

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY A CONDITIONAL USE PERMIT FOR ELM TREE STATION, A GAS STATION WITH ONE APARTMENT UNIT AND OUTDOOR AMENITIES - LOCATED AT 874 N WRIGHT ROAD - FILE NUMBER CUP21-100

WHEREAS, on December 17, 2021, an application was submitted requesting the approval of a Conditional Use Permit for the construction of a new gas station, two general retail uses across two buildings, one apartment unit, and an outdoor amenity (Project) to be located at 874 N Wright Road, also identified as Sonoma County Assessor's Parcel Numbers 035-063-001 & 002 (Project Site); and

WHEREAS, on December 17, 2021, the application was deemed complete for processing by City Staff; and

WHEREAS, on September 13, 2022, the Council adopted Ordinance No. ORD- 2022- 010 (Gas Station Prohibition Ordinance), which amended Title 20 of the Santa Rosa City Code to prohibit new gas station land uses and to prohibit the expansion of fossil fuel infrastructure for existing gas station land uses; and

WHEREAS, Section 10 of the Gas Station Ban Ordinance states, “Any application to permit a new gas station land use that has been deemed complete for processing by the effective date of this ordinance is exempt from this Ordinance and may continue to be processed and considered by the appropriate review authority”; the proposed Project meets this criterion because it was deemed complete for processing by City Staff prior to the effective date of the Ordinance; and

WHEREAS, on April 10, 2025, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, at the April 10, 2025 hearing, the Planning Commission considered but did not adopt the Elm Tree Station Addendum to the August 2013 Elm Tree Station Mitigated Negative Declaration prepared pursuant to CEQA Sections 15162 and 15164; and

WHEREAS, at the April 10, 2025 hearing, the Planning Commission considered the Conditional Use Permit application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, at the April 10, 2025 hearing, the Planning Commission, by a 6-0 vote, denied the Conditional Use Permit application; and

WHEREAS, on April 21, 2025, an appeal application was received by the Planning and Economic Development Department pursuant to Zoning Code Chapter 20-62; and

WHEREAS, on August 19, 2025, the Council held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, on August 19, 2025, the Council considered the Conditional Use Permit application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Council of the City of Santa Rosa finds and determines:

- A. The proposed use is inconsistent with the applicable provisions of the Santa Rosa Zoning Code because the proposed project consists of a convenience store, which is expressly prohibited by the Planned Development Zoning District (PD 0435). Additionally, the proposed gas station and proposed on-site residential unit is inconsistent with Zoning Code Section 20-42.150(A)(2), Proximity to Residential, which prohibits gas stations from adjoining a single-family or two-family residential use.
- B. The proposed use is inconsistent with the General Plan goals and policies including, but not limited to, the following:
 - a. General Plan Goal UD-C, which states “enhance and strengthen the visual quality of major entry routes into the city, as well as major corridors that link neighbors with downtown”.
 - b. General Plan Policy UD-C-1, which states “enhance the appearance of the city’s major entries through special design criteria and streetscape improvements”, and continues on to identify specific entries, including Highway 12.
 - c. General Plan Goal T-G, which states “identify, preserve, and enhance scenic roads throughout Santa Rosa in both rural and developed areas”.
 - d. General Plan Policy T-G-1, which states “develop protective standards for the scenic roads”, and goes on to identify specific roads including Highway 12 (from Highway 101 west to Fulton Road).
- C. The design, location, size, and operating characteristics of the proposed activity would not be compatible with the existing and future land uses in the vicinity. Specifically, because of incompatibility with the cyclist and pedestrian use of the Joe Rodota Trail, which would conflict with the proposed automotive-oriented use.
- D. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located. A new gas station would contribute to increased greenhouse gas emissions and

air pollution, counteracting the City's Climate Action Plan and the Climate Emergency Resolution No. 2020-002 aimed at improving air quality and reducing reliance on fossil fuels.

Furthermore, underground storage tanks pose risks of soil and groundwater contamination, threatening public health and the environment. The auto-centric nature of gas stations is inconsistent with Santa Rosa's goals for pedestrian-oriented, mixed-use development and would encourage vehicle dependency rather than promoting alternative transportation options such as biking, walking, and public transit.

The proposed project is inconsistent with the findings and supporting documentation set forth in Ordinance No. ORD-2022-010, prohibiting new gas station land uses. Specifically, the Council made the following findings, which do not support a new gas station:

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

- E. The proposed project has not been found in compliance with the California Environmental Quality Act (CEQA), in that the Addendum prepared for the project did not adequately analyze new information of substantial importance showing that significant effects would be more severe than analyzed in the Mitigated Negative Declaration previously prepared for the project, including, but not limited to, the following: traffic; water quality; greenhouse gas emissions; and air quality.

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NOW, THEREFORE, BE IT FURTHER RESOLVED that the Council of the City of Santa Rosa does hereby deny an appeal and deny a Conditional Use Permit for the Elm Tree Station Project.

IN COUNCIL DULY PASSED this 19th day of August, 2025.

AYES:

NOES:

ABSTAIN:

RECUSE:

ABSENT:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney