

From: [Buckheit, Lani](#)
To: [PLANCOM - Planning Commission](#)
Cc: [Woltering, Nancy](#); [Lyle, Amy](#); [Toomians, Kristinae](#)
Subject: Late Correspondence Item 9.2, 7-Eleven and Item 9.3, Housing Legislation
Date: Wednesday, May 10, 2023 5:29:53 PM
Attachments: [Item 9.2 - Late Public Correspondence 5.10.23.pdf](#)
[Item 9.3 - Staff Report REVISED.docx](#)
[Item 9.3 Exhibit A - REVISED.pdf](#)
[Item 9.3 REVISED Attachment 2 - Proposed Redline Changes to Zoning Code.pdf](#)
[Item 9.3 - REVISED Presentation.pdf](#)

- PLEASE DO NOT REPLY TO ALL -

Chair Weeks and members of the Planning Commission,

The reason for this email is to provide you with late correspondence for item 9.2, Public Hearing –7 Eleven, and Item 9.3 – Housing Legislation, scheduled for this week’s Planning Commission meeting on May 11, 2023. Please see attached.

Item 9.2:

1. Late Public Correspondence

Item 9.3:

1. Staff Report

Table 1: Maximum Supplemental Density Bonus Table (Table 3-2 in Exhibit A)

Table 1 has been revised to clarify the Maximum Supplemental Density Bonus, as follows:

- Projects in an eligible Land Use and within a ½ mile to a Major Transit Stop have a Maximum Supplemental Density Bonus of 45% (instead of 30% previously noted).
- Projects in an eligible Land Use and within a ½ mile to a School Facility have a Maximum Supplemental Density of 45% (instead of 30% previously noted).
- Projects in an eligible Land Use, within a ½ mile to a Major Transit Stop, and within a ½ mile to a School Facility, have a Maximum Supplemental Density of 65% (instead of 50% previously noted).
- The total, not to exceed, Density Bonuses are also clarified.

Zoning Code Section 20-50.020, Table 5-1

- A discussion of the Authority for Land Use and Zoning Decisions was added to the staff report to note amendments made in Table 5-1. The changes clarify that the Director makes the decision regarding Density Bonus/Affordable Housing Incentives, and the Zoning Administrator makes the decision regarding Supplemental Density Bonus projects. Supplemental Density Bonus Projects require a Minor Conditional Use Permit and therefore may be appealed to the Planning Commission.

2. Exhibit A – Proposed Zoning Code Text Amendments

Section 20-31.70, Table 3-2: Maximum Supplemental Density Bonus Table

- Table 3-2, Maximum Supplemental Density Bonus, was revised as described in the Staff Report, above.

Section 20-31.090, Available Incentives and Concessions

- A minor revision was made to clarify that projects that are 100 percent affordable that are located within a half mile of a Major Transit Stop, are currently entitled to a height increase of up to three additional stories or 33 feet. One hundred (100) percent affordable projects located within Very Low Vehicle Travel Areas are now also entitled to a height increase of up to three additional stories, or 33 feet, and are also not subject to any maximum controls on density.

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Section 20-70.020, Definitions of specialized terms and phrases

- The definition of Major Transit Stop was revised to include any Major Transit Stop included in an applicable regional transportation plan.
3. Attachment 2 – Proposed Redline Changes to Zoning Code
 - Revisions were made consistent with Exhibit A – Proposed Zoning Code Text Amendments.
 4. PowerPoint Presentation
 - Slide 9 was revised to clarify that projects that are 100 percent affordable to lower income households and are located within ½ mile of a major transit stop are currently entitled to an additional height of 3 stories, or 33 feet.
 - With AB 2334, projects that are 100 percent affordable to lower income households that are located within Very Low Vehicle Travel Areas, are now entitled to the additional height of three stories, or 33 feet, and unlimited density.

This will also be added to the agenda.

Thank you!

Lani Buckheit | Administrative Secretary

Planning & Economic Development Department | 100 Santa Rosa Ave. Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3226 | lbuckheit@srcity.org



Santa Rosa Planning Commission
City Hall, 100 Santa Rosa Ave,
Santa Rosa, CA, 95404
Via email: planningcommission@srcity.org

May 9, 2023

Subject: 7-Eleven, Inc. – Conditional Use Permit for 43 Middle Rincon Rd. (CUP 19-097) OPPOSE

Dear Chair Weeks and Commissioners:

I am writing today in opposition to the Conditional Use Permit for 43 Middle Rincon Rd - specifically objecting to a new gas station at this location. As a member of Coalition Opposing New Gas Stations (CONGAS), I have worked alongside my fellow concerned citizens to successfully defeat other proposed gas stations because the planet is in a climate emergency and we believe it's time to stop contributing to the problem.

Considering California has mandated that, starting in 2035, all new passenger vehicles sold must be electric, there will be fewer and fewer gas cars on the road over time diminishing the need for gas stations. Currently there are plenty of gas stations in Sonoma County for the number of cars. People do not wait in lines to buy gas as there are ample stations (unless they choose to buy at Costco). New stations are not needed. Especially on a corner where a gas station already exists. A new gas station is not a good business proposition for the owner or the City.

I want to be sure the Commission is aware that there is community opposition to a new gas station at this location. In Feb 2020, local residents and folks from all over Sonoma County came out to protest the siting of a gas station at this location. Please see attached photos. That sentiment is still strong. Neighbors do not want or need another gas station at this location. Nor do other Sonoma county residents.

Permitting a new gas station would be going in the opposite direction of the important trend and precedent being set in Sonoma County. The County of Sonoma and six cities (Petaluma, Sebastopol, Rohnert Park, Windsor, Cotati and Santa

Rosa) have all banned new gas stations. These elected officials understand the gravity of the issue of climate change and the desire of their constituents to be proactive. The Santa Rosa Planning Commission should deny the permit for a new gas station at this location and align with the community wishes to reduce greenhouse gas emissions. Additionally, as pointed out in a letter submitted by CONGAS, the Planning Commission must not grant the permit because a gasoline station at this location would be detrimental to the public interest, health, welfare, and safety. Continuing to contribute to the climate crisis is definitely perilous for the future health of the children of Sonoma County and children everywhere.

I respectfully request that the Planning Commission deny the Conditional Use Permit for a new gas station at 43 Middle Rincon Rd.. It is unnecessary, will contribute to climate change, may be deleterious to the health of the children attending the nearby elementary school, is unwanted by neighbors, and is not in alignment with the direction of the city of Santa Rosa regarding gas stations and climate action.

Sincerely,
Laurie-Ann Barbour
Cotati, CA

WEST

CALIFORNIA
12

MIDDLE RINCON RD



NO GAS STATION HERE!

FOSSIL FUELS

NO NEW GAS STATIONS

NO NEW GAS STATIONS

STOP POURING FUEL ON THE FIRE!

NO NEW GAS STATIONS

THIS IS AN EMERGENCY
ACT LIKE IT

NO NEW Gas Stations!

GEN GREEN NEW DEAL

WE ARE IN A CLIMATE CRISIS: NO NEW GAS STATIONS

NO MORE GAS STATIONS!

NO NEW GAS STATIONS

Climate Inequality Equals No New Gas Stations

Fence Bundle 321-7210

Fence Services 701-596-1881

19431



~~NEW~~
~~GAS~~
STATIONS





NO
NEW
GAS
STATIONS

GEN
GREEN
NEW
DEAL

THIS IS AN
EMERGENCY
**ACT
LIKE
IT**

NO NEW
Gas
Stations!

NO MORE
GAS
STATIONS!

WE ARE IN
A
CLIMATE
CRISIS:
NO NEW
GAS STATIONS

MIDDLE RINCÓN 102

12



69°
69°



NO NEW GAS STATIONS

NO MORE GAS STATIONS

NO NEW GAS STATIONS

We live in a **CLIMATE CRISIS**.
NO NEW GAS STATIONS

NO MORE GAS STATIONS!

STDP PUT NO'S FUEL AND FIRE!

ACT LIKE IT

NO New Gas Stations!

GEN GREEN NEW DEAL

NO NEW GAS STATIONS



GAS STATIONS
GAS STATIONS

ELEVEN

NO
NEW
GAS
STATIONS

STOP POURING
FUEL
ON THE
FIRE!

THIS IS AN
EMERGENCY

ACT
LIKE
IT

THE GAS STATIONS
STATIONS



WE ARE IN
A
CLIMATE
CRISIS:
NO NEW
GAS STATIONS

STOP POURING,
FUEL
ON THE
FIRE!

SUNR
MOVEM

WE HAVE A RIGHT TO
GOOD JOBS
AND
A LIVABLE
FUTURE

THIS IS AN
EMERGENCY
ACT
LIKE
IT

[EXTERNAL] 43 Middle Rincon Rd. Gas Station - Planning Commission Agenda item 9.3

Alexa Forrester <alexaforrester@gmail.com>

Wed 5/10/2023 6:37 AM

To: Toomians, Kristinae <KToomians@srcity.org>; **_PLANCOM - Planning Commission**
<planningcommission@srcity.org>

Dear Planning Commissioners,

We are writing about the conditional use permit application for the project at Middle Rincon Valley Road and Highway 12.

We are writing to oppose the installation of any new gas fueling stations on this parcel.

As a RVUSD family, we support the applicants' interest in remodeling this parcel in a way that brings value to the local community, including a small-scale grocery and convenience store, and even perhaps electric charging stations, but we are strongly opposed to installation of any gas pumps at the site.

They are not needed, and the negative impacts of such development far outweigh any benefits.

Our family regularly uses the Valero at the corner of 12 and Melita Road, or at the 76 station at the corner of 4th and Farmer's Lane. In 12 years of living in the area, we cannot remember ever having to wait for a pump at either of these locations.

What this suggests to us is that any potential customers that would use this filling station would be diverted from these other stations, rather than meeting some unmet demand. And, with population remaining relatively steady and increased adoption of electric vehicles, it is not likely that there will be any significant surge in demand in the coming decades. Thus, there is no community need for this gas station.

There are, however, significant downsides for the community if this land use is permitted -- most important to us is the air pollution caused to the direct neighbors of the property and the nearby elementary school, and the risk of pollution underground.

Beyond this, we think the planning commission's reasoning for its recent approval of a prohibition on new gas station construction was spot-on, and that reasoning applies equally to this project, even if the prohibition as written does not officially preclude this project.

Again, we are grateful that the applicants are interested in investing in Rincon Valley and bringing improvements to the area. We just don't believe that any project that includes gas pumps at this site can be called an 'improvement.'

Thank you for your consideration of our perspective,

Alexa Forrester & Chris Guenther

Code: Section: [Up^](#)[Add To My Favorites](#)**STREETS AND HIGHWAYS CODE - SHC****DIVISION 1. STATE HIGHWAYS [50 - 897]** (*Division 1 enacted by Stats. 1935, Ch. 29.*)**CHAPTER 2. The State Highway System [230 - 635]** (*Chapter 2 enacted by Stats. 1935, Ch. 29.*)**ARTICLE 2. The California Freeway and Expressway System [250 - 257]** (*Article 2 added by Stats. 1959, Ch. 1062.*)

250. It is hereby declared to be essential to the future development of the State of California to establish and construct a statewide system of freeways and expressways and connections thereto without regard to present jurisdiction over the highways, roads, and streets that might be included. It is the intent, further, that the California Freeway and Expressway System be completed with provision for control of access to the extent necessary to preserve the value and utility of the facilities to be constructed.

(*Added by Stats. 1959, Ch. 1062.*)

251. It is further declared to be essential to the future development of the State of California that the deficiencies on the State Highway System not a part of the California Freeway and Expressway System and deficiencies on connections to the State Highway System be corrected simultaneously with the highways in the California Freeway and Expressway System in proportion to the relative deficiencies and the needs of traffic service.

(*Added by Stats. 1959, Ch. 1062.*)

252. The Legislature recognizes that the dynamic growth of this State will require periodic review of the California Freeway and Expressway System. The Legislature recognizes further that all highway planning and construction

work should be correlated with a plan to provide a comprehensive system of access-controlled freeways and expressways throughout the State, and that the California Freeway and Expressway System established by this article has been selected and developed as a result of scientific studies by all levels of government in the State of California.

(Added by Stats. 1959, Ch. 1062.)

253. The California Freeway and Expressway System is hereby established and shall be composed of the highways specified in this article.

(Repealed and added by Stats. 1968, Ch. 282.)

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 11, 14, 15, 18, 24, 28, 32, 34, 37, 40, 44, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 93, 97, 100, 102, 103, 105, 107, 108, 118, 121, 122, 124, 125, 126, 134, 136, 139, 140, 145, 148, 149, 154, 156, 161, 163, 164, 179, 181, 183, 184, 199, 205, 210, 215, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 241, 242, 247, 249, 251, 257, 258, 259, 261, 280, 330, 371, 380, 405, 505, 580, 605, 680, 780, 805, 880, and 980 in their entirety.

(Amended by Stats. 2019, Ch. 835, Sec. 4. (SB 7) Effective January 1, 2020.)

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Los Angeles-Ventura county line to Route 101 near El Rio.
- (b) Route 101 near Las Cruces to Route 227 south of Oceano.
- (c) Route 101 near San Luis Obispo to San Simeon.
- (d) The north limits of Carmel to the west city limits of Santa Cruz.
- (e) The Higgins-Purisima Road to Route 280 south of San Francisco.
- (f) Route 280 to the San Francisco county line.
- (g) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.
- (h) Route 128 near the mouth of the Navarro River to Route 101 near Leggett.

Route 2 from Glendale Boulevard in Los Angeles County to Route 210.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 in Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 99 near Lodi via Rio Vista.

(e) Route 99 near Lodi to Route 88 near Lockeford.

(f) Route 88 near Clements to Route 49 near San Andreas.

Route 13 from:

(a) Route 61 near the Oakland International Airport to Route 24.

(b) Route 80 to Route 61 near Emeryville.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 17 from:

(a) Route 1 near Santa Cruz to Granite Creek Road near Scott's Valley.

(b) The south city limits of Los Gatos to Route 280 in San Jose.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

(Amended by Stats. 2001, Ch. 136, Sec. 1. Effective July 31, 2001.)

253.3. The California freeway and expressway system shall also include:

Route 22 from:

(a) Studebaker Road in Long Beach to Route 405.

(b) Route 405 to Route 55 near Orange.

Route 23 from:

(a) Route 101 in Thousand Oaks to Route 118.

(b) Route 118 to Route 126 near Fillmore.

Route 25 from:

(a) Route 180 near Paicines to Route 156 in Hollister.

(b) Route 156 in Hollister to Route 101 near Gilroy.

Route 26 from Route 99 near Stockton to Route 12.

Route 29 from:

(a) Route 80 near Vallejo to Oak Knoll Avenue north of the City of Napa.

(b) The Napa-Lake county line to Route 20.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 near Maricopa.

(c) Route 152 west of Los Banos to Route 5 near Santa Nella.

Route 35 from Route 280 to Route 1 near Daly City.

Route 36 from Route 5 at Red Bluff to Route 395.

Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.

Route 39 from Route 5 to Route 210.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 to Route 99 near Fresno.

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

Route 43 from Route 5 to Route 99 near Selma.

Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

(Amended by Stats. 1998, Ch. 877, Sec. 15. Effective January 1, 1999.)

253.4. The California freeway and expressway system shall also include:

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 at Mariposa.

(b) Route 108 south of Jamestown to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.

(d) Route 80 near Auburn to Route 20 in Grass Valley.

(e) Route 20 at Nevada City to Route 89 near Sattley.

(f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

(a) Route 5 to Route 43.

(b) Route 43 to Route 99.

(c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near Whitewater to Route 247 near Yucca Valley.

Route 76 from Route 5 near Oceanside to Route 15.

Route 77 from Route 93 westerly of Moraga to Route 24 near Lafayette.

(Amended by Stats. 1984, Ch. 409, Sec. 4.)

253.5. The California freeway and expressway system also includes:

Route 79 from:

(a) Route 8 near Descanso to Route 78.

(b) Route 371 near Aguanga to Route 15 near Temecula.

(c) Route 15 near Temecula to Route 74 near Hemet.

(d) Route 74 near Hemet to Route 10 near Beaumont.

Route 84 from:

(a) The westerly approach to the Dumbarton Bridge to Route 880.

(b) Route 880 to Route 238.

(c) Route 680 near Scotts Corners to Route 580 in Livermore.

(d) Route 580 in Livermore to Route 4 near Brentwood.

(e) Route 12 at Rio Vista to Route 50 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 in Indio.

Route 91 from Route 405 to Route 215 near Riverside.

Route 92 from:

(a) Route 1 near Half Moon Bay to Route 280.

(b) Route 280 to Route 238.

Route 94 from Route 5 near San Diego to 0.3 miles east of Sweetwater Bridge.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

(a) Route 5 south of Bakersfield to Route 50 in Sacramento.

(b) Route 5 in Sacramento to Route 36 near Red Bluff.

Route 101 from:

(a) Route 5 near Seventh Street in Los Angeles to near Fell Street in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 110 from Route 47 to Colorado Boulevard in Pasadena.

(Amended by Stats. 1992, Ch. 1243, Sec. 28. Effective September 30, 1992.)

253.6. The California freeway and expressway system shall also include:

Route 111 from:

(a) The international boundary south of Calexico to Route 78 near Brawley passing east of Heber.

(b) Route 78 near Brawley to Route 86 near Mecca via the north shore of the Salton Sea.

(c) San Rafael Drive in Palm Springs to Route 10 near Whitewater.

Route 113 from Route 80 near Davis to Route 99 near Tudor.

Route 116 from:

(a) Route 181 near Forestville to Route 101 near Cotati.

(b) Route 101 near Petaluma to Route 121 near Schellville.

Route 120 from:

(a) Route 5 near Mossdale to the west boundary of Yosemite National Park.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 127 from Route 15 near Baker to Route 190 near Death Valley Junction.

Route 128 from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 to Route 29 at Calistoga.

(c) Route 121 to Route 113 near Davis.

Route 132 from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 65.

(Amended by Stats. 1990, Ch. 1187, Sec. 2.)

253.7. The California freeway and expressway system shall also include:

Route 133 from Route 73 to Route 241.

Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 142 from Route 71 near Chino to Route 210 near Upland.

Route 152 from Route 101 to Route 65 near Sharon via Pacheco Pass.

Route 160 from:

(a) Route 4 near Antioch to Route 12 near Rio Vista.

(b) Sacramento to Route 51.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Fresno to Huntington Lake.

Route 170 from Route 101 near Riverside Drive to Route 5 near Tujunga Wash.

Route 178 from:

(a) Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 25 near Paicines to Route 5.

(b) Route 5 to Route 99 passing near Mendota.

(c) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

(Amended by Stats. 2015, Ch. 451, Sec. 12. (SB 491) Effective January 1, 2016.)

253.8. The California freeway and expressway system shall also include:

Route 227 from Route 1 south of Oceano to Route 101 near Arroyo Grande.

Route 244 from Route 80 to Auburn Boulevard.

Route 299 from Route 101 near Arcata to Route 395 at Alturas.

Route 395 from:

(a) Route 15 near Cajon Pass to the Nevada state line.

(b) Nevada state line northwest of Reno to Route 36 near Johnstonville.

(c) Route 36 near Termo to the Oregon state line.

Route 905 from Route 5 near the south end of San Diego Bay to the international boundary southerly of Brown Field.

(Amended by Stats. 1998, Ch. 828, Sec. 7. Effective January 1, 1999.)

253.9. (a) The California freeway and expressway system shall also include Route 710 from:

(1) Route 47 to Route 1.

(2) Route 1 near the City of Long Beach to Route 10 near the City of Alhambra.

(3) Route 10 near the City of Alhambra to Route 210 near the City of Pasadena.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

(Added by Stats. 2019, Ch. 791, Sec. 3. (AB 29) Effective January 1, 2020. Repealed as of January 1, 2024, by its own provisions. See identical section added by Sec. 5, Stats. 2019, Ch. 835. See later operative section added by Sec. 4, Stats. 2019, Ch. 791.)

253.9. (a) The California freeway and expressway system shall also include Route 710 from:

(1) Route 47 to Route 1.

(2) Route 1 near the City of Long Beach to Route 10 near the City of Alhambra.

(3) Route 10 near the City of Alhambra to Route 210 near the City of Pasadena.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

(Added by Stats. 2019, Ch. 835, Sec. 5. (SB 7) Effective January 1, 2020. Repealed as of January 1, 2024, by its own provisions. See identical section added by Sec. 3, Stats. 2019, Ch. 791. See later operative section added by Sec. 6, Stats. 2019, Ch. 835.)

253.9. (a) The California freeway and expressway system shall also include Route 710 from:

(1) Route 47 to Route 1.

(2) Route 1 near the City of Long Beach to Alhambra Avenue in the City of Los Angeles.

(3) California Boulevard in the City of Pasadena to Route 210.

(b) This section shall become operative on January 1, 2024.

(Repealed (in Sec. 3) and added by Stats. 2019, Ch. 791, Sec. 4. (AB 29) Effective January 1, 2020. Section operative January 1, 2024, by its own provisions. See identical section added by Sec. 6, Stats. 2019, Ch. 835.)

253.9. (a) The California freeway and expressway system shall also include Route 710 from:

(1) Route 47 to Route 1.

(2) Route 1 near the City of Long Beach to Alhambra Avenue in the City of Los Angeles.

(3) California Boulevard in the City of Pasadena to Route 210.

(b) This section shall become operative on January 1, 2024.

(Repealed (in Sec. 5) and added by Stats. 2019, Ch. 835, Sec. 6. (SB 7) Effective January 1, 2020. Section operative January 1, 2024, by its own provisions. See identical section added by Sec. 4, Stats. 2019, Ch. 791.)

254. As specific locations are determined by the commission for portions of state highways included in the California freeway and expressway system, the commission shall designate the particular portion as a part of the California freeway and expressway system and the planning and design of such highways shall include provision for such access control as the department and the commission determine essential to protect the investment of any improvements made and to permit the ultimate development of a full freeway or an expressway when traffic and other conditions require. Such declaration by the commission shall have the effect of declaring the particular portion affected a freeway within the meaning of Section 100.2.

(Amended by Stats. 1980, Ch. 777, Sec. 58.)

255. Nothing contained in this article shall prevent the department, either by acquisition or by condemnation, from terminating easements of access to any state highway not in the California Freeway and Expressway System, provided that such action by the department shall not have the effect of including the highway in the California Freeway and Expressway System.

(Added by Stats. 1959, Ch. 1062.)

256.1. Prior to recommending to the Legislature the deletion of a highway, or a portion thereof, from the state highway system, the commission or the department shall hold a public hearing on, and shall give written notices to the legislative bodies of the cities and counties located in the affected area of, the proposed recommendation, and shall publish notice of the public hearing in a newspaper of general circulation in the areas affected by the proposed deletion. The commission or the department may, at its own option, because of controversy or lack of local consensus, hold the hearing at a location which is reasonably convenient to the communities affected by the proposed deletion, to the general public, and to the commission or the department in the discharge of its regular business.

(Amended by Stats. 1998, Ch. 828, Sec. 8. Effective January 1, 1999.)

257. For the purpose of this article only, and to distinguish between the terms "freeway" and "expressway," the word "freeway" shall mean a divided arterial highway for through traffic with full control of access and with grade separations at intersections, while the word "expressway" shall mean an arterial highway for through traffic which may have partial control of access, but which may or may not be divided or have grade separations at intersections.

(Added by Stats. 1959, Ch. 1062.)

California Freeway and Expressway System
SR 12 segment (b) Route 101 near Santa Rosa to
Melita Road near Santa Rosa

Per California Streets and Highways Code (Div.1, Ch.
2, Art. 2, 253.2)

Project Site

SR 12 at Melita
Road



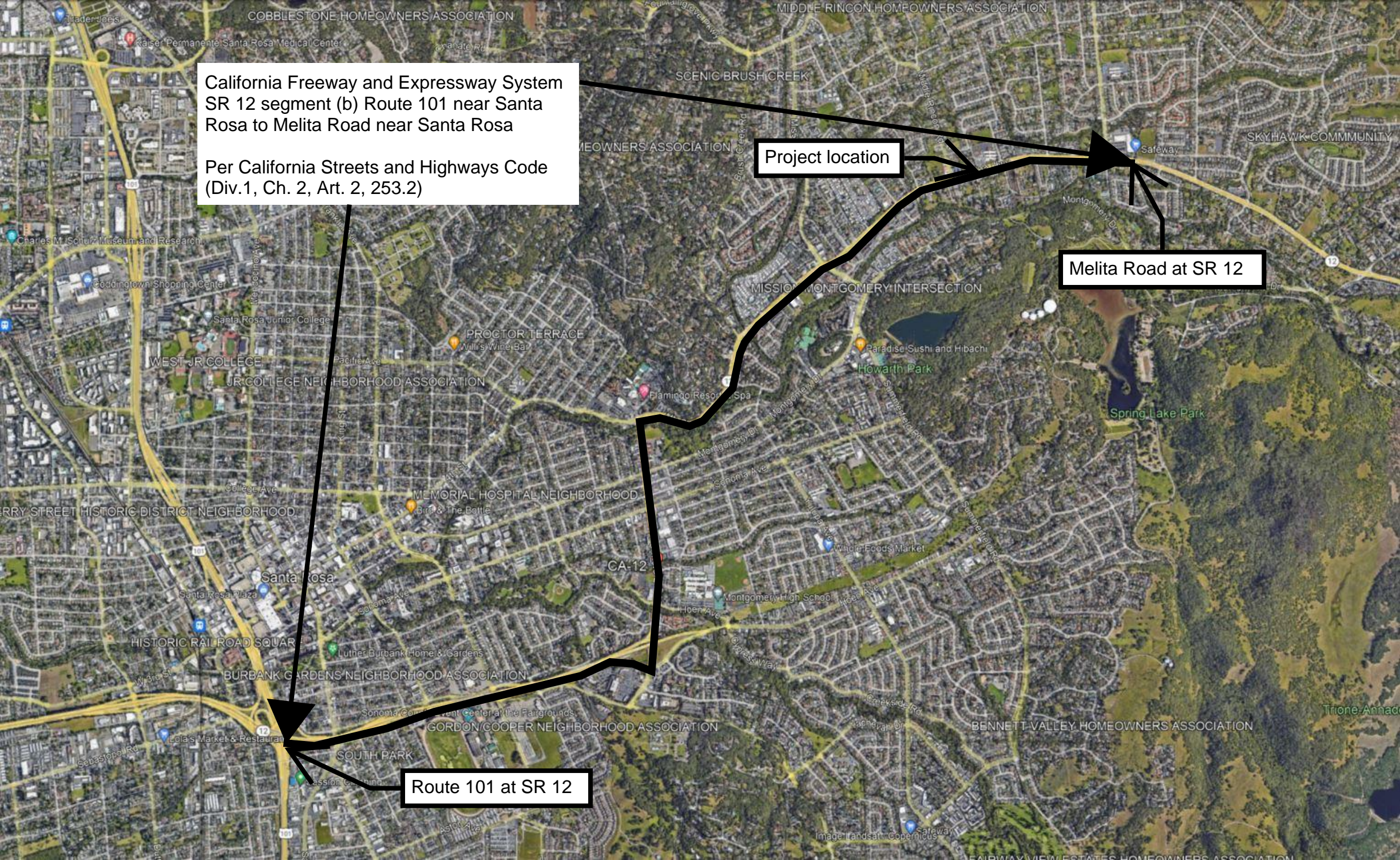
California Freeway and Expressway System
SR 12 segment (b) Route 101 near Santa
Rosa to Melita Road near Santa Rosa

Per California Streets and Highways Code
(Div.1, Ch. 2, Art. 2, 253.2)

Project location

Melita Road at SR 12

Route 101 at SR 12



[EXTERNAL] No New Gas Station

Chris Thompson & Tom Amato <amatothompson@gmail.com>

Wed 5/10/2023 4:02 PM

To: Toomians, Kristinae <KToomians@srcity.org>

Dear Planning Commissioners:

We are residents of the Oakmont Senior Retirement Community in Santa Rosa. We are concerned about the proposed new gas station to be built at 43 Middle Rincon Road in Santa Rosa. There are already two gas stations that we can use before we get into town and that is enough. The plan must be to reduce the harmful effects of CO2 to our community and our planet and not to increase it with the construction of more gas stations. Thank you for your consideration on this issue.

Sincerely, Chris Thompson and Tom Amato

May 10, 2023

[EXTERNAL] 43 Middle Rincon Rd. Gas Station - Planning Commission Agenda item 9.3

CONGAS <congas.contact@gmail.com>

Wed 5/10/2023 12:02 AM

To: **_PLANCOM - Planning Commission** <planningcommission@srcity.org>

Cc: Toomians, Kristinae <KToomians@srcity.org>

 2 attachments (205 KB)

CONGAS Letter to SR Planning Commission for 5-11-23.pdf; Resolution Denying CUP 19-097 - 43 Middle Rincon Rd..pdf;

Dear Chair Weeks and Planning Commission,

Please see attached letter from the Coalition Opposing New Gas Stations and draft Resolution denying the Conditional Use Permit for the Gasoline Station proposal at 43 Middle Rincon Road in Santa Rosa.

Please let us know if you have any difficulty opening the attachments or have any questions.

Thank you,
Woody Hastings, co-coordinator,
Coalition Opposing New Gas Stations
www.con-gas.org



Santa Rosa Planning Commission
City Hall, 100 Santa Rosa Ave,
Santa Rosa, CA, 95404
Via email: planningcommission@srcity.org

May 9, 2023

Subject: 7-Eleven, Inc. – Conditional Use Permit for 43 Middle Rincon Rd. (CUP 19-097) OPPOSE

Dear Chair Weeks and Commissioners:

There are many reasons why the Commission should deny the Conditional Use Permit (CUP) for the proposed gasoline station at 43 Middle Rincon Road. The reasons relate to the gasoline fueling component of the application. The Coalition Opposing New Gas Stations (CONGAS) respectfully asserts that the Planning Commission is required per existing zoning and Conditional Use Permit (CUP) rules, to deny the CUP for the construction of a gasoline station at 43 Middle Rincon Road. Alternatively, as a condition of approval of the project, the Commission could request that the applicant revise the plans to remove the gasoline fueling component of the project.

1. Santa Rosa's [Instructions for Conditional Use Permit Applications](#) state that *"the [Planning Commission] may approve a Major Conditional Use Permit or Minor Conditional Use Permit only after first finding all of the following,"* including 5) *"granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, or health, or safety, or convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located."* We underline the "or"s in that sentence to emphasize the point that the Commission must deny the CUP if it is the opinion of the Commission that any one of the standards are not met.

A gasoline station at this location would in fact be detrimental to the public interest, health, welfare, and safety. It is important to emphasize that the rules don't require a threshold or level of significant impact to justify denial of the CUP. The rules state that the project simply cannot be a nuisance or detrimental to the public interest. The Commission is required to deny the CUP if the project is anticipated to do any *one* of the harms on the list quoted above. That is the basis upon which the Planning Commission's denial of the CUP can rest.

Although the 43 Middle Rincon Road project was excluded from the September 2022 prohibition on new gas stations because its permit application was deemed complete in 2020, a completed application does not require the Commission to grant a permit for the construction of this new gas station. The Commission should deny the permit on the same grounds upon which the Commission and Santa Rosa City Council based the citywide prohibition.

Expansion of fossil fuel infrastructure prolongs and exacerbates the climate crisis and it is necessary for public interest, health, welfare, and safety that the city cease permitting new fossil fuel infrastructure. There is ample evidence that the burning of fossil fuels is the primary cause of anthropogenic climate heating.¹ Gasoline stations facilitate access to and burning of fossil fuels.

¹ <https://www.ipcc.ch/report/ar6/wg1/resources/climate-change-in-data/> (scroll to data point 7)

In addition to global climate pollution, gas stations, in their normal operation, emit hazardous toxic air contaminants, contaminate surface water runoff, and pose hazards of contamination of soil and groundwater.

Therefore, it is necessary for public interest, health, welfare, and safety that the Commission deny the gasoline fueling component of this project.

2. Santa Rosa zoning code prohibits a gas station to be located within 500 feet of an existing gas station except along US Highway 101 and Freeway 12.² The freeway designation of Route 12 terminates at Farmers Lane per the Existing Conditions Report CHAPTER 2. LAND USE AND COMMUNITY CHARACTER 2-28 City of Santa Rosa General Plan Update December 2020.³ It states: "*California State Route 12 (Highway 12) is an east-west highway that runs through Santa Rosa. Highway 12 is also known as Sonoma Highway (a regional/arterial street) east of Farmers Lane. City entries are at the urban growth boundary (UGB) on the east (Pythian Road) and west (Fulton Road). It is a controlled, four-lane freeway from Fulton Road to Farmers Lane. The freeway was originally intended to extend through the Spring Lake Area, but the extension was never completed. Instead it runs along Farmers Lane until it connects with 4th Street, and 4th Street transitions into Sonoma Highway heading east as a four-lane uncontrolled highway until it reaches the UGB. Through the west and central part of Santa Rosa, the highway is a controlled freeway that is designed principally to move large volumes of vehicles through the city and often poses a physical barrier that separates neighborhoods.*" Therefore, the Commission is bound by existing zoning code to disallow the gasoline fueling component of this project.

The Staff Report states that a gasoline station is needed at this location (Staff Report page 7 and 23). On page 7, the Staff Report states that "*having a service station open along HWY 12 could provide a safe stopping point for traveling motorists*" and again on page 23 "*Since there are very 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.*" This is unnecessary because the Chevron Gas Station (immediately across the street from the project site) already has gas pumps that operate and are available 24 hours and the existing 7-Eleven convenience store is open 24 hours. There are ten operating gasoline stations within a five-mile radius of this project site and over 40 in total in and near Santa Rosa. There is no need for another gasoline station in Santa Rosa.

Again, CONGAS respectfully requests that the Commission deny the project. To facilitate a denial, we have attached a draft resolution that substantiates this rationale for denial. As a condition of approval, the Commission could consider requiring 7-Eleven to revise the project removing the gasoline pumps from the project.

Sincerely,
Woody Hastings, Co-coordinator, CONGAS
Jenny Blaker, Co-coordinator, CONGAS

cc:
Julian Peterson, Vice Chair, Planning Commission
Charles Carter, member, Planning Commission
Patti Cisco, member, Planning Commission
Vicki Duggan, member, Planning Commission
Terrence Sanders, member, Planning Commission
Jeffrey Holton, member, Planning Commission
Kristinae Toomians, Senior Planner, Santa Rosa Planning Department

² <https://edms.srccity.org/WebLink/DocView.aspx?id=249202&dbid=0&repo=LaserficheInternal&cr=1> (page 277)


³ https://www.santarosafoward.com/files/managed/Document/273/SRGPU_ECR_CH2_CommunityCharacter_final.pdf

[EXTERNAL] May 11 - Public Hearing - Gas station proposal at 43 Middle Rincon Road, Santa Rosa

Marsha Dupre <marshad@sonic.net>

Wed 5/10/2023 3:23 PM

To: Toomians, Kristinae <KToomians@srcity.org>; **_PLANCOM - Planning Commission**
<**planningcommission@srcity.org**>

 2 attachments (4 MB)

43, 51, 55 Middle Rincon Rd, 4865 Highway 12 - Notice of Public Hearing - May 11, 2023.pdf; Agenda - May 11 - 43MRR.pdf;

Dear Members of the SR CC Planning Commission:

As a former SR CC member, many of us acknowledged the crisis of climate change and we were very pleased that the City developed the stated goal of reaching carbon neutrality by 2030. We had proposed an earlier deadline, but we know that progress often, sadly, moves more slowly than global warming. Please do vote "No" on Item 8.3 as it is well accepted that this should not happen in the middle of this severe climate crisis. Truly, not the time to be expanding fossil fuel infrastructure.

Thank You.

Sincerely,
Marsha

Marsha Vas Dupre, Ph.D.
Former Santa Rosa City Council Vice Mayor, SRJC Trustee
3515 Ridgeview Drive
Santa Rosa, CA 95404
707-528-7146

RESOLUTION NO. PC 2023-____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND DENYING A CONDITIONAL USE PERMIT FOR 7-ELEVEN, INC. LOCATED AT 43, 51, AND 55 MIDDLE RINCON ROAD, AND 4865 HIGHWAY 12, APNS 182-540-024 & -025- FILE NUMBER CUP19-097 (PRJ19-032)

WHEREAS, on August 22, 2019, an application was submitted requesting the approval of a Conditional Use Permit to allow for the demolition of all on-site structures, including an existing 7-Eleven convenience/retail store, two detached single-family dwellings, and accessory structures, and the construction of a new gas station and a 4,191-square-foot convenience store with 24 hour operation and alcohol beverage sales (Project), to be located at 43, 51, and 55 Middle Rincon Road, and 4865 Highway 12, also identified as Sonoma County Assessor's Parcel Number(s) 182-540-024 & -025 (Project Site); and

WHEREAS, on September 16, 2020, the Project application was deemed complete for processing by City Staff; and

WHEREAS, on September 13, 2022, the City Council adopted Ordinance No. ORD2022-010 (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." This Project meets this criterion because it was deemed complete for processing City Staff prior to the effective date of this Ordinance; and

WHEREAS, 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, the Planning Commission has 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

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 Planning Commission of the City of Santa Rosa finds and determines:

A. The proposed use does not comply with applicable provisions of the Zoning Code and the City Code. The Gas Station land use is only allowed in the CG Zoning District with a Major

Conditional Use Permit. Zoning Code Section 20-42.150¹ 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 residential uses, and distance between service station sites. Zoning Code Section 20-42.150(3) states

“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; and

b. A service station site incorporated into a PD project (Section 20-26.060).”

The proposed gas station does not meet this location requirement. Within 500 feet from the proposed gas station there is an existing Chevron gas station to the east, at the northeast corner of Middle Rincon Road and Sonoma Highway 12. The Freeway designation of Route 12 terminates at Farmers Lane per the Existing Conditions Report CHAPTER 2. LAND USE AND COMMUNITY CHARACTER 2-28 City of Santa Rosa General Plan Update December 2020.”² It states: *“California State Route 12 (Highway 12) is an east-west highway that runs through Santa Rosa. Highway 12 is also known as Sonoma Highway (a regional/arterial street) east of Farmers Lane. City entries are at the urban growth boundary (UGB) on the east (Pythian Road) and west (Fulton Road). It is a controlled, four-lane freeway from Fulton Road to Farmers Lane. The freeway was originally intended to extend through the Spring Lake Area, but the extension was never completed. Instead it runs along Farmers Lane until it connects with 4th Street, and 4th Street transitions into Sonoma Highway heading east as a four-lane uncontrolled highway until it reaches the UGB. Through the west and central part of Santa Rosa, the highway is a controlled freeway that is designed principally to move large volumes of vehicles through the city and often poses a physical barrier that separates neighborhoods.”* The proposed gas station is adjacent to Sonoma Highway 12. The proposed use does not comply with Zoning Code Section 20-42.150(3); and

B. The proposed use is not consistent with the General Plan, in that the proposed uses are not consistent with General Plan Land Use and Livability Goal LUL-J-1 due to the fact that the proposed Project will not satisfy the needs of the people who live and work in close proximity or surrounding future neighborhoods, as well as the traveling public. The proposed gas station is not needed; there are already sufficient gas stations in Santa Rosa to satisfy current and future gasoline demand. Within 500 feet from the proposed gas station there is an existing Chevron and there are nine other gas stations within a 5-mile radius of the project location. There is much public opposition to the gas station. The proposed gas station development is not consistent with this designation; and

C. 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

¹ <https://edms.srcity.org/WebLink/DocView.aspx?id=249202&dbid=0&repo=LaserficheInternal&cr=1> (page 277)

² https://www.santarosaforward.com/files/managed/Document/273/SRGPU_ECR_CH2_CommunityCharacter_final.pdf

located, in that the proposed gasoline station at 43 Middle Rincon Road would routinely emit toxic contaminants causing harm to on-site employees, customers, and nearby residences and businesses. In the course of the proposed gas station's daily operations there would be many fuel spills that cumulatively constitute measurable contamination to surface water runoff, soils, and groundwater. California Air Resources Board's July 21, 2022 Gasoline Service Station Industry Wide Risk Assessment Supplemental Policy Guidance Document³ notes there are 5 routine sources of emissions from gas station infrastructure: loading, breathing (tank vents), fueling, spillage, and hose permeation. Underground storage tanks would vent volatile compounds by design and pose a multidecadal risk of leak and groundwater contamination. The project will result in cumulative impacts for air quality given the circumstance that there is a Chevron gas station across the street already emitting toxic air contaminants. Additionally, the site is located in close proximity to a school facility, as it is approximately 600-feet away from Douglas Whited Elementary School. Children under 14 are among the groups identified by the California Air Resources Board and the Office of Environmental Health Hazard Assessment as the most likely to be affected by air pollution. The U.S. Environmental Protection Agency states concerns about the health risk associated with gas station emissions in their School Siting Guidelines⁴ and recommends screening school sites for potential health risk when located within 1,000 feet of a gas station.

BE IT FURTHER RESOLVED that a Conditional Use Permit for 7-Eleven, Inc, to allow for the demolition of all on-site structures, including an existing 7-Eleven convenience store and two detached single-family dwellings, and the construction of a new gas station and a 4,191-square-foot convenience store with 24 hour operation and alcohol beverage sales (Project), to be located at 43, 51, and 55 Middle Rincon Road, and 4865 Highway 12, also identified as Sonoma County Assessor's Parcel Number(s) 182-540-024 & -025, is DENIED.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11th day of May, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY

³ <https://ww2.arb.ca.gov/resources/documents/gasoline-service-station-industrywide-risk-assessment-guidance>

⁴ https://www.epa.gov/sites/production/files/2015-06/documents/school_siting_guidelines-2.pdf