

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR PLANNING COMMISSION  
**October 24, 2024**

**PROJECT TITLE**

Elm Tree Station

**ADDRESS/LOCATION**

874 N Wright Road

**ASSESSOR'S PARCEL NUMBER**

035-063-001, -002

**APPLICATION DATES**

December 17, 2021

**REQUESTED ENTITLEMENTS**

Conditional Use Permit

**PROJECT SITE ZONING**

Planned Development (PD 0435)

**PROJECT PLANNER**

Conor McKay

**APPLICANT**

Mangal Dhillon

**PROPERTY OWNER**

Mangal Dhillon

**FILE NUMBERS**

CUP21-100 (PRJ21-033)

**APPLICATION COMPLETION DATES**

December 17, 2021

**FURTHER ACTIONS REQUIRED**

Design Review

**GENERAL PLAN DESIGNATION**

Retail & Business Services

**RECOMMENDATION**

Approval

For Planning Commission Meeting of: October 24, 2024

CITY OF SANTA ROSA  
PLANNING COMMISSION

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: CONOR MCKAY, SENIOR PLANNER  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: ELM TREE STATION

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by two resolutions, (1) adopt an addendum to the Elm Tree Station Mitigated Negative Declaration and (2) approve a Conditional Use Permit to allow the development of a gas station with extended hours of operation, two general retail land uses across two buildings, one apartment unit and a small park for the property located at 874 N. Wright Road.

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BACKGROUND

1. Project Description

The proposed project includes the construction of a gas station with six gas pumps and four electric charging stations, and a 3,448-square-foot general retail space with an 806-square-foot, one-bedroom apartment above. The proposed project also includes the construction of an additional 432-square-foot general retail use and park-like amenities, including patio/trellis area, benches and picnic area, and a bike path that would traverse the eastern and southern boundaries of the project site from the Joe Rodota Trail to North Wright Road. A Conditional Use Permit is required for the gas station land use, multifamily dwelling, and extended hours of operation for the gas station that is proposed to operate 24 hours a day, seven days a week.

2. Surrounding Land Uses

North: Joe Rodota Trail  
South: Propane Manufacturer (Industrial)  
East: Vacant  
West: Portable Restroom Services (Industrial)

The project site consists of two parcels. Parcel 1 is 31,143 square-feet and would include the gas station and larger retail space with one residential unit above. Parcel 2 is 11,600 square-feet and would include the small retail space and park-like amenities.

3. Existing Land Use – Project Site

The project site is currently vacant. A decayed Chinese Elm Tree is currently on site and is recommended for removal.

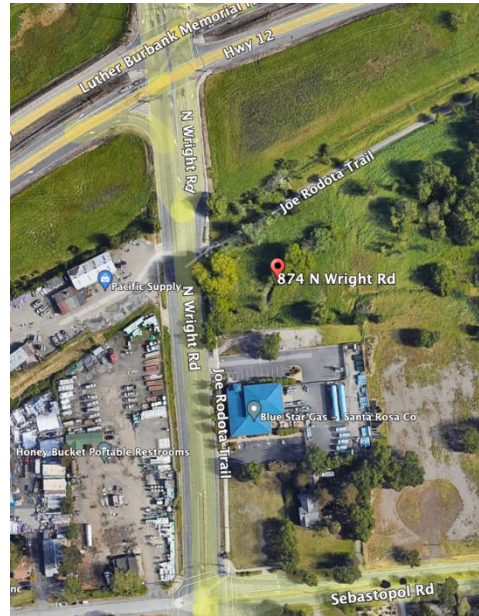


Figure 1: Aerial of Project Site

4. Project History

July 12, 2007	The Planning Commission reviewed a Conditional Use Permit (CUP) for the construction of a service station with a car wash, neighborhood market and a drive-through restaurant on the subject site. The proposal also included a Zoning Code Text Amendment that would have amended the Code to allow such uses to be adjacent to each other, with the approval of a Conditional Use Permit. The Planning Commission did not support the Zoning Code Text Amendment and the resulting project. The Planning Commission continued the item to July 26, 2007, to prepare resolutions denying the applications with prejudice.
July 26, 2007	The Commission adopted Resolution Nos. 11142 and 11143, unanimously denying, with prejudice, the CUP and Zoning Code Text Amendment based on the finding that service stations are not appropriate adjacent to residential, specifically because of related noise and air quality. The Commission also found that the use would not be consistent with the General Plan with regard to the

	major entry route (Highway 12) into the City and the Joe Rodota Trail, located at the northern boundary of the site. Pursuant to Zoning Code Section 20-54.080(C), by denying the application with prejudice, no further application for the denied request could be filed for the ensuing 12 months.
August 3, 2007	The applicant submitted an appeal of the Planning Commission's denial.
October 2, 2007	The City Council, on appeal, adopted Resolution No. 26942 denying the appeal and upholding the Planning Commission's denial, with prejudice.
October 12, 2011	A Neighborhood Meeting was held for a proposed new project, which included a Tentative Parcel Map to subdivide the 0.98-acre site into two parcels and a Conditional Use Permit to construct a fueling station, neighborhood market with extended hours (5 a.m. to midnight, seven days a week), a residential apartment above the market, and a small retail building.
October 4, 2012	The applicant submitted the Conditional Use Permit and Tentative Map applications for the proposed project.
August 5, 2013	A Notice of Application was sent to property owners within 400 feet of the subject property.
October 24, 2013	The Planning Commission adopted Resolution Nos. 11653, 11654 and 11655, approving a Tentative Parcel Map and CUP, and adopting a Mitigated Negative Declaration for the project.
December 19, 2013	The Design Review Board adopted Resolution No. 13-887, granting preliminary Design Review approval for the project.
March 20, 2014	The Design Review Board adopted Resolution No. 14-888, granting final Design Review approval for the project.
October 24, 2017	The project's approved entitlements expired.
June 1, 2018	The applicant filed a Parcel Map Waiver and Certificate of Compliance application in response to the determination that the Tentative Parcel Map had expired. A minor subdivision for a property can be allowed through Parcel Map Waiver and Certificate of Compliance pursuant to City Code Section 19-16.030.
December 12, 2019	The Subdivision Committee approved a Parcel Map Waiver and Certificate of Compliance to subdivide an approximately 0.98-acre parcel into two parcels, one at 0.73 acres and one at 0.25 acres. Public comments were received during the public hearing with general opposition to the proposed gas station use.

December 16, 2019	An appeal of the Subdivision Committee's approval was filed by a member of the community representing the Coalition Opposing New Gas Stations.
December 17, 2021	New Conditional Use Permit and Design Review applications were submitted for the subject project.
August 11, 2022	The Planning Commission, on appeal, adopted Resolution No. PC-2022-020 denying the appeal and upholding the Subdivision Committee's approval of the Parcel Map Waiver and Certificate Compliance. During the time between when the appeal was filed and when it was acted on by the Commission, City staff and the applicant had been working to determine the best path forward for the project following a determination that the previous CUP and Design Review approvals had expired.
October 24, 2024	The current proposal, which includes a request for a CUP to allow the development of a gas station, two general retail land uses across two buildings, one apartment unit and a small park, was scheduled for the October 24, 2024 Planning Commission meeting. The meeting date was set following continuing work between City staff and the applicant to complete the necessary environmental analysis.

## ANALYSIS

### 1. General Plan

The [General Plan](#) addresses issues related to the physical development and growth of Santa Rosa and guides the City's planning and zoning functions. The project site is designated Retail & Business Services. This designation allows a wide variety of retail and service enterprises, offices, and restaurants. The proposed gas station and associated retail development is consistent with this designation, which allows retail and service enterprises. The following goals and policies are pertinent to this application:

<b>Land Use and Livability</b>	
<b>LUL-J:</b> Maintain vibrant, convenient and attractive commercial centers.	<b>Consistent.</b> The proposed project would establish basic services that will be needed in close proximity to surrounding future neighborhoods, as well as the traveling public 24-hours a day. The proposal will provide an attractive commercial development that will satisfy the needs of people who live, work, or visit Santa Rosa due
<b>LUL-J-1:</b> Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele.	

	to its visible location adjacent to Highway 12.
<p><b>Urban Design</b></p> <p><b>UD-A-5:</b> Require superior site and architectural design of new development projects, to improve visual quality in the City.</p> <p><b>UD-C:</b> Enhance and strengthen the visual quality of major entry routes into the City, as well as major corridors that link neighborhoods with downtown.</p>	<p><b>Consistent.</b> The attractive building design and site design will enhance the visual quality of the Highway 12 entry into the City while providing essential services to the traveling public 24-hours a day.</p>

## 2. Zoning

The [Zoning Code](#) implements the goals and policies of the General Plan by classifying and regulating the use of land and structure development within the City. The project site is within Planned Development (PD) 0435, which allows the service station (gas station) land use with the approval of a Conditional Use Permit. Some development standards are not specifically addressed in the PD 0435 Policy Statement, so staff has analyzed the Project's compliance with the most similar zoning district CG (General Commercial) in those cases.

### Service Stations (Gas Stations)

On September 13, 2022, the City Council adopted Ordinance No. ORD-2022-10, which amended 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. The ordinance included an exemption for any applications for new gas stations if the application was deemed complete for processing on or before the effective date of the ordinance. The Ordinance allows any projects that meet these criteria to continue to be processed and considered by the appropriate review authority. On December 17, 2021, the applicant submitted a Conditional Use Permit application to allow the operation of a gas station and extended hours of operation, and a Design Review application for a new neighborhood market. Since the Project was deemed complete on December 17, 2021, the Project is exempt from the Gas Station Prohibition Ordinance. When the application was deemed complete for processing, the Gas Station land use was allowed in the PD 0435 Planned Development District with a Conditional Use Permit.

The City Zoning Code previously used the terms “Service Station” and “Gas Station” interchangeably. Before the City Council banned gas stations, the Code defined a Service Station as: “a retail business selling gasoline and/or other motor vehicle fuels, and related products. Where allowed by Division 2 (Zoning Districts and Allowable Land Uses), a gas station may also include a “Convenience Store,” “Vehicle Services,” and/or trailer rental (“Auto and Vehicle Sales/Rental”), which are separately defined.” Ordinance No. ORD-2022-010 amended the definition of “Gas Station” as: “a retail business selling gasoline and/ or other motor vehicle fuels derived from fossil fuels (e.g., petroleum, coal, natural gas), and related products.” Prior to the adoption of Ordinance No. ORD-2022-010, PD 0435 permitted a Gas Station in the Planned Development with a Conditional Use Permit. Since this project application was deemed complete prior to the October 13, 2022 effective date of Ordinance No. ORD-2022-010, the project is exempt from the ban; however, the requirement for a Conditional Use Permit still applies. Per Code Section [20-42.150](#) – Service Stations, the proposed gas station is required to comply with the following site requirements:

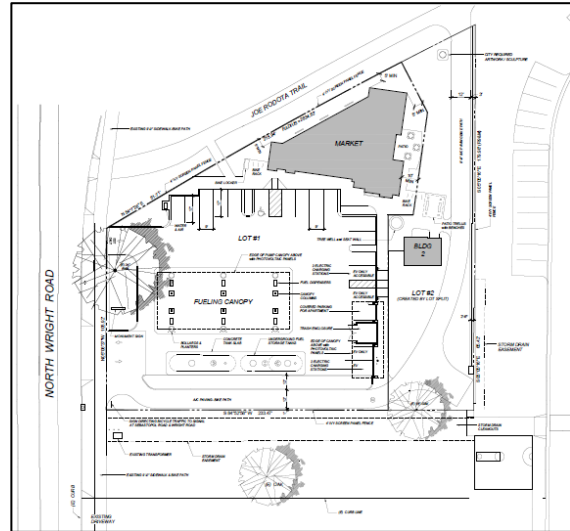


Figure 2: Proposed site plan.

- 1) Site area and dimensions. The site shall have a minimum area of 15,000 square feet (SF), at least 100 feet of frontage on an arterial street, a minimum width of 150 feet, and a minimum depth of 100 feet.

**Staff Response:** Lot 1, the neighborhood commercial parcel is approximately 31,859 sq. ft, has a 105.92 ft. frontage along an arterial and is 165 ft. wide at the mid-point.

- 2) Proximity to residential. The site shall not adjoin an existing R-1, R-2 or R-3 zoning district or single-family or two-family residential use at the time the service station use is established, except a nonconforming single-family or two-family residential use, or a single-family or two-family residential use in a commercial zone.

**Staff Response:** Lot 2, the commercially designated park parcel, separates the neighborhood commercial parcel containing the service station use from the residentially zoned parcel to the east.

- 3) Distance between service station sites. A proposed service station site shall



be a minimum of 500 feet from any other service station site, with the following exceptions:

- a) Service station sites within 150 feet of the U.S. Highway 101 intersections and Freeway 12 intersections measured along the intersecting street.

**Staff Response:** The closest station is the Chevron station on Stony Point Rd., approximately 1.5 miles to the east. The next closest station is Roseland Gas on Sebastopol Road, approximately 2.3 miles to the east.

The proposed project also includes four electrical vehicle charging stations.

#### Extended Hours of Operation

[Table 2-6](#) in the Zoning Code requires a Minor Use Permit for Extended Hours between 11:00 pm and 6:00 am. The applicant requests the gas station be permitted to operate 24 hours per day, 7 days a week. Having a service station open near this portion of HWY 12 would provide a safe stopping point for traveling motorists. An Environmental Noise Study was prepared by Illingworth & Rodkin, Inc. that recommends that the Project construct a 10-foot sound wall on the eastern boundary of the Project site. The Project has also been conditioned to limit fuel deliveries to occur between the hours of 7am to 7pm only. Although no residential uses are currently in the immediate vicinity, there is a vacant parcel to the east of the Project site that has a General Plan Land Use Designation of Medium Density Residential so it is possible that future residential development may occur near the Project site. The applicant is not requesting extended hours of operation for either of the general retail uses.

#### Development Standards

**Setbacks:** Required setbacks are not specifically addressed in the PD 0435 Policy Statement, so the setbacks for the most similar standard zoning district, which is the CG (General Commercial), apply to the Project site.

- a) Front: 7.5 feet adjacent to a residential zone or use, or more as required by Design Review; none required elsewhere.

**Staff Response:** The Project proposes to construct the gas station awning at a distance of 32 feet from the back of sidewalk along N Wright Road (western property line). Therefore, the Project complies with the front setback requirement.

- b) Side: 5 feet adjacent to a residential zone or use, or more as required by Design Review; none required elsewhere.

**Staff Response:** The Project proposes to construct a structure to be used as



General Retail 5.38 feet from the edge of the property line shared with Joe Rodota Trail (northern property line). Therefore, the Project complies with the front setback requirement.

- c) Rear: 10 feet adjacent to a residential zone or use, or more as required by Design Review; none required elsewhere.

**Staff Response:** The Project proposes to construct a structure on Lot 1 to be used as General Retail 5.89 feet from the rear property line. The Project also proposes to construct a structure on Lot 2, which is adjacent to a residential zoning district, located 21 feet from the rear property line; therefore, the Project complies with the rear setback requirement.

**Building Height:** The General Commercial (CG) zoning district establishes a maximum building height of 55 feet. The general retail structure on Lot 1 is proposed at 29.5 feet and the general retail structure on Lot 2 is proposed at 17 feet; therefore, the Project complies with the maximum building height requirement.

**Lot Coverage:** The General Commercial (CG) zoning district establishes a maximum lot coverage of 100%. The Project proposes a lot coverage of 23.6% on Lot 1 and 5.5% on Lot 2; therefore, the Project complies with the lot coverage requirement.

**Parking:** Pursuant to Zoning Code Section 20-60, one parking space per service bay and one parking space per employee are required for gas stations. Additionally, one parking space per 250 square-feet of retail space is required. Finally, one covered parking space and one-half parking space are required for each multifamily unit. The Project does not propose any service bays, and proposes 3,448 SF of general retail space which requires 13.8 parking spaces. The Project includes one multifamily unit which requires one covered parking space and one-half of a parking space. The Project proposes to include shared on-site parking for the smaller, 432-square-foot retail building on the adjacent parcel which requires 1.7 parking spaces, which will require a parking covenant be recorded for each lot pursuant to Zoning Code Chapter 20-36 (Parking and Loading Standards). In total, the Project proposes to provide 18 parking spaces; therefore, the Project complies with parking requirements.

### 3. Conditional Use Permit

The proposed gas station with 24-hour operation and multifamily residential dwelling are permitted with a Conditional Use Permit. The review authority may approve a Conditional Use Permit only after first finding all the following:

- 1.) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
- 2.) The proposed use is consistent with the General Plan and any applicable specific plan;
- 3.) The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
- 4.) The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- 5.) Granting the permit would not 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; and
- 6.) The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

As documented in the attached draft resolution, Staff finds that the project complies with each of the above noted Conditional Use Permit findings related to the development and operation of a gas station with extended hours of operation.

#### 4. Summary of Public Comments

Staff has received two public comments via email about the proposed Project. The comments express opposition to this Project and additional gas stations in Sonoma County for a variety of reasons including the number of operation gas stations within a five-mile radius of the Project site, Governor Newsom's Executive Order directing that no new gas-powered cars shall be sold beyond 2035, the City's climate emergency declaration, the amount of time the public has to review CEQA documents, Sonoma County jurisdictions ceasing to permit new gas stations, prevalence of crime at gas stations, and site-specific environmental concerns. Any additional comments received following the finalization of this staff report will be added as late correspondence and provided verbally to the Planning Commission during the presentation at the October 24, 2024 meeting.

#### 5. Public Improvements

The following is a summary of specific public improvements:

- A public bicycle path connecting to Joe Rodota Trail through the project site from Wright Road.
- New bike path and trail route signage
- Bike sharrow striping along the frontage of N Wright Road
- Standard conditioning used for utility connections and driveway curb cut improvements

### FISCAL IMPACT

Approval of the Project will not have an effect on the General Fund.

### ENVIRONMENTAL IMPACT

The Project applicant prepared an Addendum, (J. Kapolchok and Associates, dated March, 2024) which analyzes the Project relative to the previously adopted Mitigated Negative Declaration to determine if the current Project includes substantial changes, if there has been a substantial change in circumstances, or if new information exists to such a degree that a new or subsequent mitigated Negative Declaration should be required (CEQA Guidelines sections 15164, subdivision (b) and 15162, subdivision (a)).

This Addendum relies on the Mitigated Negative Declaration adopted by the Planning Commission on October 24, 2013, by Resolution No. 11653.

According to CEQA Guidelines Section 15164, if only minor technical changes or additions are necessary or if none of the conditions described in CEQA Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, then an addendum to an adopted EIR or Negative Declaration can be prepared (CEQA Section 15164 (b)).

CEQA Section 15162 sets forth three conditions, any one of which would cause the preparation of a subsequent EIR or subsequent Negative Declaration. They are:

1. Substantial changes in the project would result in new significant effects or an increase in the severity of the previously identified significant effect.
2. Substantial changes in circumstances under which the project is undertaken that would result in new significant effects or an increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known or could be known, shows:
  - a. The project will have one or more significant effect(s) not discussed in the previous Negative Declaration.
  - b. Significant effects, previously examined, will be more severe than

shown.

- c. Mitigation measures previously considered not to be feasible are feasible and would reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives.
- d. Mitigation measures or alternatives that are considerably different than those analyzed in the previous EIR (or Negative Declaration) that would substantially reduce one or more significant effects on the environment, but the project proponent declined to adopt the mitigation measure or alternative.

Based on the analysis in the Addendum and the technical reports, the Project would not cause new significant environmental effects or substantial increases in the severity of a significant of a significant environmental effect identified in the Mitigated Negative Declaration prepared and adopted for the Project. There are no substantial changes in circumstances affecting the Project which would cause increased environmental impacts. Although there is new information, which was not known and could not have been known at the time of the adopted MND, analysis of that new information or regulations applied to the Project shows no new or more severe environmental effects. Additionally, adopted mitigation measures included in the MND have not been discovered to now be infeasible.

The Addendum and technical reports found that approval of the Project would not meet any of the requirements in CEQA Guidelines Section 15162 for the preparation of a subsequent Negative Declaration or a supplement to the Negative Declaration.

#### LEVINE ACT

This project is subject to the Levine Act (Gov. Code Section 84308) which prohibits city officials from participating in certain decisions regarding licenses, permits, and other entitlements for use if the official has received a campaign contribution of more than \$250 from a party, participant, or agent of a party or participant in the previous 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. Please see the attached Disclosure Form for information on individuals interested in the proposed land use action and any monetary contributions to city officials. For more information see the FPPC website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html)

#### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable

#### PUBLIC NOTIFICATION

The project was noticed as a public hearing per the requirements of [Chapter 20-66 of the City Code](#). Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners and occupants, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

### ISSUES

There are no unresolved issues remaining with the project. Although the Council banned new gas stations by passing Ordinance No. ORD-2022-010 on September 13, 2022, the ordinance included a “pipeline provision,” which allows any pipeline projects that meet these criteria to continue to be processed and considered by the appropriate review. The ordinance included an exemption for any applications for new gas stations if the application was deemed complete for processing on or before the effective date of the ordinance. Since the Project was deemed complete on December 17, 2021, the Project is exempt from the Gas Station Prohibition Ordinance. When the application was deemed complete for processing, the Gas Station land use was allowed in PD 0435 (Planned Development) with a Conditional Use Permit. The project incorporates vehicle charging stations in addition to the proposed gasoline fuel pumps. Since there are few fueling locations that are open 24 hours along Highway 12, this location could serve as a safe stop for passing motorists traveling to and from Santa Rosa.

### ATTACHMENTS

Attachment 1 – Disclosure Form  
Attachment 2 – Location Map  
Attachment 3 – Project Description  
Attachment 4 – Plans  
Attachment 5 – Traffic Impact Study, 07/26/13  
Attachment 6 – Addendum to Traffic Impact Study, 12/16/23  
Attachment 7 – Trip Generation and Trip Length, 03/07/24  
Attachment 8 – Water Quality Control Board Section 401 Certification, 8/27/19  
Attachment 9 – Health Risk Assessment 2/27/23  
Attachment 10 - Greenhouse Gas Emissions Memo, 03/06/24  
Attachment 11 – Communication from BAAQMD regarding AQ and GHG Emissions Thresholds, 04/13/23  
Attachment 12 – Biological Resources Analysis, 11/06/12  
Attachment 13 – Environmental Noise Study, 05/16/13  
Attachment 14 – Arborist Report, 09/29/19  
Attachment 15 – Climate Action Plan Appendix E Checklist  
Attachment 16 – Army Corps Verification, 01/26/22  
Attachment 17 – City Council Gas Station Ban Ordinance, ORD-2022-010

Attachment 18 – Planning Commission Resolution PC-2022-020

Attachment 19 - Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP), 08/26/13

Attachment 20 – Storm Water LID, December 2018

Attachment 21 – Public Correspondence

Resolution 1 – Addendum to the 2013 Elm Tree Station MND

Resolution 1 – Exhibit A – Addendum to the 2013 Elm Tree Station MND and MMRP

Resolution 2 – Conditional Use Permit

Resolution 2 – Exhibit A – Engineering Development Services, September 4, 2024

## CONTACT

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