC identified that the web-posted Express Terms had incorrect numbers in two tables listed below. As a result, BSC is proposing the following editorial changes in the Final Express Terms ITEM 12-1 and ITEM 12-2.

- **ITEM 12-1 Table A5.106.5.3.1.** BSC made an editorial correction to accurately show existing code language proposed for repeal in the third column of the row addressing 51-75 actual parking spaces. Number “6” shown as repealed in the 45-Day Express Terms was incorrect and has been replaced with number “5”.
- **ITEM 12-2 Table A5.106.5.3.2.** BSC made an editorial correction to accurately show existing and proposed code language. BSC identified that the kVA values shown in the 45-Day Express Terms Table A5.106.5.3.2 where erroneously copied from the existing mandatory Table 5.106.5.3.2 instead of Tier 1 Table A5.106.5.3.2. This error has been fixed along with the proposed kVA values in the added column four, which duplicates the kVA values in the other columns in the table. This is an editorial correction needed to remove a conflict between proposed Final Express Terms and the current printed code.

## **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.

BSC has determined that no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

BSC is aware of initial cost impacts that a representative private person could incur in reasonable compliance with the proposed action. However, the avoided future costs for retrofits outweigh the added initial costs during new construction. Not proposing the requirements for installation of additional chargers would ultimately result in greater building retrofit overall costs than the changes in this proposal. It is also anticipated that such costs would be recouped in long-range savings expressed in utility and transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

## **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).

No alternatives were identified to lessen the adverse economic impact on small business. The BSC has determined that the proposed regulations will have no adverse economic impact on small businesses.

While there is marginal increased cost to businesses associated with amendments proposed in ITEMS 2-7, 11 & 12, the avoided future costs for retrofits outweigh the added initial costs during new construction. Not proposing the requirements for installation of additional chargers would ultimately result in greater building retrofit overall costs than the changes in this proposal.