



Planning Commission

Planning Division Staff Report

DATE: March 13, 2024
TO: Chairperson and Members of the Planning Commission
FROM: Planning Division
SUBJECT: Electric Vehicle Charging Stations Permitting for Medium and Heavy Duty Trucks

EXECUTIVE SUMMARY

Assembly Bill 1236 (AB 1236, 2015) and AB 970 (2021) have been codified into California Government Code Sections 65850.7 and 65850.71, respectively. This code requires Pomona to adopt streamlined permitting procedures for electric vehicle charging stations (EVCS), including a streamlining ordinance and checklist. The City of Pomona adopted Ordinance No. 4330 on April 17, 2023 to comply with these codes, by adding Chapter 75 to the Pomona City Code relating to an expedited, streamlined permitting process for EVCS.

Since adoption, Staff has simultaneously prepared its Draft Pomona Zoning Ordinance. Through the research in adopting this Code update, Staff has determined that the EVCS laws also apply to Medium-Duty and Heavy-Duty Trucks (M&HD EVs), per State guidance (Attachment 1). M&HD EVs have increased in market demand in recent years as technology and increased market demand for goods movement and fulfillment have accelerated adoption of electric M&HD vehicles. The potential impact of M&HD EV stations is significantly different than light-duty passenger EVs.

M&HD vehicles are defined as vehicles that weight more than 10,000 pounds and include school and public transit buses, freight, and other fleet vehicles. Therefore, the prevalence of these vehicles, despite zero tailpipe emissions, still contribute to significant roadway safety and roadway maintenance risks, while also potentially exacerbating existing conditions for trucking in Pomona.

From Staff's analysis, M&HD vehicle station permitting will likely be pursued in two ways by applicants. The first is existing, permitted trucking facilities in Pomona seeking to retrofit their operations to enable M&HD EVs. The second is new, proposed M&HD EV charging stations establishing on larger lots within industrial and commercial zones, to facilitate regional M&HD EV charging networks.

The City, under State law, is required to administratively approve an application to install EV charging stations through a building permit or other non-discretionary permit. There is a pathway to require a discretionary permit, such as a conditional use permit, as follows (emphasis added):

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65850.7(b) “A city, county, or city and county shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official’s review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city, county, or city and county may require the applicant to apply for a use permit.”

Under the current City ordinance, the process to determine a specific, adverse impact based on substantial evidence can occur in the Building & Safety application phase, made by the current Building Official. The State law does not further elaborate on other zoning considerations, such as the ability to prohibit certain zoning districts from M&HD EV stations. It further discourages aesthetic review, such as through a Development Plan Review.

Staff will facilitate a discussion with the Planning Commission on the potential options the City has to regulate M&HD EVs while still complying with State law beyond existing methods.

Attachment 1: Medium and Heavy Duty EV Guide

Attachment 2: Electric Vehicle Charging Station Permitting Guidebook

Attachment 3: Existing City Ordinance Pertaining to EVs