

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING 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**, all legal prerequisites to the adoption of this Ordinance have occurred.

10 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FINDS AND**
11 **ORDAINS AS FOLLOWS:**

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

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

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

3 SECTION 4.. The City Council hereby adds a new Chapter 15.64, entitled “Electric Vehicle
4 Charging Station Streamlined Permitting Process” is hereby recommended to be added to the Rialto
5 Municipal Code to read as follows:

6 **“Chapter 15.64 – ELECTRIC VEHICLE CHARGING STATION STREAMLINED**
7 **PERMITTING PROCESS**

8 **15.64.010 Purpose.**

9 **15.64.020 Applicability.**

10 **15.64.030 Definitions.**

11 **15.64.040 Requirements.**

12 **15.64.050 Application and Documents.**

13 **15.64.060 Permit Review Requirements.**

14 **15.64.070 Appeals.**

15 **15.64.080 Fees.**

16 **Sections:**

17 **15.64.010 - Purpose.**

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

22 **15.64.020 – Applicability.**

23 A. This Chapter applies to the permitting of all electric vehicle charging
24 stations in the City.

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

3 **15.64.030 – Definitions.**

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

8 B. “Building official” means the building official of the City of Rialto or the
9 person designated by the building official as the person responsible for administering this
10 Chapter.

11 C. “Building and Safety Division” means the Building and Safety Division
12 of the City of Rialto.

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

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

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

23 **15.64.040 – Requirements.**

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

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

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

14 **15.64.050 – Application and Documentation.**

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

23 B. Every application for an electric vehicle charging station shall be in
24 writing and contain the information required in the application, checklist, and standards
25 established by the Building and Safety Division. All documents required for the
26 submission of an expedited electric vehicle charging station application shall be made
27 available on the publicly-accessible the City website.
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1 C. The applicant may submit the permit application and documentation to
2 the Building and Safety Division in person, by mail, or by electronic submittal, together
3 with any processing and inspection fees. An applicant's electronic signature shall be
4 accepted on all forms, applications, and their documents in lieu of a wet signature.

5 **15.64.060 – Permit Review Requirements.**

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

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

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

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

9 **15.64.070 – Appeals.**

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

20 **15.64.080 – Fees.**

21 The City Council may establish by resolution fees that shall be charged for permits
22 issued under this Chapter.”

23 **Section 4.** A new subparagraph O is hereby added to Section 18.08.020 [Permitted
24 Uses] of Chapter 18.08 [A-1 Agricultural Zone] of the Rialto Municipal Code to read as follows:
25 “O. Electric vehicle charging stations, in accordance with Chapter 15.64 of the
26 code.”
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1 **Section 5.** A new subparagraph K is hereby added to Section 18.10.020 [Permitted
2 Uses] of Chapter 18.10 [R-1 Single Family Zones] of the Rialto Municipal Code to read as follows:

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

5 **Section 6.** A new subparagraph E is hereby added to Section 18.26.030 [Permitted Uses]
6 of Chapter 18.26 [A-P Administrative – Professional – Institutional Zone] of the Rialto Municipal
7 Code to read as follows:

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

10 **Section 7.** A new subparagraph F is hereby added to Section 18.27.020 [Permitted Uses]
11 of Chapter 18.27 [O-P Office Park Zone] of the Rialto Municipal Code to read as follows:

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

14 **Section 8.** A new subparagraph F is hereby added to Section 18.28.020 [Permitted Uses]
15 of Chapter 18.28 [C-1 Neighborhood Commercial Zone] of the Rialto Municipal Code to read as
16 follows:

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

19 **Section 9.** A new subparagraph E is hereby added to Section 18.35.020 [Permitted Uses]
20 of Chapter 18.35 [I-P Industrial Park Zone] of the Rialto Municipal Code to read as follows:

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

23 **Section 10.** A new subparagraph C is hereby added to Section 18.38.020 [Permitted Uses]
24 of Chapter 18.38 [M-1 Light Manufacturing Zone] of the Rialto Municipal Code to read as follows:

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

1 **Section 11.** A new subparagraph G is hereby added to Section 18.40.020 [Permitted
2 Uses] of Chapter 18.40 [Planned Industrial Development (PID) Zone] of the Rialto Municipal Code
3 to read as follows:

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

6 **Section 12.** A new subparagraph C is hereby added to Section 18.44.020 [Permitted Uses]
7 of Chapter 18.44 [P Automobile Parking Zone] of the Rialto Municipal Code to read as follows:

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

10 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2017.

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JOHN PEUKERT, CHAIR

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