

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
MAY 11, 2023

PROJECT TITLE

7-Eleven, Inc.

APPLICANT

7-Eleven, Inc

ADDRESS/LOCATION

43, 51, and 55 Middle Rincon Road, and
4865 HIGHWAY 12

PROPERTY OWNER

7-Eleven, Inc

ASSESSOR'S PARCEL NUMBER

182-540-024 & 025

FILE NUMBERS

CUP19-097 (PRJ19-032)

APPLICATION DATES

August 22, 2019

APPLICATION COMPLETION DATES

September 16, 2020

REQUESTED ENTITLEMENTS

Major Conditional Use Permit, Minor
Design Review

FURTHER ACTIONS REQUIRED

Design Review

PROJECT SITE ZONING

CG – Commercial General

GENERAL PLAN DESIGNATION

Retail & Business Services

PROJECT PLANNER

Kristinae Toomians

RECOMMENDATION

Approval

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: KRISTINAE TOOMIANS, SENIOR PLANNER
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: 7-ELEVEN, INC. - CONDITIONAL USE PERMIT - 43 MIDDLE
RINCON ROAD - CUP19-097

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, approve a Major Conditional Use Permit to allow the construction of a Gas Station, with an accessory retail/convenience store with 24-hour operation and off-site alcohol sales.

BACKGROUND

1. Project Description

The proposed project includes the demolition of an existing Convenience Store, the single-family residential unit and accessory structures, and the construction of a new 4,191-square-foot, 24-hour Convenience Store with off-site alcohol sales and an accessory Gas Station with twelve gas pumps through six dispenser pumps. The project also includes four electrical vehicle charging stations. The Conditional Use Permit is required for the gas station land use and off-site alcohol sales. A Minor Conditional Use Permit is required for the Extended Hours of Operation which has been included in the Conditional Use Permit before the Planning Commission.

2. Surrounding Land Uses

North: A vacant commercial lot separating the proposed project and the single-family residence.

- South: Highway 12 and commercial businesses (restaurant, retail, services)
- East: Middle Rincon Road, Chevron gas station and other retail/restaurant businesses
- West: Nonconforming single-family residential in a commercial zone

The project site is one of two legal parcels that were reconfigured with a Lot Line Adjustment (File No. LLA20-008), resulting in a 1.17-acre project site and an adjacent vacant lot to the north (Recorded on February 22, 2023). There is an existing Chevron gas station and commercial strip mall to the east, a nonconforming residence in a commercial zone to the west (owned by the applicant), and several businesses to the south across from Highway 12. The project includes the demolition of all structures on the project site.

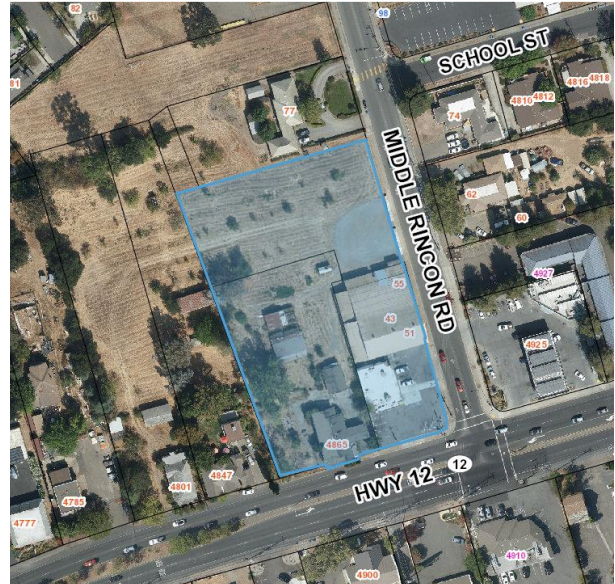


Figure 1: Aerial of Project Site

3. Existing Land Use – Project Site

The project site and surrounding parcels that formed a County island were annexed into the City on May 8, 2018. The project site was reconfigured with a Lot Line Adjustment (File No. LLA20-008) that was recorded on February 22, 2023, resulting in a 1.17-acre project site and the vacant, undeveloped lot to the north. The project site was developed with a 7-Eleven convenience store with 24-hour operation while in the jurisdiction of the County of Sonoma. The 7-Eleven commercial business currently holds a Type 20 ABC license - Off-Sale Beer & Wine (Package Store), which authorizes the sale of beer and wine for consumption off the premises where sold (Minors are allowed on the premises). The proposed project would demolish all of the

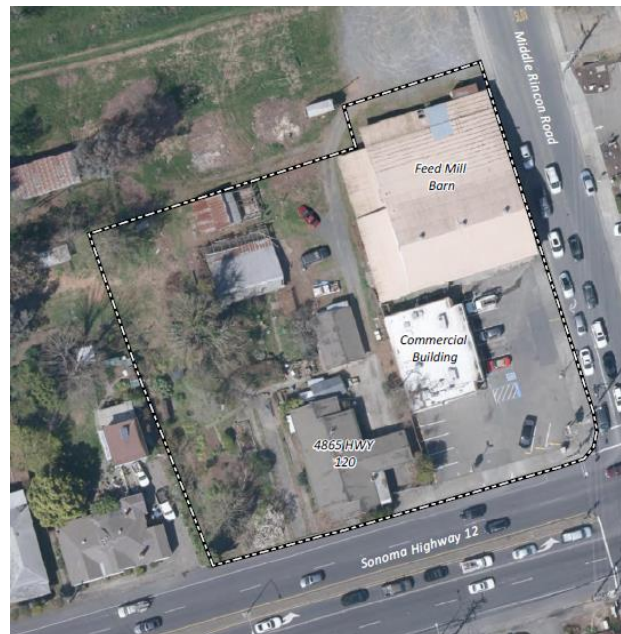


Figure 2: Existing development on site.

existing structures that are present on the 1.17-acre project area, including a commercial building (a 7-Eleven convenience store built in 1968), a barn containing a martial arts studio, and a small single-family home (4865 Highway 12) along with associated accessory structures. The project area has been covered in structures, asphalt parking areas, concrete driveways, walkways, and ornamental vegetation, resulting in almost no ground surface visibility.

4. Project History

May 8, 2018	Rezoning for Annexation Approved by City Council
May 2019	Development Review Pre-Application Meeting
October 16, 2019	Neighborhood Meeting
August 22, 2019	Application Submitted
July 14, 2020	Notice of Application Distributed
September 16, 2020	Application Deemed Complete for processing by City staff
September 13, 2022	City Council adopted an ordinance amending City Code to prohibit new gas station land uses and to prohibit expansion of fossil fuel infrastructure for existing gas station land uses.

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:

Land Use and Livability	
LUL-J: Maintain vibrant, convenient and attractive commercial centers.	Consistent. 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 to its visible location adjacent to
LUL-J-1: 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.	

	Highway 12.
<p>Urban Design</p> <p><i>UD-A-5: Require superior site and architectural design of new development projects, to improve visual quality in the City.</i></p> <p><i>UD-C: Enhance and strengthen the visual quality of major entry routes into the City, as well as major corridors that link neighborhoods with downtown.</i></p>	<p>Consistent. 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 and nearby residences 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 zoned CG-General Commercial. The CG zoning district is applied to areas appropriate for a range of retail and service land uses that primarily serve residents and businesses throughout the City, including shops, personal and business services, and restaurants. The CG zoning district is consistent with the Retail and Business Services land use classification of the General Plan.

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 August 22, 2019, the applicant submitted a Conditional Use Permit application to allow a gas station, alcoholic beverage sales, and extended hours of operation, a Minor Design Review application for the new convenience store, and a Lot Line Adjustment to reconfigure the lots. The Lot Line Adjustment was necessary for the proposed gas station to meet location and siting requirements, by reconfiguring a vacant lot to separate the proposed gas station project site from an existing single-family residence, which is zoned R-1-6 – Single Family Residential, north of the project site on Middle Rincon Road. The Planning and Economic Development staff approved the Lot Line Adjustment on April 20, 2021, and it was recorded on February 22, 2023. Since the Project was deemed complete on September 16, 2020, the Project is exempt from the Gas Station Prohibition Ordinance. At the time the application was deemed complete for processing, the Gas Station land use was allowed in

the CG Zoning District with a Major 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, [Table 2-6](#) permitted a Gas Station in the CG Zoning District with a Major Conditional Use Permit. Since this project is exempt from the ban, the requirement for a Major 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:

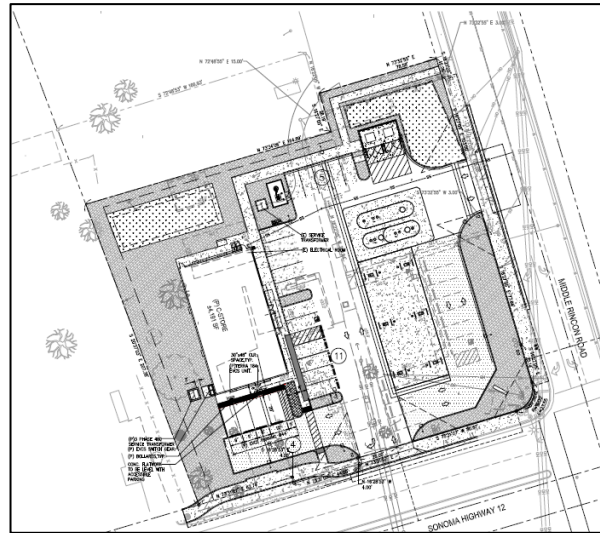


Figure 3: Proposed site plan.

- 1) Site area and dimensions. The site shall have a minimum area of 15,000 square feet, 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: The project site was reconfigured with a Lot Line Adjustment (File No. LLA20-008), resulting in a 1.17-acre project site. The project parcel will have approximately 212-feet of frontage along HWY 12, and 217-feet along Middle Rincon Road, which is an arterial street.

- 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: The project site was reconfigured with a Lot Line Adjustment (File No. LLA20-008), resulting in the 1.17-acre project site and a vacant, undeveloped lot to the north that is zoned CG. A vacant/undeveloped commercial parcel separates the proposed gas station from the existing,

conforming single-family residence to the north. The project is adjacent to a nonconforming single-family residence to the west that is zoned CG and is owned by the applicant.

- 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: While there is an existing Chevron gas station to the east, at the northeast corner of Middle Rincon Road and HWY 12, this proposed gas station is also adjacent to HWY 12.

The proposed project also includes four electrical vehicle charging stations with the potential to install an additional four electrical vehicle charging stations once electrical vehicles become more commonplace and ubiquitous.

Extended Hours of Operation

[Table 2-6](#) in the City Code requires a Minor Conditional Use Permit for Extended Hours between 11:00 pm and 6:00 am. The project site was annexed on May 8, 2018, and the convenience store has historically operated 24 hours per day, 7 days a week. The applicant is requesting that the new gas station and replaced convenience store continue to operate 24 hours per day, 7 days a week. There are very few businesses in the area that are open between 11:00 pm and 6:00 am. Having a service station open along HWY 12 could provide a safe stopping point for traveling motorists. While the existing 24-hour operation is considered legal, a Minor Condition Use Permit is required for the new, larger convenience store.

Alcoholic Beverage Sales

[Table 2-6](#) in the City Code requires a Major Conditional Use Permit for Alcoholic Beverage Sales within the CG Zoning District. The project site was developed in 1968 while part of the jurisdiction of Sonoma County with a 7-Eleven convenience store and has a current [Type 20 ABC license - Off-Sale Beer & Wine \(Package Store\)](#), which authorizes the sale of beer and wine for consumption off the premises where sold. The ABC license was issued on January 3, 1989 and transferred to the current operator on June 30, 2000. The project site was annexed on May 8, 2018. Since the applicant proposes to sell alcoholic beverages in a new, larger convenience store, a Conditional Use Permit is required.

Zoning Code Section [20-42.034\(C\)](#) directs the review authority to consider the following specific criteria in granting a Conditional Use Permit for the sale of alcoholic beverages for off-site consumption; staff response to each criterion is also provided:

- 1) Whether the use serves public convenience or necessity.

Staff Response: The proposed use would respond to public convenience or necessity because the area is underserved in that there are only 4 Type 20 licenses in an area (including the existing 7-Eleven convenience store on the project site) where ABC would allow a maximum of 10. An undue concentration would occur if there were more than 10 Type 20 licenses.

- 2) The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.

Staff Response: The Santa Rosa Police Department operates nine patrol beats in the City of Santa Rosa. As shown in the proceeding map, the project is in Beat 4 (District 3). As shown in Map 2, in this beat, crime rate and density are significantly lower compared to other beats of the city during the last year.

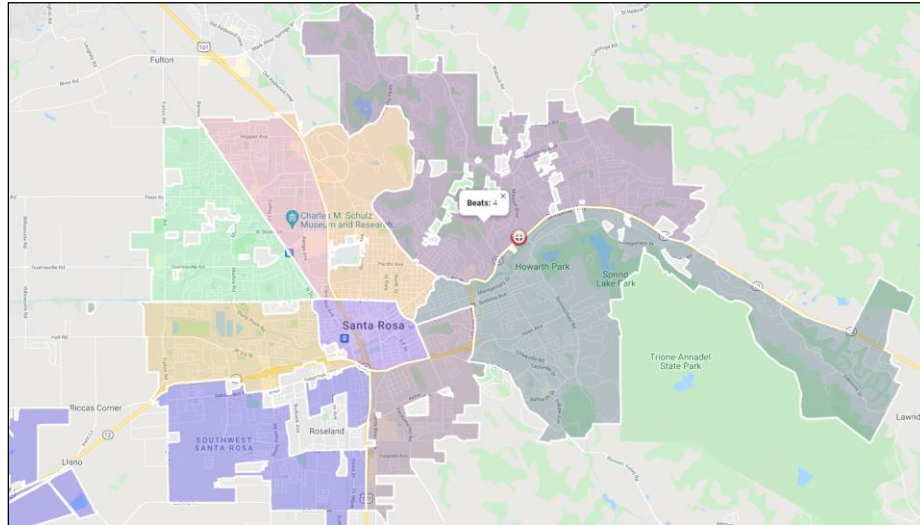


Figure 4: Santa Rosa Police Patrol Beats Map

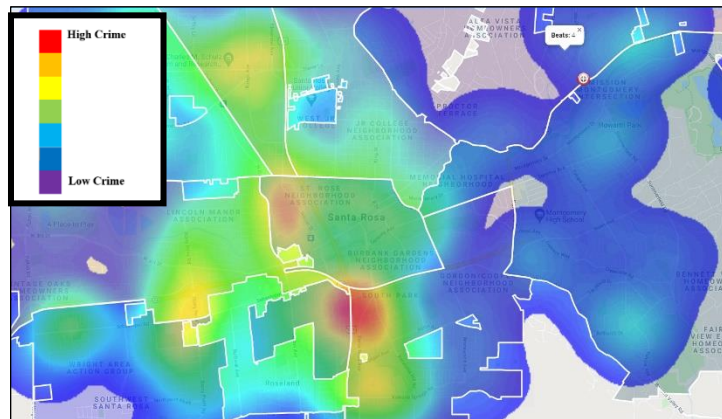


Figure 5: Santa Rosa Crime Density Map. Dark red indicates hot spots.

- 3) The number of alcohol licenses per capita in the reporting district and in adjacent reporting districts as compared to the county-wide average.

Staff Response: As noted above, the subject area does not have an overconcentration of Type 20 licenses according to limits established by ABC based on census data.

- 4) The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.

Staff Response: The Police Department has provided a list of arrests and citations that occurred between January 1, 2020 and March 15, 2023, within a 1,000-foot radius from the project site. During this period, there were a total of 109 arrests 11 of which were alcohol related. The remaining arrests were within the 1,000 feet radius.

- 5) The proximity of the alcoholic beverage outlet to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

Staff Response: The site is located on the northeast corner of the intersection of Highway 12 and Middle Rincon Road. There are no distance requirements established from residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools in the City's ordinance. The Police Department has not indicated a concern that there may be issues specifically related to the location of the schools and the location of the subject property. The closest school, Whited (Douglas) Elementary is more than 600 feet away from the project site. The convenience store has an existing [Type 20 ABC license - Off-Sale Beer & Wine \(Package Store\)](#), which authorizes the sale of beer and wine for consumption off the premises where sold. City staff is not aware of any complaints related to alcohol sales at this location. ABC staff did not indicate any concerns with the continuation or transfer of this liquor license to the new convenience store.

- 6) Whether the site plan and floor plan incorporated design features to assist in reducing alcohol related problems. These features may include, but are not limited to, openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

Staff Response: The entire service station is equipped with security cameras which serves as a preventive to unlawful behavior. The floor plan shows the walk-in cooler is on the opposite wall from the entrance. The coolers are equipped with locks to secure the merchandise during periods when alcohol sales are not allowed. Any graffiti painted or marked upon the premises is removed or painted over within 72 hours of discovery. Signs are posted on premises stating, "No open alcoholic beverage containers are allowed on these premises" and, "No loitering is allowed on or in front of these premises."

Historic/Cultural Resources

Due to the age of the existing structures, and the applicant's request to demolish all the existing structures, City staff initiated the preparation of a Cultural Resource Assessment and Evaluation to determine if there are any significant historic resource on the property. A "resource," may be listed in the California Register of Historical Resources (CRHR) if the State Historical Resources Commission determines that it meets one or more of the following [criteria](#), which are modeled on National Register of Historic Places (NRHP) criteria:

- Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Criterion 2: It is associated with the lives of persons important in our past.

- Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
- Criterion 4: It has yielded, or may be likely to yield, information important in history or prehistory.

Resources nominated to the CRHR must retain enough of their historic character or appearance to be recognizable as historic resources and to convey the reasons for their significance.

Historic Context

The project site is developed with three main structures (a Craftsman house with outbuildings, a barn, and a commercial building). Historically the properties were once a single property owned by the Baldi family with the address listed as 4875 Highway 12. The property at 4865 Highway 12 (APN 182-540-025) includes a single-family Craftsman house constructed circa 1922. The property also features a detached garage, two sheds, commercial building, a 7-Eleven convenience store, constructed in 1967.

Based on Cultural Resource Assessments prepared for the project site by Helix and Dudek, Baldi acquired the property in 1921 and opened a general store called Baldi & Son's Market. Baldi had the Craftsman house at 4865 Highway 12 constructed sometime in the early 1920s as his primary residence. Baldi & Son's Market was in operation from 1922 to 1968 and was considered the primary market in Rincon Valley. The Feed Mill barn was constructed sometime between 1922 and 1942. Husband and wife Hobart L. Carter and Ruth Carter took over the operation of the feed mill in 1958 which became known as Carter's Rincon Valley Fee Store. Carter's Rincon Valley Feed Store remained in business until circa 2012. Currently the metal barn is occupied by Honshinkan Martial Arts.

In 1967, Highway 12 was widened to four lanes. The expansion of the Highway required the demolition of Baldi & Son's Market. The Baldi family sold the portion of their property where their store once stood to 7-Eleven, Inc. The 7-Eleven convenience store that currently occupies the property was constructed shortly thereafter.



Figure 6: Craftsman house at 4865 Highway 12, South façade, looking north across Highway 12.

Cultural Resource Assessment and Evaluation

July 2020	Helix Environmental Consulting prepared a Cultural Resource Assessment and Evaluation of the property. HELIX recommended that the subject properties be formally documented and evaluated for California Register of Historical Resources (CRHR) eligibility and as a local City Landmark
May 2021	Helix Environmental Consulting prepared a Cultural Resource Assessment that evaluated the existing structures for CRHR eligibility. The report was prepared by Architectural Historian Annie McCausland. The report concluded that since the property at 4865 Highway 12 (Craftsman) is associated with Anselmo Baldi, a historically significant individual in the community of Rincon Valley, that the subject property is significant under Criterion B/2/Person(s). In addition, the report recommended the property at 4865 Highway 12 as historically significant under Criterion C/3/Design at the local level with a 1921 period of significance (year of construction).
Oct 2021	Helix Environmental Consulting prepared an updated Cultural Resource Assessment. The report concluded that the Craftsman at 4865 Highway 12 does not appear eligible under Criterion B/2/Person(s). It stated that: "While Baldi was a well-known member of the community, available evidence does not suggest that Baldi's professional or civic achievements or contributions rise to the level of confer significance under Criterion B/2/Person(s). In addition, given that the former market on the adjacent parcel has since been replaced with a 7-Eleven store, the home site and market no longer would retain integrity should subsequent evidence show a level of contribution or influence in the community that would confer eligibility (but have not to date been identified)." It also concluded that subject property does not appear eligible under Criterion C/3/Design because the subject property does not retain enough integrity due to physical

	<p>alterations to the exterior. It states: “Based on a brief comparative windshield survey conducted for this evaluation, Santa Rosa retains numerous, more intact and distinctive examples of the Craftsman style, including designated resources, both individually and as contributors to the City’s many historic districts.”</p>
January 2022	<p>Helix Environmental Consulting prepared an updated Cultural Resource Assessment and Evaluation. The report acknowledged that the May 2021 Cultural Resource Assessment and Evaluation recommended that the Craftsman house and associated property at 4875 Sonoma Highway did appear to be eligible for the CRHR and as a local City Landmark, but states that, “this initial evaluation was made without the benefit of the City’s historic context statement and survey, which includes eligibility standards as well as examples of properties that meet those standards.” This report incorporates the City’s guidelines, additional site inspections, and comparative analysis conducted by HELIX Senior Architectural Historian Debi Howell-Ardila and concludes that none of the structures are eligible to be listed as historic resources.</p>
June 2022	<p>Helix Environmental Consulting prepared an updated Cultural Resources Assessment and Evaluation. The evaluation was revised to provide a “finer-grained” architectural description of the property at 4875 Sonoma Highway and to elaborate on the importance of the City’s historic context statement and survey in relationship to HELIX’s determination that the subject property is not a significant historical resource under CEQA. This report incorporates the City’s guidelines, the additional site inspections conducted in late 2021 and analysis completed in 2020, and comparative archaeological analysis conducted by HELIX. HELIX’s final analysis recommends that the properties at 43 Middle Rincon Road and 4875 Sonoma Highway both fail to meet any of the NRHP, CRHR, or City of Santa Rosa Landmark significance criteria, and that no further study or mitigation measures are recommended for these built-environment resources.</p>
August 1, 2022	<p>Helix Environmental Consulting Prepared a “Historic Architectural Analysis of 4875 Sonoma Highway.” This document serves as a summary of the revisions to the conclusions and recommendations of the historic architectural analysis previously presented, with an emphasis on the source materials used in the revisions to the evaluation of the Craftsman bungalow located at 4875 Sonoma Highway.</p>

November 18, 2022	<p>At the request of City staff, Dudek completed a peer review of the Helix Cultural Resources Assessment and Evaluation of 43 Middle Rincon Road. The purpose of the report is to provide a third-party peer review of the cultural resources reports prepared by Helix between July 2020 and June 2022 for the 43 Middle Rincon Road Project and to assess the adequacy of the report findings in consideration of compliance with the California Environmental Quality Act (CEQA). Dudek concludes that Helix's June 2022 report was prepared in conjunction with current professional standards for documentation of built environment cultural resources. Dudek also concludes that Helix's approach to the consideration of the subject property's historic significance in the June 2022 report appears adequate. Dudek agrees that due to the property's compromised historic integrity (demolition of Baldi's market and widening of HWY 12) to its period of significance (1921 to 1967) the property does not qualify for listing in the NRHP, CRHR, or as a locally significant resource. As such the property is not considered a CEQA historical resource.</p>
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Figure 7: Existing convenience market built in 1968.

3. Conditional Use Permit

The proposed gas station, alcoholic beverage sales and 24-hour operation is permitted with a Conditional Use Permit. The review may approve a Conditional Use Permit only after first finding all of 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.

4. Summary of Public Comments

On February 17, 2021, City staff received a letter from Woody Hastings, a representative of a group called the Coalition Opposing New Gas Stations (CONGAS). The letter discussed the conclusions of the Air Quality and Greenhouse Gas Emissions Assessment (Prepared by Helix Environmental Planning, Inc., dated July 31, 2020). The letter states that the report is, "fatally flawed in that it omits significant information regarding past and recent local, regional, and state climate policy developments." Mr. Hastings asserts that the Assessment is inadequate and the GHG emissions impact conclusions are incorrect because a specific set of resolutions and planning-level documents at the local and regional levels and Executive Orders at the State level were not discussed in the report. Helix responded, stating: "none of the items specifically listed by the commenter would constitute a plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs that would be applicable to the project. Other than broad generalization and opinion, the commenter does not

provide substantial evidence indicating that there would be significant impacts not disclosed in the letter report.” Mr. Hastings’s letter and Helix’s response are included as Attachment 8. Helix has since prepared an updated Air Quality and Greenhouse Gas Emissions Assessment, dated April 19, 2023, which estimates GHG emissions using the latest CalEEMod version 2020.4.0. The California Emissions Estimator Model (CalEEMod) is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use.

5. Public Improvements

Improvements to Middle Rincon Rd and Highway 12 shall consist of the removal of the existing driveway and installation of new sidewalk curb and gutter per City Standards. The project will also include a mid-block bus stop, streetlights, and street trees, per City standard. A crosswalk will be installed at the west leg of the intersection of Hwy 12 and Middle Rincon Rd across Hwy 12. For a comprehensive list of on- and off-site improvements, refer to the attached Exhibit A, provided by Engineering Development Services, dated May 2, 2023.

FISCAL IMPACT

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

ENVIRONMENTAL IMPACT

15332. IN-FILL DEVELOPMENT PROJECTS

Every discretionary action by the City requires environmental review pursuant to the California Environmental Quality Act (CEQA). However, the CEQA Guidelines include a list of certain categories of projects that have been determined to not have a significant effect on the environment, also known as Categorical Exemptions. If a project falls within one of these classes, it is exempt from the provisions of CEQA, and no further environmental review is required unless one of the exceptions to the exemptions applies

This project is Categorically Exempt pursuant to Class 32. The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the "Class 32 Exemption," exempts infill development within urbanized areas if it meets certain criteria. The class consists of infill projects that are consistent with the General Plan and zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. It may apply to

residential, commercial, industrial, and/ or mixed- use project. A Class 32 Exemption applies to a project characterized as in-fill development meeting all the conditions described below:

- The proposed project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. As discussed previously, the project site is designated Retail & Business Services in the Santa Rosa General Plan 2035. 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 project site is zoned CG – Commercial General, which is one of several commercial zoning designations that implement the General Plan. At the time of permit application, the project plans must comply with all applicable City Ordinances and regulations. On September 13, 2022, the City Council adopted Ordinance No. ORD-2022-10 (Gas Station Ban Ordinance), 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. Since the Project was deemed complete on September 16, 2020, the Project is exempt from the Gas Station Prohibition Ordinance. At the time the application was deemed complete for processing, the Gas Station land use was allowed in the CG Zoning District with a Major Conditional Use Permit. Pursuant to [City Code Section 20-52.030](#), the proposed project will obtain design review approval, which is required prior to the issuance of a building permit for any new building or structure.
- The Project is located within City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses, with commercial uses on two sides, a single-family residence to the north, and a legal nonconforming residence to the west, which is owned by the applicant.
- The project site and has no value as habitat for endangered, rare, or threatened species in that the Project site has been covered in structures, asphalt parking areas, concrete driveways, walkways, and ornamental vegetation, resulting in almost no ground surface visibility, and the site has been continuously built and all lands have been disturbed and are covered in concrete or building.

A Biological Resources Assessment was prepared by Helix Environmental Planning on July 21, 2020. No special-status wildlife species were observed within the Study Area during the field survey on January 10, 2020. The proposed project would also remove a single Coast Redwood tree that is subject to protection under the City's tree Ordinance. This tree is recommended for removal due to its poor health. While the removal of trees would not be considered a significant impact under CEQA, such removal has the potential to impact nesting bird species if present at the time of removal. The project must comply with all applicable Federal laws and regulations, which would include adherence to the Federal Migratory Bird Treaty Act and the

State Fish and Game Code. As a result, the project would have a less than significant impact on endangered, rare, or threatened species or their habitat and therefore, satisfies criteria (c) for a Class 32 Exemption.

- The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - In 2020, Senate Bill 743 established a change in metric to be applied to determining traffic impacts associated with development projects. Rather than the delay-based criteria associated with Level of Service (LOS) analysis, the change in total Vehicle Miles Traveled (VMT) as a result of a project is now the basis for determining CEQA impacts with respect to transportation and traffic.

A Focused Traffic Study, prepared by W-Trans on April 6, 2021, concluded that the project would have a less-than-significant impact on VMT. Both the City and the California Governor's Office of Planning and Research (OPR) Technical Advisory Guidelines specify that local-serving retail criteria that allow projects below a certain size be "screened" from quantitative VMT analysis. The City has established that local-serving commercial uses under 10,000-square-feet in size qualify for this screening criteria. Because the proposed project is less than 10,000-square-feet and would be expected to shift *where* people purchase gas and convenience retail needs rather than increase the amount of gas or convenience goods being sold in the region, it is reasonable to presume that total regional VMT would not increase as a result of the project. The project would function as local-serving retail, with most customers likely traveling from nearby areas of Santa Rosa or making an interim stop along trips they were already making, with little potential to draw longer trips from the wider region. Therefore, the traffic study concludes that the project would have a less-than-significant VMT impact.

The study intersections (Highway 12/Middle Rincon Road and Highway 12/Calistoga Road) will operate at an acceptable LOS of D or better during both a.m. and p.m. peak hours under existing conditions and would be expected to continue doing so with traffic from nearby approved and proposed projects.

- A Project Noise and Vibration Assessment, prepared by Helix Environmental Consulting on July 31, 2020, concluded that with implementation of Performance Standards, listed in [Code Section 20-30.090](#) to address construction noise, and limiting the hours of construction activity with a standard condition of approval, temporary construction noise impacts would be less than significant. Long term operation of the project would not result in machinery and equipment noise in exceedance of the City standards, measured at nearby commercial and residential property lines. Project-related traffic would not result in a perceptible increase ambient noise level along streets in the project area. Ground-borne vibrations generated by the project during short-term construction activities and during long-term operation would be less than significant. The project would not expose persons working in the project area to excessive noise. The project is

conditioned to comply with the City's Noise Ordinance, including any noise during construction.

- An Air Quality and Greenhouse Gas Emissions Assessment was prepared by Helix Environmental Consulting on April 19, 2023. The project's construction and operational emissions of criteria pollutants and precursors would be below BAAQMD thresholds and would result in a less than significant impact. Emissions of TACs from the project short-term construction activities and long-term operation would not result in increased health risks beyond the BAAQMD thresholds and the impact would be less than significant. The project includes the following design features, as described in the project description, dated "received" on April 19, 2023, to meet the requirements of the Bay Area Air Quality Management District's (BAAQMD's) performance-based climate change thresholds and the City's Climate Action Plan (CAP):
 - i. The project would be all electric and would not include natural gas or natural gas plumbing.
 - ii. A minimum of 8 of the project's 20 parking spaces would be electric vehicle (EV) capable spaces, and a minimum 3 of those EV capable spaces would include electric vehicle supply equipment (EVSE) in accordance with the 2022 California Green Building Standards Code (CALGreen; Title 24 Part 11) nonresidential Tier 2 measure A5.106.5.3.2;1.
 - iii. The project would comply with 2022 CALGreen Tier 1 nonresidential measures.

The project would comply with the BAAQMD's performance standard based thresholds, and the project's GHG emissions would be less than significant. CAP Goal 1 – 1.1.3 was adopted to coincide with CA Energy Codes. Since the CAP adoption, the CEC has determined that it is not possible to achieve net zero on a wholesale basis and "net zero" has been removed from the CA Energy Codes. Appendix E of the Climate Action Plan states that, "To be in compliance with the CAP, all measures denoted with an asterisk are required in all new development projects unless otherwise specified. If a project cannot meet one or more of the mandatory requirements, substitutions may be made from other measures listed at the discretion of the Community Development Director." CAP Goal 1.1 requires projects to comply with Tier 1 CALGreen requirements, as amended, for new non-residential and residential development. Tier 1 CALGreen does not include "net zero" GHG assumptions for development. In addition, current CA Green Building Code Standards apply to all projects and has been determined by the Director to be an acceptable substitution for CAP Goal 1 – 1.1.3. Therefore, strict compliance with CAP Goal 1 – 1.1.3 is not achievable and not required. The project would be consistent with local and regional GHG emission reduction plans, including the City CAP, and would result in a less than significant impact. The project complies with all required policies contained in the City's adopted Climate Action Plan (CAP) and is conditioned to require compliance with BAAQMD's Basic Construction Mitigation Measures (BCMMs; [BAAQMD 2017a](#)).

The Project would be consistent with local and regional GHG emission reduction plans, including the [City's Climate Action Plan \(CAP\)](#) by complying with City's Appendix E: Cap New Development Checklist, and would result in a less than significant impact.

- The project is conditioned to incorporate all Low Impact Development (LID) Best Management Practices as part of the Final Storm Water LID Submittal. Tait & Associates, Inc. prepared an Initial Stormwater LID Submittal, dated September 2, 2020, which included a hydrology study. It concluded that the hydrology and water quality calculations demonstrate that the proposed site is designed to meet stormwater treatment and flow requirements. The existing commercial and residential buildings will be replaced with a new convenience store and fueling station. The site improvements include the construction of a storm drain system designed to meet the 10-year storm event, and adequately conveys the 100-year storm event. The proposed project includes stormwater quality treatment and infiltration through the construction of a bioretention planter with underdrains. Ongoing BMP maintenance of the bioretention planter system will be assured with a covenant maintenance agreement that will be recorded with the City prior to issuance of building permits. The project is in compliance with the NPDES Permit, the [City of Santa Rosa 2017 Storm Water Low Impact Development Technical Design Manual](#) and the [California Stormwater Quality Association \(CASQA\) BMP Handbooks](#). The project is less than 1 acre and therefore not required to submit a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) to the State Water Resource Control Board (SWRCB). Consistent with the Initial Stormwater LID Submittal and implementation of these regulatory compliance measures will ensure that the proposed project will not cause a significant impact to water quality.
- The Project site is located in an urban, developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditions the project appropriately.

15300.2. EXCEPTIONS

- No exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2). Section 15300.2 of the State CEQA Guidelines provides exceptions to the Class 32 Exemption depending on the nature and location of the project, including the following:
 - Cumulative Impact. The project and successive projects of the same type in the same place will not result in cumulative impacts. There are no known related projects in the vicinity of the project site that will result in cumulative impacts with respect to traffic, noise, water quality and utilities and public services. Given the Council's adoption of Ordinance No. ORD2022-010, which prohibits new gas station land uses and prohibits expansion of fossil fuel infrastructure for existing

gas station land uses, there will be no successive projects of the exact same type in the vicinity of this project site.

Given the excess capacity at the studied intersections, operation of the proposed project with any other projects would not result in cumulative traffic impacts.

Regulatory compliance measures for noise will ensure that the proposed project's potential to contribute to substantial cumulative noise levels from construction or stationary sources during operation would be less than significant. As a result, cumulative noise levels from traffic would be less than significant.

Cumulative air quality impacts from construction and operation of the proposed project, based on BAAQMD guidelines, are analyzed in a manner similar to project-specific air quality impacts. The construction-related and operational daily emissions associated with the proposed project would not exceed the BAAQMD's recommended thresholds, thus the proposed project's emissions would not be cumulatively considerable. The Project is subject to BAAQMD permitting requirements. All gasoline dispensing facilities are required to have a Permit to Operate from the District, in accordance with Regulation 8, Rule 7, and include Phase I (vapor recovery during transfer of gasoline between any cargo tank and any stationary tank at GDF) and Phase II (vapor recovery during motor vehicle refueling operations from any stationary tank at GDF) systems. Projects involving modifications must be authorized by BAAQMD prior to construction. This includes the replacement or installation of tanks and/or vapor recovery lines, dispenser modifications and the addition of nozzles to a facility. For approval, the project must meet the toxic screening requirements. Based on the results of that screening, BAAQMD may impose limits on gasoline throughput for the facility. Therefore, cumulative air quality impacts would be less than significant.

As discussed previously, the proposed project would not result in any significant water quality impacts. Like the proposed project, any other future projects in the vicinity would be required to implement stormwater Best Management Practices (BMPs). Mandatory structural BMPs in accordance with the NPDES (National Pollutant Discharge Elimination System) water quality program would result in a cumulative reduction of surface runoff, as the development in the vicinity of the project site is limited to infill development and redevelopment of an existing urbanized area. As a result, through means of regulatory compliance by the proposed project and for any other projects in the vicinity, cumulative water quality impacts would be less than significant.

As noted above, the proposed project is consistent with the Santa Rosa General Plan. The project site is served by existing utilities infrastructure, and the proposed project is not expected to result in significant new demand for public services. Adequate capacity exists to serve the proposed project, and it would not result in any significant cumulative impacts associated with utilities or public services.

- **Significant Effect.** There are no "unusual circumstances" creating the reasonable possibility of significant effects. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There is no evidence that any unusual circumstances exist. The project is consistent with the level of development contemplated in the Santa Rosa General Plan 2035. The project site is located within an urbanized area of the City. The proposed project constitutes infill development by redeveloping an existing commercial property. The project site is zoned CG – General Commercial and has a General Plan land use designation of Retail & Business Services. As conditioned, the proposed project is consistent with permitted land uses, height, and all other development regulations of the City's Zoning Code. There are no features of the proposed project, such as to its size or location, that distinguish it from others in the exempt class. No unique or unusual circumstances exist with respect to the proposed project that would give rise to a reasonable possibility of a significant effect upon the environment.
- **Scenic Highways.** The project will not result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock, outcroppings, or similar resources. The proposed project would also remove a single Coast Redwood tree that is subject to protection under the City's tree Ordinance. This tree is recommended for removal due to its poor health. Cultural Resource Assessments, prepared by Helix Environmental Consulting, as well as a peer review study of Helix's conclusions completed by Dudek ultimately concluded that due to the property's compromised historic integrity (demolition of Baldi's market and widening of HWY 12) to its period of significance (1921 to 1967) the property does not qualify for listing in the NRHP, CRHR, or as a locally significant resource. As such the property is not considered a CEQA historical resource.
- **Hazardous Waste Sites.** City staff reviewed the Department of Toxic Substances Control (DTSC) EnviroStor website for available files pertaining to the project site and adjoining properties. There are no active cases on the project site nor adjoining properties listed in the database. Per the ESA, the project site is not listed for cleanup, permitting, or investigation of any hazardous waste contaminations on any of the lists published pursuant to Government Code Section 65962.5. Therefore, the project site is not located on a site that the DTSC
- **Historical Resources.** The project will not cause a substantial adverse change in the significance of an historical resource. Cultural Resource Assessments, prepared by Helix Environmental Consulting, as well as a peer review study of Helix's conclusions completed by Dudek concluded that due to the property's compromised historic integrity (demolition of Baldi's market and widening of HWY 12) to its period of significance (1921 to 1967) the property does not qualify for listing in the NRHP, CRHR, or as a locally significant resource. As such the property is not considered a CEQA historical resource.

15301(l) EXISTING FACILITIES

This project qualifies for a Class 1 Categorical Exemption in that it involves the Demolition and removal of a single-family residence, accessory structures, and a commercial structure in an urbanized area.

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 September 16, 2020, the Project is exempt from the Gas Station Prohibition Ordinance. At the time the application was deemed complete for processing, the Gas Station land use was allowed in the CG Zoning District with a Major Conditional Use Permit. The project incorporates vehicle charging stations (with the ability to add more) in addition to the proposed gasoline fuel pumps. 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.

Although there were initial concerns regarding the historical significance of the buildings on the property that are proposed to be demolished, Planning staff is satisfied with the third-party peer review study that concluded that the structures are not historically significant.

The existing convenience store has sold beer and wine since 1989 and has operated 24 hours a day prior to the City annexing the property. Upon City annexation of the property, the extended hours of operation and off-site sale of beer and wine are

considered legal. Since there are no concerns from ABC or the City Police department, staff does not have any concerns for the alcoholic beverage sales and 24-hour operation to continue with the proposed project.

ATTACHMENTS

Attachment 1 – Disclosure Form
Attachment 2 – Location Map
Attachment 3 – Project Description
Attachment 4 – Plans
Attachment 5 – Air Quality and GHG Assessment, 04/19/2023
Attachment 6 – Biological Resource Assessment, 07/21/2020
Attachment 7 – Noise Assessment, 07/31/2020
Attachment 8 – Focused Traffic Study, 04/06/2021
Attachment 9 - Public Correspondence and Helix Response
Attachment 10 – Helix Cultural Resource Assessment, 07/2020, Confidential/Redacted
Attachment 11 – Helix Cultural Resource Assessment, 05/2021, Confidential/Redacted
Attachment 12 – Helix Cultural Resources Assessment, 10/27/2021,
Confidential/Redacted
Attachment 13 – Helix Cultural Resources Assessment, 01/31/2022,
Confidential/Redacted
Attachment 14 – Helix Cultural Resources Assessment, 06/2022, Confidential/Redacted
Attachment 15 – Helix Historic Architectural Analysis of 4875 HWY 12, 08/01/2022,
Confidential/Redacted
Attachment 16 – Dudek Peer Review of Cultural Resources Assessment, 11/18/2022,
Confidential/Redacted
Attachment 17 – City Council Gas Station Ban Ordinance, ORD-2022-010
Attachment 18 – Recorded Lot Line Adjustment, File No. LLA20-008
Attachment 19 – City Council Annexation Ordinance, ORD-2018-009
Attachment 20 – Storm Water LID, 09/02/2020
Attachment 21 – Correspondence – email from BAAQMD, 04/13/2023
Attachment 22 – Public Correspondence

Resolution 1/Exhibit A

CONTACT

Kristinae Toomians, Senior Planner
(707) 543-4692
ktoomians@srcity.org