

RESOLUTION NO. PC-2022-016

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF ZONING CODE  
AMENDMENTS TO TITLE 20 OF THE SANTA ROSA CITY CODE TO PROHIBIT NEW  
GAS STATION LAND USES AND TO PROHIBIT EXPANSION OF FOSSIL FUEL  
INFRASTRUCTURE FOR EXISTING GAS STATION LAND USES, FILE REZ 22-001

WHEREAS, the City of Santa Rosa is a member of the Sonoma County Regional Climate Protection Authority (RCPA) which was formed in 2009 to coordinate countywide climate protection efforts among Sonoma County's nine incorporated cities and multiple agencies; and

WHEREAS, RCPA adopted a Climate Mobilization Strategy (Strategy) in March 2021 which outlines 13 countywide strategies under local control that have the potential to significantly reduce GHG emissions by 2030; and

WHEREAS, one of the Strategy's initiatives is decarbonization by transitioning away from all use of fossil fuels; and

WHEREAS, to accelerate the shift from fossil fuel to electric vehicles, the cities of Petaluma, Sebastopol, Rohnert Park, and Cotati have adopted regulations to prohibit new fossil fuel-based gas stations and the expansion of existing fossil fuel infrastructure at existing gas stations; the Town of Windsor Planning Commission has recommended Town Council approval of a gas station prohibition ordinance; and the County of Sonoma Board of Supervisors has directed Permit Sonoma staff to draft a gas station prohibition ordinance; and

WHEREAS, the United States Environmental Protection Agency (EPA) has classified gas stations and fuel storage locations as uses that may result in a brownfield site which are properties where the expansion, redevelopment, or reuse thereof may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant; and

WHEREAS, common contaminants found at gas station sites include gasoline, diesel, and petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at gas stations threatens the public health, safety, or welfare of neighboring communities; and

WHEREAS, underground tanks, when used for the storage of hazardous substances and wastes, are potential sources of contamination of soil, surface water, and aquifers, and may pose other dangers to public health and the environment; and

WHEREAS, with increased fuel economy standards for motor vehicles, an increase in electric vehicles being used for transportation, and competition from large discount retailers, the number of operating gas stations is expected to decline; and

WHEREAS on January 26, 2018, Governor Edmund G. Brown, Jr. issued Executive Order B-48-18 which identifies the transportation sector as responsible for emitting 50 percent of California's total greenhouse gas emissions (GHG) and 80 percent of the smog-forming oxides of nitrogen. Executive Order B-48-18 directs all state entities to work with local government and the private sector to ensure at least 5 million zero-emission vehicles on California roads by 2030 and the creation of 250,000 zero emission vehicle charging stations to support such vehicles; and

WHEREAS on September 9, 2019, the RCPA Board of Directors approved a resolution (Resolution No. 2019-002) endorsing the declaration of a climate emergency and immediate emergency mobilization to restore a safe climate, which included a commitment to working with the Bay Area Air Quality Management District and Northern Sonoma County Air Pollution Control District on improving air quality and reducing ozone precursors, particulate matter, toxic air contaminants, and greenhouse gas emissions; and

WHEREAS on January 14, 2020, the City Council adopted Resolution No. 2020-002 (Climate Emergency Resolution) declaring a climate emergency and elevating climate issues to the highest priority in its goal setting. The Climate Emergency Resolution commits the City to take action to mitigate, draw down, and take adaptive measures to reach carbon neutrality by 2030. Sonoma County's nine incorporated cities and the County of Sonoma have adopted similar climate emergency resolutions; and

WHEREAS on September 23, 2020, Governor Newsom issued Executive Order N-79-20 setting 2035 as the year when all new passenger cars and trucks sold in California must be zero-emission; and

WHEREAS on May 12, 2021, staff provided the City's Climate Action Subcommittee (CAS) with a presentation and facilitated discussion around the City's existing gas station regulations and potential policy changes; and

WHEREAS on September 13, 2021, the RCPA Board of Directors adopted Resolution 2021-003 which recommended the county and all incorporated jurisdictions in Sonoma County "cease acceptance of all applications for new gas stations or expansion of existing gas station infrastructure in their local jurisdiction"; and

WHEREAS on February 9, 2022, the CAS directed staff to draft an ordinance to ban new gas stations and the expansion of fossil fuel infrastructure of existing gas stations within the City. The CAS members discussed this item and were in unanimous support of the ban; and

WHEREAS the transportation sector accounts for approximately 60% of greenhouse gas (GHG) emissions in Sonoma County. The City must reduce fossil fuel consumption by increasing transit ridership, biking, and walking; and replacing fossil fuel powered vehicles with electric and other alternatively powered vehicles; and

WHEREAS, in 2021, plug-in electric vehicles (EVs) accounted for more than 12% of all light-duty vehicle sales in California. With the rapid rise of practical and affordable EVs, and many new models becoming available on a regular basis, the need for fossil fuel-based gas stations will diminish; and

WHEREAS there are 44 operating gas stations within City limits, 41 of which are in City areas that have been identified as having the highest concentration of people of color and/or people living in poverty; and

WHEREAS the Zoning Code currently allows new gas stations with a Conditional Use Permit in Commercial Office (CO), Neighborhood Commercial (CN), General Commercial (CG), Motor Vehicle Sales (CV), Station Mixed Use (SMU), Maker Mixed Use (MMU), Community Shopping Center (CSC), Light Industrial (IL), and General Industrial (IG) zoning districts; and

WHEREAS, on June 30, 2022, public notice of the July 14, 2022 Planning Commission hearing to consider these Zoning Code text amendments was mailed to property owners of existing gas stations; and

WHEREAS, pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed Zoning Code text amendments would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat on July 4, 2022; and

WHEREAS, on July 5, 2022, public notice of the July 14, 2022 Planning Commission hearing to consider these Zoning Code text amendments was mailed to the project applicants for the two new proposed City gas station projects that are currently in the review process and have been deemed complete by the Department; and

WHEREAS, the proposed amendments, as shown in Exhibit A, would alter the land use tables to remove references to gas stations as an allowable use within the zoning regulations; separate vehicle services from gas stations; create a new section within the Nonconforming Uses Section to allow gas station upgrades for safety/environmental reasons but not to allow enhancements or modifications that would expand fossil fuel infrastructure; and to add a definition for zero emission vehicles and amend the definition of gas stations to add reference to fossil fuels; and

WHEREAS, the amendments have been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Planning Commission has determined that this ordinance is exempt from CEQA review in accordance with Sections 15307 and 15308 because this ordinance constitutes action taken by a regulatory agency to protect natural resources and the environment. The proposed ordinance would establish a limit to infrastructure that directly supports or perpetuates the use of fossil fuels for vehicles, which is the largest source of greenhouse gas emissions for the City of Santa Rosa. Consistent with the City Council's adopted Climate Emergency Resolution, this step is necessary to advance the goal of carbon neutrality by 2030; and

WHEREAS, pursuant to the "common sense" exemption under CEQA Guidelines section 15061(b)(3), because there is no possibility that the ordinance might have a significant effect on the environment. This ordinance will prohibit new gas stations and the expansion of fossil fuel infrastructure at existing gas stations, in turn, preventing future groundwater or surface water contamination, leaks from underground tanks, or improper disposal of gasoline. The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines section 15300.2.). At the time of future development proposals, additional environmental analysis may be required to analyze the potential environmental impacts associated with specific development projects and uses proposed at specific locations; and

WHEREAS, after a public hearing on July 14, 2022, the Planning Commission of the City of Santa Rosa finds that, based on evidence and records presented, amending Title 20 (Zoning) of the Santa Rosa City Code is required for implementation of the City's General Plan and public convenience, necessity, and general welfare; and

WHEREAS, the Planning Commission, pursuant to City Code Section 20-64.050, (Findings), hereby finds and determines:

- A. The proposed amendments are consistent with the goals and policies of the Santa Rosa General Plan, Climate Action Plan, and all Specific Plans. General Plan Goal OSC-M states "*reduce greenhouse gas emissions.*" This ordinance furthers this Goal OSC-M

because businesses involving gasoline result in the creation of increased air pollution/greenhouse gases, increased traffic congestion, negatively affecting community health outcomes, acceleration of climate change, impacts to water quality, and other negative environmental or indirect effects. The proposed ordinance would prohibit new gas stations and associated expansion. Furthermore, the proposed amendments support City Council Resolution RES-2020-002 which adopts a Climate Emergency Framework and accelerates the City's carbon neutrality goal to 2030, consistent with Climate Action Plan goals.

- B. The proposed amendments are consistent with the 2012 Climate Action Plan's Measure 5.2 which states "*Support the State's implementation of the Low Carbon Fuel Standard and facilitate the use of alternative fuels in Santa Rosa,*" and Action item #5.2.1 which states "*require new refueling stations to provide biodiesel fuel, compressed natural gas, liquefied natural gas, electric vehicle charging stations, or other alternative fuels.*" The proposed ordinance prohibiting gas stations and association expansion is consistent with providing support of alternative fuels, associated shifts in transportation modes, and may lead to increased development of alternative fuel stations and infrastructure.
- C. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments will prohibit the issuance of land use or development entitlements for new gas stations and the expansion of fossil fuel infrastructure of existing gas stations which result in greenhouse gas emissions that result in negative health, safety and other impacts.
- D. The ordinance has been reviewed and analyzed in compliance with the California Environmental Quality Act (CEQA) and has been found exempt from CEQA review in accordance with Sections 15307 and 15308 because this ordinance constitutes action taken by a regulatory agency to protect natural resources and the environment. The proposed Ordinance would establish a limit to infrastructure that directly supports or perpetuates the use of fossil fuels for vehicles, which is the largest source of greenhouse gas emissions for the City. Consistent with the City Council's adopted Climate Emergency Resolution, this step will advance the goal of carbon neutrality by 2030. In addition, the proposed Ordinance is exempt from CEQA pursuant to the "common sense" exemption under CEQA Guidelines section 15061(b)(3), because there is no possibility that the Ordinance might have a significant effect on the environment. This ordinance will prohibit new gas stations and the expansion of fossil fuel infrastructure at existing gas stations, in turn, preventing future groundwater or surface water contamination, leaks from underground tanks, or improper disposal of gasoline. The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to

unusual circumstances. (CEQA Guidelines section 15300.2.) At the time of future development proposals, additional environmental analysis may be required to analyze the potential environmental impacts associated with specific development projects and uses proposed at specific locations.

- E. The proposed amendments are internally consistent with other applicable provisions of the Zoning Code as this ordinance relates to the prohibition of new gas station land uses. Proposed modifications of existing nonconforming gas stations will continue to require an entitlement permit which will allow review for compatibility and consistency with surrounding uses and this Zoning Code, and all areas of the code have been thoroughly reviewed for accuracy.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Santa Rosa recommends the City Council approve and adopt Zoning Code text amendments to Title 20 the City Code to prohibit new gas station land uses and to prohibit the expansion of fossil fuel infrastructure at existing gas station land uses, as set forth in Exhibit A and incorporated herein.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 14<sup>th</sup> day of July 2022 by the following vote:

AYES: (0)

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: \_\_\_\_\_

KAREN WEEKS, CHAIR

ATTEST: \_\_\_\_\_

CLARE HARTMAN, EXECUTIVE SECRETARY