

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION

JULY 14, 2022

PROJECT TITLE

Zoning Code Text Amendments to
Prohibit New Gas Stations and Prohibit
Expansion of Fossil Fuel Infrastructure for
Existing Gas Stations

APPLICANT

N/A

ADDRESS/LOCATION

Citywide

PROPERTY OWNER

N/A

ASSESSOR'S PARCEL NUMBER

Citywide

FILE NUMBER

REZ22-001

APPLICATION DATE

N/A

APPLICATION COMPLETION DATE

N/A

REQUESTED ENTITLEMENTS

Zoning Code Text Amendments

FURTHER ACTIONS REQUIRED

City Council approval

PROJECT SITE ZONING

N/A

GENERAL PLAN DESIGNATION

N/A

PROJECT PLANNER

Shari Meads

RECOMMENDATION

Adoption of a Resolution recommending
City Council approval of Zoning Code Text
Amendments to prohibit new gas station
land uses and to prohibit expansion of
fossil fuel infrastructure for existing gas
station land uses in the City of Santa Rosa

ZONING CODE TEXT AMENDMENTS TO PROHIBIT NEW GAS STATION LAND
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Agenda Item # 8.2
For Planning Commission Meeting of July 14, 2022

TO: CHAIR WEEKS AND MEMBERS OF THE COMMISSION

FROM: SHARI MEADS, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: ZONING CODE TEXT AMENDMENTS TO PROHIBIT NEW GAS
STATION LAND USES AND TO PROHIBIT EXPANSION OF
FOSSIL FUEL INFRASTRUCTURE FOR EXISTING GAS
STATION LAND USES

AGENDA ACTION: RESOLUTION

RECOMMENDATION

The Climate Action Subcommittee and the Planning and Economic Development Department recommend that the Planning Commission, by resolution, recommend to City Council approval of Zoning Code Text Amendments to prohibit new gas station land uses and prohibit expansion of fossil fuel infrastructure for existing gas station land uses in the City of Santa Rosa.

EXECUTIVE SUMMARY

The Climate Action Subcommittee (CAS) directed staff to draft an ordinance to prohibit new gas station land uses (gas stations) and to prohibit expansion of fossil fuel infrastructure for existing gas stations within the City. This direction was based on the City's stated goal of reaching carbon neutrality by 2030 and public input received at CAS meetings. Furthermore, this proposed ordinance reflects the City's support for the Sonoma County Regional Protection Agency (RCPA) resolution recommending that all local jurisdictions stop accepting applications for new gas stations or expansion of existing gas stations. The proposed ordinance will:

- prohibit new gas stations in all zoning districts; and
- establish regulations for existing and currently proposed gas stations as 'nonconforming uses;' and
- rename 'service station' uses as 'vehicle services' and remove the 500-foot separation requirement to separate language that merged gas stations with other uses; and

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- update the Zoning Code definition of ‘gas station’ to refine that they involve fossil fuels and add a definition for ‘zero-emission vehicle.’

BACKGROUND

The City of Santa Rosa is a member of RCPA which was formed in 2009 to coordinate countywide climate protection efforts among Sonoma County’s nine incorporated cities and multiple agencies. RCPA is a special district governed by a twelve-member Board of Directors comprised of representatives from the Sonoma County Board of Supervisors and Council Members from each of the nine cities.

RCPA adopted a Climate Mobilization Strategy (Strategy) in March 2021 to solidify Sonoma County’s commitment to mobilizing an emergency response commensurate with the scale of the climate crisis¹. The Strategy outlines 13 countywide strategies under local control that have the potential to significantly reduce GHG emissions by 2030. One of the Strategy initiatives is decarbonization by transitioning away from all use of fossil fuels. The City’s proposed gas station ban ordinance supports the Strategy’s decarbonization initiative.

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 to prohibit 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.

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 defined as properties where the expansion, redevelopment, or reuse thereof may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.²

Common contaminants found at gas station sites include gasoline, diesel, and petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead³. Exposure to the types of contaminants present, or potentially present, at gas stations threatens the public health, safety, or welfare of neighboring

¹ <https://rcpa.ca.gov/wp-content/uploads/2020/12/Sonoma-Climate-Mobilization-Strategy-Adopted-2021-03-08.pdf>

² Environmental Protection Agency (EPA). Petroleum Brownfields. <https://www.epa.gov/ust/petroleum-brownfields>. Accessed 7.1.2022.

³ EPA. Contaminants of Concern (COC) at Underground Storage Tank Sites (UST). <https://www.epa.gov/ust/contaminants-concern-coc-underground-storage-tank-ust-sites> accessed 7.1.2022

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communities⁴. 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 environment⁵.

REGULATORY HISTORY

On January 26, 2018, Governor Edmund G. Brown, Jr. issued Executive Order B-48-18⁶ which identifies the transportation sector as being 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.

On September 9, 2019, the Sonoma County Regional Climate Protection Authority (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.⁷

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 (see Attachment 1). 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.

On September 23, 2020, Governor Gavin 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-emission⁸.

On May 12, 2021, staff provided the CAS with a presentation and facilitated discussion around the City's existing gas station regulations and potential policy changes.

⁴ Scientific American. Is it Safe to Live Near a Gas Station?. 2009. <https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/>. Accessed 7.1.2022.

⁵ California Code, Health and Safety Code Section 25280 via FindLaw <https://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-25280.html>. Accessed 7.1.2022.

⁶ <https://www.library.ca.gov/wp-content/uploads/GovernmentPublications/executive-order-proclamation/39-B-48-18.pdf>

⁷ https://rcpa.ca.gov/wp-content/uploads/2019/11/RCPA_CER_2019_Redacted.pdf

⁸ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

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On September 13, 2021, the RCPA Board of Directors adopted Resolution 2021-003 (see Attachment 2) 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.”⁹

On February 9, 2022, the City’s Climate Action Subcommittee (CAS) directed staff to draft an ordinance to ban new gas stations and to prohibit expansion of fossil fuel infrastructure for existing gas stations within the City. The CAS members discussed this item and were in unanimous support of the ban.

ANALYSIS

Greenhouse gases from human activities are the most significant driver of observed climate change since the mid-20th century and gas stations pose significant threats to public and environmental health.¹⁰ Soil, groundwater, surface water and air can be contaminated by gasoline spills, leaks, and improper disposal of gasoline¹¹.

The transportation sector accounts for approximately 60% of greenhouse gas (GHG) emissions in Sonoma County¹². 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.

There are 44 gas stations operating within City limits; 41 of which are in City areas that have been identified as having the highest concentration of people of color and people living in poverty¹³.

⁹ <https://scta.ca.gov/wp-content/uploads/2021/09/4.2b-RCPA-Gas-Station-Prohibition-Presentation.pdf>

¹⁰ IPCC (Intergovernmental Panel on Climate Change). 2013. Climate change 2013: The physical science basis. Working Group I contribution to the IPCC Fifth Assessment Report. Cambridge, United Kingdom: Cambridge University Press. www.ipcc.ch/report/ar5/wg1

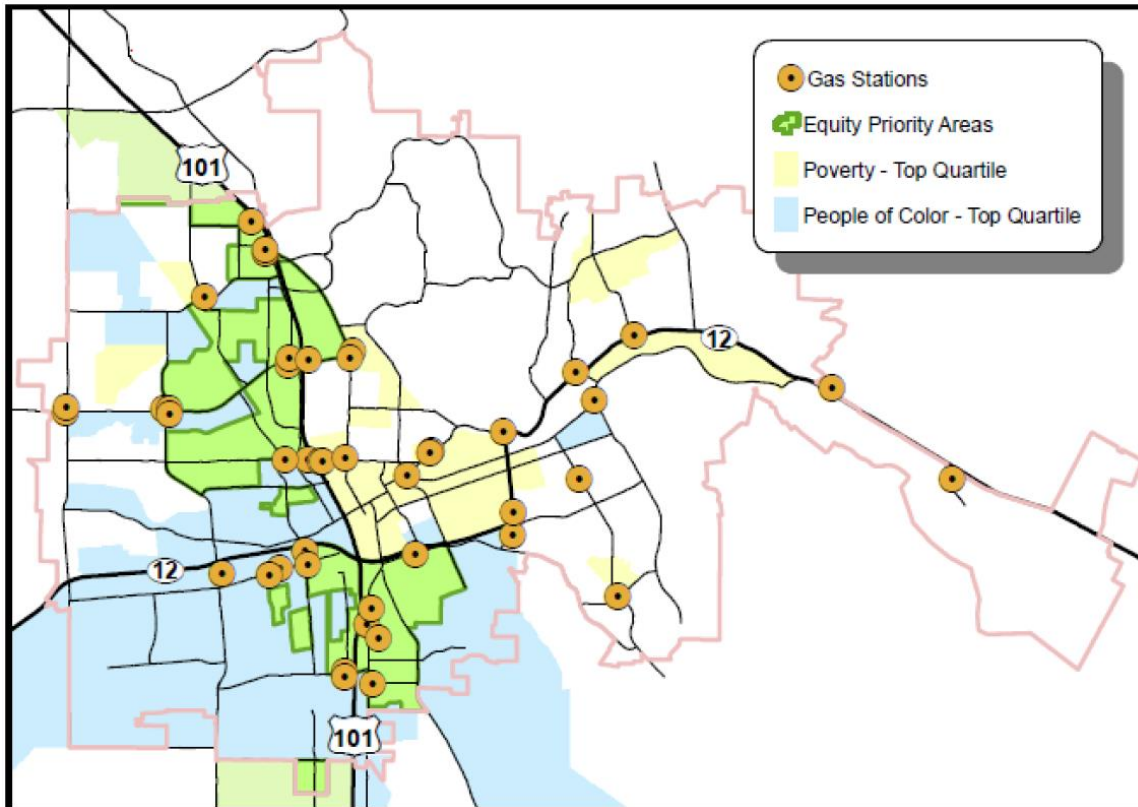
¹¹ Virginia Department of Health. Gasoline. <https://www.vdh.virginia.gov/environmental-health/public-health-toxicology/gasoline/> accessed on July 1, 2022.

¹² <https://rcpa.ca.gov/wp-content/uploads/2020/12/Sonoma-Climate-Mobilization-Strategy-Adopted-2021-03-08.pdf>. Page 9.

¹³ <https://www.santarosafoward.com/equity>

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Figure 1: Locations of Gas Stations and Equity Priority Communities



Gas station data provided by Sonoma County Transportation Authority; Equity Priority Areas adapted from the Metropolitan Transportation Commission's definition in *Plan Bay Area*; mapped by City GIS staff on February 4, 2022

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.

Two proposed new gas station projects with complete applications are currently under review. One of the proposed gas station projects is located at 43 Middle Rincon Road and the other is at 874 North Wright Road. The ordinance is drafted to allow these projects to continue being processed and acted on by the appropriate review authority.

The attached "Proposed Amendments to the Santa Rosa Zoning Code" provides recommended text amendments to the following Zoning Code Sections [see Attachments 3 (in bold and strikethrough) and 4 (clean version)].

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- 20-23.030 (Commercial District Land Uses and Permit Requirements) Table 2 (Allowed Land Uses and Permit Requirements for Commercial Zoning Districts)
- 20-24-030 (Industrial District Land Uses and Permit Requirements) Table 2-10 (Allowed Land Uses and Permit Requirements for Industrial Uses)
- 20-42.150 (Service Stations)
- 20-61.020 (Nonconforming Uses)
- 20-70.020 (Definitions of Specialized Terms and Phrases)

The following summarizes the proposed Zoning Code text amendments:

1. Section 20-23.030 (Commercial District Land Uses and Permit Requirements) Table 2 (Allowed Land Uses and Permit Requirements for Commercial Zoning Districts)
 - This amendment would alter the land use table to remove the reference to gas stations as an allowable use within the zoning regulations.
 - The proposed amendments include a provision allowing the two new gas station projects with complete applications to continue being processed. This is consistent with Section 20-10.050(E) which relates to the effect of code changes on projects in process.
2. 20-24-030 (Industrial District Land Uses and Permit Requirements) Table 2-10 (Allowed Land Uses and Permit Requirements for Industrial Uses)
 - This amendment would alter the land use table to remove the reference to gas stations as an allowable use within the zoning regulations.
3. 20-42.150 (Service Stations)
 - The intent of this amendment is to separate vehicle services from gas stations. This allows vehicle services to continue to be recognized and allowed within the city, while prohibiting gas stations.
4. 20-61.020 (Nonconforming Uses) Existing gas stations and associated fossil fuel infrastructure will become a 'nonconforming use' and will be subject to the requirements of proposed Section 20-61.020.E, Modification of Gas Stations (see Draft Ordinance).
 - The intent of this new section is to allow gas station upgrades for safety/environmental reasons, as generally required by State or Federal law, and enhancements of other retail components, but not to allow enhancements or modifications that would expand fossil fuel infrastructure. In the case of gas stations, upgrades not related to fossil fuel infrastructure could still be allowed with a Minor Use Permit and CEQA review.

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5. 20-70.020 (Definitions of Specialized Terms and Phrases)

- Staff proposes to add a definition for zero emission vehicles and amend the definition of gas stations to add reference to fossil fuels.

FISCAL IMPACT

This ordinance is a City initiative with all associated staff cost previously allocated from the General Fund.

ENVIRONMENTAL IMPACT

Amending the Zoning Code to prohibit new gas stations and prohibit expansion of fossil fuel infrastructure for existing gas stations is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 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.

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.

PLANNING COMMISSION ROLE

Pursuant to Zoning Code Section 20-64.020(A)(2), a Zoning Code amendment may modify any procedure, provision, regulation, requirement, or standard applicable to land use or development within the City. A recommendation to the City Council for the approval of a proposed Zoning Code amendment shall be by resolution of the Planning Commission.

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BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On February 9, 2022, the Climate Action Subcommittee (CAS) directed staff to draft an Ordinance to ban new gas stations and prohibit the expansion of fossil fuel infrastructure at existing gas stations within the City.

NOTIFICATION

On June 30, 2022, a public notice of the July 14, 2022 Planning Commission hearing to consider these Zoning Code text amendments was mailed to all property owners of existing gas stations in compliance with local regulations.

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.

On July 5, 2022, a public notice of the July 14, 2022 Planning Commission hearing to consider these Zoning Code text amendments was mailed to applicants for the two new proposed City gas station projects that are currently in the review process.

ATTACHMENTS

Attachment 1 – City Council Resolution No. 2020-002 (Climate Emergency Resolution)
Attachment 2 – Regional Climate Protection Authority Resolution 2021-09-13
Attachment 3 – Zoning Code Text Amendments - Redline
Attachment 4 – Zoning Code Text Amendments - Clean
Attachment 5 – Public Comments

Resolution with Exhibit A

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