

RESOLUTION NO. RES-2025-141

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ACCEPTING AN APPEAL AND MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR A GAS STATION, TWO GENERAL RETAIL LAND USES, 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 City 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 approve the Elm Tree Station Addendum to the August 2013 Elm Tree Station Mitigated Negative Declaration pursuant to CEQA Sections 15162 and 15164; and

WHEREAS, the Planning Commission considered the 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 allowed within the PD (Planned Development) 405 Zoning District and complies with all other applicable provisions of this Zoning Code and the City Code in that, although the Council banned new gas stations by adopting Ordinance No. ORD- 2022-010 on September 13, 2022 (the “Ordinance”), the Ordinance included an exemption for any applications to permit new gas stations if the application was deemed complete for processing by 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. Since the Project was deemed complete on December 17, 2021, the Project is exempt from the Ordinance. At the time the application was deemed complete for processing, the Gas Station land use was allowed in the PD 405 Planned Development Zoning District with a Major Conditional Use Permit. Zoning Code Section 20-42.150 regulates Service Stations (defined as “Gas Station” and “Vehicle Services”) and specifies site requirements for Gas Station land uses including site area and dimensions, proximity to existing residential zoning districts or uses, and distance between Service Stations sites, as described in the Staff Report.
- B. The proposed use is consistent with the General Plan and any applicable specific plan, in that the General Plan designation of Retail & Business Services designation allows a wide variety of retail and service enterprises, offices, and restaurants. The proposed uses are consistent with General Plan Land Use and Livability Goals LUL-G and LUL-K in that the proposed Project would establish basic services that will be needed in close proximity to surrounding future neighborhoods, as well as the traveling public. The proposal will provide an attractive commercial development that will satisfy the needs of people who live, work, or visit Santa Rosa due to its visible location adjacent to Highway 12. In addition, the attractive building design and site design will enhance the visual quality of the Highway 12 City entry and egress while providing essential

services to the traveling public and nearby residences. The proposal also includes a bike and pedestrian pathway connection to the Joe Rodota trail, which fosters connectivity to and through the site from the Roseland and downtown Santa Rosa area. The proposed gas station and associated retail development is consistent with this designation, which is intended for retail and service enterprises.

- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, in that the new buildings and gas pumps will have greater visibility and relationship with Highway 12, and the Project site has been designed with appropriate parking and circulation for the proposed pumps and general retail spaces. The two general retail spaces would provide daily shopping opportunities for the area's residents, for users of the Joe Rodota trail, and motorists traveling into or out of Santa Rosa on Highway 12. The on-site, second-story apartment unit would be provided for an employee of the larger general retail space on the ground floor of the western parcel, which would facilitate a live/work environment for the employee that will improve security and property maintenance.
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that adequate vehicular access to the site is provided from N Wright Road, in addition to non-vehicular access via a new connection from N Wright Road through the Project Site to the Joe Rodota Trail. Additionally, new signage would be established along the bike path and trail route that would assist in wayfinding for users of the Joe Rodota Trail. Additionally, a Class III bike lane would be striped along the Project Site's frontage on N Wright Road, and additional utility connections and curb cut improvements would be required.
- E. 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, based on the following:
- The proposed construction would be compatible with the land uses along North and South Wright Road, which include industrial, residential, educational, and commercial uses. The Project is not adjacent to any legal-nonconforming residences. The general retail land uses would not sell alcohol or tobacco products. Additionally, the site is not located in close proximity to a school or religious facility, as it is approximately 750 feet from the Roseland campus of Santa Rosa Junior College. The 24/7 operation of the gas station would not disrupt existing or future land uses in the vicinity in that the Project is conditioned to construct a ten-foot sound wall on the eastern Project boundary that would reduce noise audible from potential new residential development east of the Project site. Additionally, no fuel deliveries would be permitted earlier than 7am or later than 7pm.

- The March 2024 Addendum to the Elm Tree Station Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act, analyzed the Project's potential impacts to: aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, tribal cultural resources, utilities and service systems, and wildfire, and determined that the Project will not result in any significant environmental impacts after mitigation.
- As documented in the March 2024 Addendum to the Elm Tree Station Mitigated Negative Declaration, a third addendum to the original Traffic Impact Study was prepared by W-Trans on October 16, 2023 that concludes the findings contained in the original study, prepared on July 26, 2013, remain valid and the recommendation is still applicable. The recommendation in the 2013 Traffic Impact Study recommends the applicant pay traffic impact fees to help fund planned future improvements at Highway 12 and Fulton Road, road widening on Sebastopol Road, and/or other planned improvements in the Project's vicinity.
- As documented in the March 2024 Addendum to the Elm Tree Station Mitigated Negative Declaration, a Gas Station Health Risk Assessment was prepared for the proposed Project by Illingworth & Rodkin, dated February 17, 2023. The Assessment analyzes, among other issues, the Project's air pollutants utilizing the Bay Area Air Quality Management District (BAAQMD) 2017 CEQA Air Quality Guidelines, as well as the 2022 BAAQMD revised Greenhouse Gas (GHG) thresholds. As demonstrated in the Assessment, the Project emissions are significantly below BAAQMD Criteria Air Pollutant Thresholds and the 2017 BAAQMD CEQA Air Quality Guidelines for both construction and operation.
- As discussed in the March 2024 Addendum to the Elm Tree Station Mitigated Negative Declaration, the GHG emissions associated with the Elm Tree Station project were analyzed by James Reyff of Illingworth & Rodkin, Inc. in a memo dated March 6, 2024, titled GHG Emissions Modeling. The technical analysis, based on CalEEModeling, concluded that the annual project GHG emissions would be 671 metric tons. This level of emission is 39% less than the numeric threshold of significance used by the BAAQMD in the 2017 CEQA Guidelines. Further, the proposed Project includes several features that aid in the reduction of GHG, including the following:
  - Electric vehicle charging stations, which can be expanded in the future.
  - Fuel pumps that will be operated using solar power to the extent possible.

- Fresh food market which will be in walking distance to the planned residential development.
  - Enhancement of pedestrian and bicycle opportunities by providing a connection to the Joe Rodota trail.
  - The creation of a destination or rest stop for bicyclist or walkers by providing a privately maintained public park with picnic tables and benches, drinking fountain, trellised resting area, and bicycle racks.
  - The provision of an on-site one-bedroom apartment.
- As documented in the March 2024 Addendum to the Elm Tree Station Mitigated Negative Declaration, the Project complies with the City's Climate Action Plan.
  - The buildings and site will be fully accessible pursuant to Americans with Disabilities Act (ADA) and applicable building codes.
  - The Project is conditioned to prevent loitering, littering, and graffiti on the premises; and

F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). The Project has the same land uses analyzed by the Initial Study/Mitigated Negative Declaration (MND) that was adopted by the Planning Commission on October 24, 2013 (Resolution No. 11653); an Addendum has been prepared (J. Kapolchok and Associates, March 2024) pursuant to CEQA Guidelines Section 15164. Pursuant to CEQA Guidelines Section 15162(a) and 15164(b), an Addendum is an appropriate subsequent document to a previously adopted MND when minor technical changes or additions to a project are necessary, or none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Substantial evidence presented in the Addendum prepared for the Project demonstrates that the Project will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance which shows the project will have significant or more severe impacts than discussed in the previous MND (CEQA Guidelines section 15162). Therefore, preparation of an Addendum is proper and additional analysis is not warranted.

BE IT FURTHER RESOLVED that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that this Conditional Use Permit for Elm Tree Station, to be located at 874 N Wright Road, is approved subject to each of the following conditions:

**DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

**GENERAL:**

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. Compliance with all conditions included in the Engineering Development Services Exhibit "A" dated September 4, 2024, attached hereto and incorporated herein.
3. Compliance with all Mitigation Measures included in the Elm Tree Station MMRP included in Resolution 1 – Exhibit A.
4. All work shall be done according to the final approved plans dated September 25, 2021.
5. The address shall be displayed in a prominent location on the street side of the property. The numbers shall be no less than 6-inches in height and shall be of a contrasting color to the background to which they are attached. The address shall be illuminated during hours of darkness per City "Premises Identification" requirements.
6. No off-site beer, wine, or liquor sales are allowed on the Project site without securing necessary approval(s) from the City of Santa Rosa Planning and Economic Development Department and California Alcoholic Beverage Control.
7. Compliance with the City's Outdoor Lighting Ordinance in Zoning Code Section 20-30-080 is required.
8. No exterior signs, banners, or the like are approved with this permit. A Planning sign permit application is required for all signage.
9. Noise-generating construction shall be limited to the hours between 8:00 a.m. to 6:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. No construction activities are permitted on Sunday or holidays. Exceptions may be made for large concrete pours or other construction activities that must begin earlier in the day or extend into the evening hours. In the event that an exception is necessary, the developer shall provide a ten-day notice to all property owners and occupants of properties within 600 feet.
10. Post a publicly visible sign at the primary Project construction entrance listing the permitted construction days and hours, complaint procedures

and who to notify in the event of a problem. The sign shall also include a listing of telephone numbers to be used during regular construction hours and off-hours to contact both the City and the construction contractor regarding noise complaints.

11. All construction equipment shall have appropriate sound muffling devices, which are properly maintained and used at all times such equipment is in operation.

#### **EXPIRATION AND EXTENSION:**

12. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
13. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

#### **BUILDING DIVISION:**

14. Provide a geotechnical investigation and soils report with the building permit application. The investigation shall include subsurface exploration and the report shall include grading, drainage, paving and foundation design recommendations.
15. Obtain building permits for the site work and for each structure.

#### **ENGINEERING DIVISION:**

16. All conditions listed in Resolution 1 – Exhibit A, Engineering Development Services, dated September 4<sup>th</sup>, 2024.

#### **PLANNING DIVISION:**

18. Prior to final occupancy, the applicant shall provide the City with a copy of a long-term agreement for two parking spaces on Lot 1 to be utilized by the retail building on Lot 2.
19. The applicant shall obtain a license agreement from Sonoma County Regional Parks to construct the two Joe Rodota Trail connectors located on Sonoma County property. Proof of the license agreement shall be provided to the Planning and Economic Development Department prior to issuance of a building permit.

20. The applicant shall install bicycle legends along N. Wright Road, adjacent to both project driveways, and shall install clear and visible signage at the access points between the Joe Rodota Trail and the bypass path through the project site.
21. Hours of operation for the general retail shall be limited to 6:00am – 11:00pm. The gas station is permitted to operate 24 hours a day, seven days a week.
22. The apartment unit shall be rented to any employee of either of the two general retail land uses comprising the Project site.
23. TREE PRESERVATION:
  1. A qualified biologist shall conduct pre-construction surveys for nesting birds if construction occurs within the typical nesting bird season (February 1 to August 31). Pre-construction surveys shall also be completed for special-status bats. These surveys shall be conducted within 14 days prior to development or ground disturbing activities and may be combined as appropriate. If development does not commence within 14 days of the pre-construction surveys, or halts for more than 14 days, additional surveys are required prior to resuming or starting work. If the surveys show that there is no evidence of active nests or occupied special-status wildlife habitat, then a letter report(s) should be prepared to document the survey results and provided to the Project proponent and no additional measures are recommended.
  2. If active nests or occupied special-status wildlife are found, a qualified biologist shall establish species-specific buffer zones to prohibit development activities and minimize disturbance until the biologist determines that a buffer is no longer necessary.
  3. A qualified biologist shall conduct an environmental awareness training to all Project-related personnel prior to the initiation of work. The training shall cover all special-status wildlife species with the potential to occur within the Study Area.
24. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080),



25. PROJECT DETAILS:

- A. All project details shall be in accordance with the restrictions and limitations of the City Zoning and Uniform Building Codes, as well as the City's Design Review Guidelines.
- B. The design of all fencing, sound walls, carports, trash enclosures, and similar accessory site elements shall be compatible with the architecture of main buildings and shall use similar materials. The design must be approved by the Planning Division prior to issuance of a building permit.
- C. All roof appurtenances, accessory equipment, and meters must be totally screened from public view by an architecturally design element approved by the Design Review Board or Planning Division.
- D. All outdoor storage of materials or refuse bins/cans shall be maintained within a completely screened structure or area. The design of the screened structure or area shall be approved by the Planning Division prior to issuance of a building permit.

26. LANDSCAPING:

- A. All required landscaping and irrigation must be installed prior to operation per the approved final plans.
- B. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans, except where not required.
- C. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.

27. PARKING:

- A. The parking lot shall be constructed to City standards.
- B. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Department of Community Development in some other fashion.
- C. The parking lot shall be striped according to City standards and all handicapped and compact spaces shall be identified and marked accordingly.

- D. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.

28. NATURAL RESOURCES:

- A. Advisement. The applicant, its successors, heirs, assigns or transferees are advised in writing that this approval or permit prior to the start of any construction may be subject to certain other clearances, approvals, permits, or authorizations by state and/or federal agencies. The applicant shall acknowledge in writing receipt of the above advisement.
- B. Mitigation requirement. The City's approval or permit is valid only if the applicant, its successors, heirs, assigns or transferees, comply with the terms, conditions and mitigations set forth in any clearance, permit or approval except that any permit condition or mitigation that requires project redesign shall trigger a review by the City of Santa Rosa Director of Planning and Economic Development to determine if the project as redesigned is consistent with the original approval. A project that the City determines is not consistent with the City approval shall not be granted subsequent entitlements, such as approval of improvement plans and final maps, but excluding grading or building permits of any type. Such a project would have to be resubmitted to the City and reviewed by the City as a new project, including the submittal of a new application and fees.
- C. Power to stop work if violation occurs. Nothing in this approval shall prevent the City of Santa Rosa from exercising its power to stop work in instances where a violation of state or federal law is brought to the City's attention.
- D. No building or grading permit of any type shall be issued by the City until a required federal or state, as applicable, clearance or authorization, with or without conditions, has been filed with the City.
- E. All mitigation measures present in the Mitigation Monitoring and Reporting Program, dated August 26, 2013, are applicable to the Project.

## **FIRE DEPARTMENT**

29. The project is subject to the building codes in effect at time of building permit application. The applicant may wish to request extensions to the previously approved applications. The next code cycle is scheduled to go into effect on January 1, 2023.
30. Deferred submittals required for onsite private fire main, fire sprinklers, fire alarm and underground storage tanks.

## **RECEATION AND PARKS DEPARTMENT**

31. Parks acquisition and/or park development fees shall be paid at the time of building permit issuance. The fee amount shall be determined by the resolution in effect at the time.
32. All landscaping shall be privately maintained and irrigated. Property owner shall be responsible for the irrigation and maintenance of the street trees and maintenance of the planter strips in front of and alongside of the project.

BE IT FURTHER RESOLVED that the City Council of the City of Santa Rosa finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

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

AYES: (5) Mayor Stapp, Vice Mayor Alvarez, Council Members MacDonald, Okrepkie, Rogers

NOES: (2) Council Members Bañuelos, Fleming

ABSENT: (0)

ABSTAIN: (0)

RECUSE: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney