

RESOLUTION NO. 17-42

A RESOLUTION OF THE PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL OF THE  
CITY OF RIALTO, CALIFORNIA, ESTABLISH CHAPTER  
15.64 OF THE RIALTO MUNICIPAL CODE ENTITLED  
"ELECTRIC VEHICLE CHARGING STATION  
STREAMLINED PERMITTING PROCESS", AND AMEND  
VARIOUS SECTIONS OF THE RIALTO ZONING CODE  
RELATED THERETO

**WHEREAS**, by the adoption of Assembly Bill 1236 ("AB-1236") in 2015, the State Legislature of the State of California amended Government Code section 65850.7 to require local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

**WHEREAS**, AB-1236 requires a local agency to administratively approve applications to install electric vehicle charging stations and limits a building official's review of the application to laws and regulations that ensure the electric vehicle charging stations will not have a specific adverse impact on public health or safety, based on substantial evidence; and

**WHEREAS**, as set forth in Government Code section 65850.7(g), every city, county, or a city and county with a population of less than 200,000 residents shall adopt a streamlined permitting process by September 30, 2017; and

**WHEREAS**, the City of Rialto's (the "City") population is estimated to be 103,214 pursuant to the 2016 estimates of the United States Census Bureau; and

**WHEREAS**, the City desires to encourage the installation of electric vehicle charging station infrastructure on residential, commercial, and industrial properties; and

**WHEREAS**, the City finds that it is in the interest of the public's health, welfare, and safety to provide an expedited permitting process to encourage the efficient and effective installation of electric vehicle charging stations; and

**WHEREAS**, the City Council of the City desires to adopt this ordinance establishing a new Chapter 15.64 of the Rialto Municipal Code entitled, "Electric Vehicle Charging Station Streamlined Permitting Process" and amending various sections of the Zoning Code related thereto

1 (“Ordinance Amendment”), in order to comply with Government Code section 65850.7 to achieve  
2 a streamlined application and permitting process for electric vehicle charging stations; and

3 **WHEREAS**, on October 11, 2017 the Planning Commission conducted a duly noticed  
4 public hearing at which time it received input from staff and the city attorney, heard public  
5 testimony, discussed the proposed Ordinance Amendment, and after considering both oral and  
6 written testimony, closed the public hearing; and

7 **WHEREAS**, the proposed Ordinance Amendment to the Rialto Municipal Code is exempt  
8 from the requirements of the California Environmental Quality Act (CEQA); and

9 **WHEREAS**, the provisions of the proposed Ordinance Amendment would affect all  
10 properties citywide; and

11 **WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

12 **NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RIALTO**  
13 **FINDS AND ORDAINS AS FOLLOWS:**

14 **SECTION 1.** The above recitals set forth above are all true and correct and incorporated  
15 herein.

16 **SECTION 2.** The Planning Commission hereby finds that the proposed Ordinance  
17 Amendment conforms to the goals and objectives of the General Plan, namely Goal 2-35 because  
18 the Ordinance Amendment promotes clean air technologies and clean air vehicle usage by  
19 improving access to electric vehicle charging stations and reducing economic and geographical  
20 barriers to the construction of said stations, thereby reducing air pollution emissions in the City.

21 **SECTION 3.** The Planning Commission finds that the adoption of this Ordinance  
22 Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA),  
23 pursuant to CEQA Guidelines Section 15061(b)(3) which states: “CEQA only applies to project  
24 which have the potential for causing a significant effect on the environment. Where it can be seen  
25 with certainty that there is no possibility that the activity in question may have a significant effect  
26 on the environment, the activity is not subject to CEQA.” There is no possibility the City’s activity  
27 in adopting this ordinance, as mandated by the State, will have a significant, adverse, effect on the  
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1 environment because this ordinance only establishes a streamline process for electric vehicle charger  
2 permits and is merely authorizes administrative activities which will not result in a direct or  
3 reasonably foreseeable indirect physical change in the environment. A Notice of Exemption shall  
4 be filed as soon as practical following adoption of this ordinance.

5 **SECTION 4.** The Planning Commission hereby recommends to the City Council that a new  
6 Chapter 15.64, entitled “Electric Vehicle Charging Station Streamlined Permitting Process” be  
7 added to the Rialto Municipal Code to read as follows:

8 **“Chapter 15.64 – ELECTRIC VEHICLE CHARGING STATION STREAMLINED**  
9 **PERMITTING PROCESS**

10 **15.64.010 Purpose.**

11 **15.64.020 Applicability.**

12 **15.64.030 Definitions.**

13 **15.64.040 Requirements.**

14 **15.64.050 Application and Documents.**

15 **15.64.060 Permit Review Requirements.**

16 **15.64.070 Appeals.**

17 **15.64.080 Fees.**

18 **Sections:**

19 **15.64.010 - Purpose.**

20 The purpose of this ordinance is to create an expedited, streamlined electric vehicle  
21 charging station permitting process that complies with Government Code section 65870.7  
22 to achieve timely and costs-effective installation of electric vehicle charging stations  
23 within the City.

24 **15.64.020 – Applicability.**

25 A. This Chapter applies to the permitting of all electric vehicle charging  
26 stations in the City.  
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1           B.       Electric vehicle charging stations legally established or permitted prior  
2 to the effective date of this ordinance are not subject to the requirements of this ordinance  
3 unless physical modifications or alterations are undertaken that materially change the size,  
4 type, or components of an electric vehicle charging station in such a way as to require a  
5 new permit.

6           **15.64.030 – Definitions.**

7           A.       For the purpose of this Chapter, words and terms shall be defined as set  
8 forth in this Section. Where words and terms are not defined in this Section, they shall be  
9 interpreted so as to give them the meaning they have in common usage and to give this  
10 Chapter the most reasonable application.

11           B.       “Building official” means the building official of the City of Rialto or the  
12 person designated by the building official as the person responsible for administering this  
13 Chapter.

14           C.       “Building and Safety Division” means the Building and Safety Division  
15 of the City of Rialto.

16           D.       “Electric vehicle charging station” means any level of electric vehicle  
17 supply equipment station that is designed and built in compliance with Article 625 of the  
18 California Electrical Code, as it reads on the effective date of this section, and delivers  
19 electricity from a source outside an electric vehicle into a plug-in electric vehicle.

20           E.       “Electronic submittal” means the utilization of one or more of the  
21 following: (i) electronic mail or email; (ii) the internet; or (iii) facsimile.

22           F.       “Specific adverse impact” means a significant, quantifiable, direct, and  
23 unavoidable impact, based on objective, identified, and written public health or safety  
24 standards, policies or conditions as they existed on the date the application was deemed  
25 complete.

26           **15.64.040 – Requirements.**

1           A.       Every electric vehicle charging station shall require a permit issued in  
2 accordance with this Chapter. It shall be unlawful for any person to install, operate, or  
3 maintain an electric vehicle charging station without such a permit for such work, and the  
4 permit shall be secured from the Building and Safety Division by the owner or owner's  
5 agent.

6           B.       Any electric vehicle charging station erected, constructed, installed,  
7 altered, replaced, or to which additions are made shall meet all applicable health and safety  
8 standards, requirements, and development and performance standards imposed by local,  
9 state, and federal law, including but not limited to the Rialto Municipal Code, local fire  
10 department regulations, electric utility department regulations, the California Electrical  
11 Code, the Society of Automotive Engineers, the National Electrical Manufacturers  
12 Association, and accredited testing laboratories such as Underwriters Laboratories and,  
13 where applicable, rules of the Public Utilities Commission regarding safety and reliability.

14          C.       In the event the City owns or operates an electric utility into which  
15 connection is proposed by the applicant, the application shall demonstrate compliance  
16 with the City's utility interconnection policies prior to approval.

17               **15.64.050 – Application and Documentation.**

18          A.       The Building and Safety Division shall establish a checklist of all  
19 requirements and development standards with which electric vehicle charging stations  
20 must comply to be eligible for expedited review, which checklist shall be published on the  
21 City's website. The Building and Safety Division may refer to the recommendations  
22 contained in the most current version of the 'Plug-In Electric Vehicle Infrastructure  
23 Permitting Checklist' of the *Zero-Emission Vehicles in California: Community Readiness*  
24 *Guidebook* published by the Governor's Office of Planning and Research, when adopting  
25 the electric vehicle charging checklist and development standards.

26          B.       Every application for an electric vehicle charging station shall be in  
27 writing and contain the information required in the application, checklist, and standards  
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1 established by the Building and Safety Division. All documents required for the  
2 submission of an expedited electric vehicle charging station application shall be made  
3 available on the publicly-accessible the City website.

4 C. The applicant may submit the permit application and documentation to  
5 the Building and Safety Division in person, by mail, or by electronic submittal, together  
6 with any processing and inspection fees. An applicant's electronic signature shall be  
7 accepted on all forms, applications, and their documents in lieu of a wet signature.

8 **15.64.060 – Permit Review Requirements.**

9 A. The building official shall implement an administrative review process  
10 to expedite approval of applications for electric vehicle charging stations. When the  
11 application contains all the required information and documentation of the approved  
12 checklist and standards, the building official shall deem the application complete.

13 B. If a permit application is deemed incomplete, then a written correction  
14 notice detailing all deficiencies in the permit application and any additional information  
15 or documentation required to be eligible for expedited permit issuance shall be sent to the  
16 applicant for resubmission.

17 C. If a permit application is deemed complete, then the building official  
18 shall determine whether the proposed electric vehicle charging station is in compliance  
19 with the requirements of the checklist and standards established by the Building and  
20 Safety Division. The building official shall also determine whether the proposed electric  
21 vehicle charging station will have a specific adverse impact upon the public health and  
22 safety. The building official's determination shall make written findings, based on  
23 substantial evidence, to support his or her determination.

24 D. The building official may require an applicant to apply for a conditional  
25 development permit, in accordance with Chapter 18.66 of this code, if the official finds,  
26 based on substantial evidence, the proposed electric vehicle charging station could have a  
27 specific adverse impact upon the public health and safety. Any condition imposed on a  
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1 proposed electric vehicle charging station shall be designed to mitigate the specific,  
2 adverse impact upon health and safety at the lowest possible cost. If a conditional  
3 development permit is required, then the City may only deny such application if it makes  
4 written findings, based upon substantial evidence in the record, that the proposed electric  
5 vehicle charging station would have a specific adverse impact upon public health or safety  
6 and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such  
7 findings shall include the basis for the rejection of the potential feasible alternative for  
8 preventing the adverse impact. A feasible method to satisfactorily mitigate or avoid the  
9 specific, adverse impact includes, but is not limited to, any cost-effective method,  
10 condition, or mitigation imposed by the City on another similarly-situated application in  
11 a prior successful application for a permit.

12 **15.64.070 – Appeals.**

13 Decisions of the building official may be appealed to the planning commission. A written  
14 appeal must be filed with the director of development services or his designee within ten  
15 (10) business days after of the issuance of the decision of the building official  
16 accompanied by a filing fee in an amount that may set by City Council resolution from  
17 time to time. The planning commission shall consider the appeal within thirty (30) days  
18 after receipt of the written appeal and filing fee, and notice of the public hearing shall be  
19 in accordance with applicable law. The planning commission shall make written findings,  
20 based on substantial evidence within the record, and affirm, modify, or reverse the  
21 decision of the building official. The planning commission's decision shall be final and  
22 conclusive and binding.

23 **15.64.080 – Fees.**

24 The City Council may establish by resolution fees that shall be charged for permits  
25 issued under this Chapter.”  
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1       **SECTION 5.** The Planning Commission hereby recommends to the City Council that a new  
2 subparagraph O be added to Section 18.08.020 [Permitted Uses] of Chapter 18.08 [A-1 Agricultural  
3 Zone] of the Rialto Municipal Code to read as follows:

4       “O.       Electric vehicle charging stations, in accordance with Chapter 15.64 of the  
5 code.”

6       **SECTION 6.** The Planning Commission hereby recommends to the City Council that a  
7 new subparagraph K be added to Section 18.10.020 [Permitted Uses] of Chapter 18.10 [R-1 Single  
8 Family Zones] of the Rialto Municipal Code to read as follows:

9       “K.       Electric vehicle charging stations, as an accessory use, in accordance with  
10 Chapter 15.64 of the code.”

11       **SECTION 7.** The Planning Commission hereby recommends to the City Council that a  
12 new subparagraph E be added to Section 18.26.030 [Permitted Uses] of Chapter 18.26 [A-P  
13 Administrative – Professional – Institutional Zone] of the Rialto Municipal Code to read as follows:

14       “E.       Electric vehicle charging stations, as an accessory use, in accordance with  
15 Chapter 15.64 of the code.”

16       **SECTION 8.** The Planning Commission hereby recommends to the City Council that a  
17 new subparagraph F be added to Section 18.27.020 [Permitted Uses] of Chapter 18.27 [O-P Office  
18 Park Zone] of the Rialto Municipal Code to read as follows:

19       “F.       Electric vehicle charging stations, as an accessory use, in accordance with  
20 Chapter 15.64 of the code.”

21       **SECTION 9.** The Planning Commission hereby recommends to the City Council that a  
22 new subparagraph F be added to Section 18.28.020 [Permitted Uses] of Chapter 18.28 [C-1  
23 Neighborhood Commercial Zone] of the Rialto Municipal Code to read as follows:

24       “F.       Electric vehicle charging stations, in accordance with Chapter 15.64 of the  
25 code.”

1       **SECTION 10.**       The Planning Commission hereby recommends to the City Council  
2 that a new subparagraph E be added to Section 18.35.020 [Permitted Uses] of Chapter 18.35 [I-P  
3 Industrial Park Zone] of the Rialto Municipal Code to read as follows:

4       “E.       Electric vehicle charging stations, in accordance with Chapter 15.64 of the  
5 code.”

6       **SECTION 11.**       The Planning Commission hereby recommends to the City Council  
7 that a new subparagraph C be added to Section 18.38.020 [Permitted Uses] of Chapter 18.38 [M-1  
8 Light Manufacturing Zone] of the Rialto Municipal Code to read as follows:

9       “C.       Electric vehicle charging stations, in accordance with Chapter 15.64 of the  
10 code.”

11       **SECTION 12.**       The Planning Commission hereby recommends to the City Council  
12 that a new subparagraph G be added to Section 18.40.020 [Permitted Uses] of Chapter 18.40  
13 [Planned Industrial Development (PID) Zone] of the Rialto Municipal Code to read as follows:

14       “G.       Electric vehicle charging stations, in accordance with Chapter 15.64 of the  
15 code.”

16       **SECTION 13.**       The Planning Commission hereby recommends to the City Council  
17 that a new subparagraph C be added to Section 18.44.020 [Permitted Uses] of Chapter 18.44 [P  
18 Automobile Parking Zone] of the Rialto Municipal Code to read as follows:

19       “C.       Electric vehicle charging stations, in accordance with Chapter 15.64 of the  
20 code.”

21 PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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25 JOHN PEUKERT, CHAIR  
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1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )  
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5 I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the  
6 foregoing Resolution No. 17-42 was duly passed and adopted at a regular meeting of the Planning  
7 Commission of the City of Rialto held on the 11<sup>th</sup> day of October, 2017.

8 Upon motion of Planning Commissioner Dale Estvander seconded by Planning  
9 Commissioner Pauline Tidler, the foregoing Resolution No. 17-42 was duly passed and adopted.  
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11 Vote on the motion:

12 AYES: 7

13 NOES: 0

14 ABSENT: 0

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
16 Rialto this 11<sup>th</sup> day of October, 2017.  
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21 SHEREE LEWIS, ADMINISTRATIVE ASSISTANT  
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