ORDINANCE NO. ORD-2022-010

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING 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, FILE REZ22-001

WHEREAS, the City of Santa Rosa is a member of the Sonoma County Regional Climate Protection Authority (RCPA) which was formed in 2009 to coordinate countywide climate protection efforts among Sonoma County's nine incorporated cities and multiple agencies; and

WHEREAS, RCPA adopted a Climate Mobilization Strategy (Strategy) in March 2021 which outlines 13 countywide strategies under local control that have the potential to significantly reduce GHG emissions by 2030; and

WHEREAS, one of the Strategy's initiatives is decarbonization by transitioning away from all use of fossil fuels; and

WHEREAS, to accelerate the shift from fossil fuel to electric vehicles, the cities of Petaluma, Sebastopol, Rohnert Park, and Cotati have adopted regulations to prohibit new fossil fuel-based gas stations and the expansion of existing fossil fuel infrastructure at existing gas stations; the Town of Windsor Planning Commission has recommended Town Council approval of a gas station prohibition ordinance; and

the County of Sonoma Board of Supervisors has directed Permit Sonoma staff to draft a gas station prohibition ordinance; and

WHEREAS, the United States Environmental Protection Agency (EPA) has classified gas stations and fuel storage locations as uses that may result in a brownfield site which are properties where the expansion, redevelopment, or reuse thereof may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant; and

WHEREAS, common contaminants found at gas station sites include gasoline, diesel, and petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at gas stations threatens the public health, safety, or welfare of neighboring communities; and

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

WHEREAS, with increased fuel economy standards for motor vehicles, an increase in electric vehicles being used for transportation, and competition from large discount retailers, the number of operating gas stations is expected to decline; and

WHEREAS, the transportation sector accounts for approximately 60% of greenhouse gas (GHG) emissions in Sonoma County; and

WHEREAS, the City must reduce fossil fuel consumption by increasing transit ridership, biking, and walking, and replacing fossil fuel powered vehicles with electric and other alternatively powered vehicles; and

WHEREAS, there are 44 operating gas stations within City limits, 41 of which are in City areas that have been identified as having the highest concentration of people of color and/or people living in poverty; and

WHEREAS, in 2021, plug-in electric vehicles (EVs) accounted for more than 12% of all light-duty vehicle sales in California. With the rapid rise of practical and affordable EVs, and many new models becoming available on a regular basis, the need for fossil fuel-based gas stations will diminish; and

WHEREAS, on January 26, 2018, Governor Edmund G. Brown, Jr. issued Executive Order B-48-18 which identifies the transportation sector as responsible for emitting 50 percent of California's total greenhouse gas emissions (GHG) and 80 percent of the smog-forming oxides of nitrogen. Executive Order B-48-18 directs all state entities to work with local government and the private sector to ensure at least 5 million zero-emission vehicles on California roads by 2030 and the creation of 250,000 zero emission vehicle charging stations to support such vehicles; and

WHEREAS, on September 9, 2019, the Sonoma County Regional Climate Protection Authority (RCPA) Board of Directors approved a resolution (Resolution No. 2019-002) endorsing the declaration of a climate emergency and immediate emergency mobilization to restore a safe climate, which included a commitment to working with the Bay Area Air Quality Management District and Northern Sonoma County Air Pollution Control District on improving air quality and reducing ozone precursors, particulate matter, toxic air contaminants, and greenhouse gas emissions; and

WHEREAS, on January 14, 2020, the Council of the City of Santa Rosa adopted Resolution No. 2020-002 (Climate Emergency Resolution) declaring a climate emergency and elevating climate issues to the highest priority in its goal setting. The Climate Emergency Resolution commits the City to take action to mitigate, draw down, and take adaptive measures to reach carbon neutrality by 2030. Sonoma County's nine incorporated cities and the County of Sonoma have adopted similar climate emergency resolutions; and

WHEREAS, on September 23, 2020, Governor Newsom issued Executive Order N-79-20 setting 2035 as the year when all new passenger cars and trucks sold in California must be zero-emission; and

WHEREAS, on May 12, 2021, City staff provided the CAS with a presentation and facilitated discussion around the City's existing gas station regulations and potential policy changes; and

WHEREAS, on September 13, 2021, the RCPA Board of Directors adopted Resolution 2021-003 which recommended the county and all incorporated jurisdictions in Sonoma County "cease acceptance of all applications for new gas stations or expansion of existing gas station infrastructure in their local jurisdiction;" and

WHEREAS, on February 9, 2022, the City's Climate Action Subcommittee (CAS) directed staff to draft an ordinance to ban new gas stations and the expansion of fossil fuel infrastructure of existing gas stations within the City; and

WHEREAS, the Zoning Code currently allows new gas stations with a Conditional Use Permit in Commercial Office (CO), Neighborhood Commercial (CN), General Commercial (CG), Motor Vehicle Sales (CV), Station Mixed Use (SMU), Maker Mixed Use (MMU), Community Shopping Center (CSC), Light Industrial (IL), and General Industrial (IG) zoning districts; and

WHEREAS, on July 14, 2022, the City of Santa Rosa Planning Commission held a public hearing and adopted Resolution No PC-2022-016 recommending that the City Council amend the Zoning Code to ban new gas stations and prohibit expansion of fossil fuel infrastructure for existing gas stations; and

WHEREAS, after a duly noticed public hearing on August 23, 2022, the Council of the City of Santa Rosa found that amending Title 20 of the Santa Rosa City Code, based on evidence and records presented, is required for implementation of the City's General Plan and Climate Action Plan, and public convenience, necessity and welfare; and

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council of the City of Santa Rosa finds, based on the evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required to prohibit new gas station land uses (gas stations) and to prohibit expansion of fossil fuel infrastructure for existing gas stations, as appropriate and necessary for the City of Santa Rosa.

The Council of the City of Santa Rosa further finds and determines that:

A. The proposed amendments are consistent with the goals and policies of the Santa Rosa General Plan, Climate Action Plan, and all Specific Plans. General Plan Goal OSC-M states "*reduce greenhouse gas emissions."* This ordinance furthers this Goal OSC-M because businesses that support the use of fossil fuels result in the creation of increased air pollution/greenhouse gases, increased traffic congestion, negatively affecting community health outcomes, acceleration of climate change, impacts to water quality, and other negative environmental or indirect effects. The proposed ordinance would prohibit new gas stations and expansion of fossil fuel infrastructure for existing gas stations. Furthermore, the proposed amendments support City Council Resolution RES-2020-002 which adopts a Climate Emergency Framework and accelerates the City's carbon neutrality goal to 2030, consistent with Climate Action Plan goals.

B. The proposed amendments are consistent with the 2012 Climate Action Plan's Measure 5.2 which states "*Support the State's implementation of the Low Carbon Fuel Standard and facilitate the use of alternative fuels in Santa Rosa*," and Action item #5.2.1 which states "*require new refueling stations to provide biodiesel fuel, compressed natural gas, liquefied natural gas, electric vehicle charging stations, or other alternative fuels*." The proposed ordinance prohibiting gas stations and expansion of fossil fuel infrastructure is consistent with providing support of alternative fuels, associated shifts in transportation modes, and may lead to increased development of alternative fuel stations and infrastructure.

C. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments will prohibit the issuance of land use or development entitlements for new gas stations and the expansion of fossil fuel infrastructure of existing gas stations which result in greenhouse gas emissions that result in negative health, safety and other impacts.

D. Amending the Zoning Code to prohibit new automotive gas or fueling stations is not a project within the meaning of CEQA Guidelines Section 15378, because the amendments have no potential to result in a physical change in the environment, directly or ultimately. This item supports the City's stated goal to reach zero GHGs across all sectors by beginning to phase out fossil fuel sales for transportation uses in the City and expanding the availability of zero emission fueling stations. Gas stations are a land use inconsistent with achieving zero GHGs. Removing gas stations as a permitted use will prevent new gas stations from being permitted and classify existing gas stations as a "nonconforming use", requiring a minor use permit with a public hearing for modifications. It will not force existing gas stations to close. All repairs and modifications to aboveground and underground storage tank systems shall continue to be reviewed and permitted by the Certified Unified Program Agency (CUPA).

In the alternative, if the action is determined to be a project, it has been found exempt from CEQA review in accordance with Sections 15307 and 15308 because this ordinance constitutes action taken by a regulatory agency to protect natural resources and the environment. The proposed Ordinance would establish a limit to infrastructure that directly supports or perpetuates the use of fossil fuels for vehicles, which is the largest source of greenhouse gas emissions for the City. Consistent with the City Council's adopted Climate Emergency Resolution, this step will advance the goal of carbon neutrality by 2030.

In addition, the proposed Ordinance is exempt from CEQA pursuant to the "common sense" exemption under CEQA Guidelines section 15061(b)(3), because there is no possibility that the Ordinance might have a significant effect on the environment. This ordinance will prohibit new gas stations and the expansion of fossil fuel infrastructure at existing gas stations, in turn, preventing future groundwater or surface water contamination, leaks from underground tanks, or improper disposal of gasoline. The City has further determined that 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 section15300.2.) At the time of future development proposals, additional environmental analysis may be required to analyze the potential environmental impacts associated with specific development projects and uses proposed at specific locations.

E. The proposed amendments are internally consistent with other applicable provisions of the Zoning Code as this ordinance relates to the prohibition of new gas station land uses. Proposed modifications of existing nonconforming gas stations will continue to require an entitlement permit which will allow review for compatibility and consistency with surrounding uses and this Zoning Code, and all areas of the code have been thoroughly reviewed for accuracy.

Section 2. Amend Santa Rosa City Code Section 20-23.030, Commercial district land uses and permit requirements, replacing Table 2-6, to read and provide as follows:

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TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts*	P	Permitted Use, Zoning Clearance required
	MUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	See Specific Use Regulations for permit requirement
	—	Use not allowed

	PERMIT REQUIRED BY DISTRICT									
LAND USE (1)	CO	CN (7)	CG	CV	CMU	SMU	MMU	CSC (2)	TV-M	Specific Use Regulations
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING										
Artisan/craft product manufacturing	—	MUP	P	—	MUP	MUP	P	P	—	
Brewery—Brew pub	—	MUP	MUP	—	MUP	MUP	P	MUP	MUP	
Cannabis—Commercial cultivation—up to 5,000 sq ft	—	—	—	—	—	—	MUP	—	—	
Cannabis—Distribution	—	—	—	—	—	—	MUP	—	—	
Cannabis—Manufacturing Level 1 (non-volatile)	—	—	—	—	—	—	MUP	—	—	
Cannabis Microbusiness	—	—	—	—	—	—	MUP	—	—	
Cannabis—Testing laboratory	MUP	—	—	—	—	—	P	—	—	20-46
Laboratory—Medical, analytical	MUP	—	—	—	MUP	MUP	P	—	—	
Manufacturing/processing—Light	—	—	—	—	—	—	P	—	—	
Manufacturing/processing—Medium	—	—	—	—	—	—	MUP	—	—	
Media production	—	—	—	—	—	—	P	—	—	
Printing and publishing	—	—	—	—	MUP	MUP	P	—	—	
Recycling—Reverse vending machines	—	P	P	—	—	—	—	P	—	20-42.120
Recycling—Small collection facilities	—	—	MUP	—	—	—	—	MUP	—	20-42.120
Research and development	—	—	—	—	MUP	P	P	—	—	
Storage—Accessory	P	P	P	P	P	P	P	P	P	
Storage—Personal storage facility (mini-storage)	—	—	MUP	—	—	—		—	—	20-42.180
Winery—Boutique	—	—	MUP	—	MUP	MUP	P	MUP	MUP	
Winery—Production	—	—	CUP	—	CUP	CUP	MUP	—	CUP	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES										
Adult entertainment business	S	S	S	S	S	S	S	S	S	20-40
Commercial recreation facility—Indoor	—	—	MUP	—	MUP	MUP	MUP	MUP	MUP	
Community garden (6)	P	P	P	P	P	P	P	P	P	
Conference/convention facility	—	—	CUP	—	MUP	MUP	CUP	—	CUP	
Health/fitness facility—Commercial	—	MUP	P	—	P	P	P	P	MUP	
Health/fitness facility—Quasi-public	—	MUP	P	—	P	P	P	P	MUP	
Library, museum	P	P	P	MUP	P	P	P	P	P	

Meeting facility, public or private	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Park, playground	P	P	P	MUP	P	P	P	P	P	
School, public or private	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Sports and entertainment assembly facility	—	—	CUP	—	MUP	MUP	CUP	—	—	
Studio—Art, dance, martial arts, music, etc.	MUP	P	P	—	P	P	P	P	MUP	
Theater, auditorium	—	—	CUP	—	MUP	MUP	MUP	CUP	MUP	
RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)										
Animal keeping—Domestic and exotic	S	S	S	—	S	S	S	S	S	20-42.040
Community care facility—6 or fewer clients	P	P	P	—	P	P	P	P	P	20-42.060
Community care facility—7 or more clients	MUP	MUP	MUP	—	MUP	MUP	MUP	MUP	MUP	20-42.060
Emergency shelter—50 or fewer beds	CUP	CUP	P	CUP	CUP	CUP	CUP	CUP	CUP	20-42.190
Emergency shelter—51 or more beds	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	20-42.190
Home occupation	S	S	S	—	S	S	S	S	S	20-42.070
Live/work	MUP	MUP	MUP	—	P	P	P	MUP	MUP	20-42.080
Multi-family dwelling	CUP	P	MUP	—	P	P	P	P	P(5)	
Residential accessory uses and structures	P	P	P	—	P			P	P	20-42.030
Residential component of a mixed use project	MUP	P	MUP	—	P	P	P	P	P(5)	20-42.090
Single-family dwelling—Attached only	CUP	P	CUP	—	MUP	MUP	P	P	P(5)	
Single room occupancy facility			CUP		MUP	MUP	MUP	CUP	—	20-42.164
Supportive housing (12)	P	P	P	—	P	P	P	P	P	
Transitional housing	CUP	CUP	CUP	CUP	MUP	MUP	MUP	—	CUP	
Work/live	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060
RETAIL TRADE										
Accessory retail uses	P	P	P	P	P	P	P	P	P	20-42.024
Alcoholic beverage sales	—	CUP	CUP	—	CUP	CUP	CUP	CUP	CUP	20-42.034
Artisan shop	—	P	P	—	P	P	P	P	P	
Auto and vehicle sales and rental	—	—	MUP(11)	P	—	—	—	—	—	
Auto parts sales (no installation services)	—	—	P(11)	P	—	—	—	P	—	
Bar/tavern	—	CUP	CUP	—	CUP	CUP	CUP	CUP	CUP	20-42.034
Building and landscape materials sales—Indoor	—	—	P(11)	—	—	—	—	P	—	
Building and landscape materials sales—Outdoor	—	—	MUP	—	—	—	—	MUP	—	20-42.100
Cannabis—Retail (dispensary) and delivery	CUP(10)	CUP(10)	CUP(10)	—	—	—	—	CUP (10)	—	20-46
Construction and heavy equipment sales and rental	—	—	—	MUP	—	—	—	—	—	
Drive-through retail sales	—	CUP	CUP(11)	—	—	—	—	CUP	—	20-42.064
Electric vehicle sales	—	—	—	—	MUP	MUP	MUP	—	—	

Farm supply and feed store	—	—	MUP	—	—	—	—	MUP	—	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	CUP	—	—	—	—	—	
Furniture, furnishings, appliance/equipment store	—	—	P	—	P	P	P	P	MUP	
Gas station	—	—	—	—	—	—	—	—	—	
General retail—Up to 20,000 sf of floor area	—	P(11)	P	—	P	P	P	P	P	
General retail—More than 20,000 sf, up to 50,000 sf	—	MUP (11)	P (11)	—	P	P	MUP	P	MUP	
General retail—More than 50,000 sf of floor area	—	—	CUP (11)	—	—	—	—	P	—	
Grocery store, small—Less than 20,000 sf	—	P	P	—	P	P	P	P	P	
Grocery store, large—20,000 sf and greater	—	CUP (11)	CUP (11)	—	P	P	P	P	CUP	20-42.200
Mobile food vending	—	—	MUP(9)	—	MUP	MUP	MUP	—	—	20-42.210
Mobile home, boat, or RV sales	—	—	MUP	P	—	—	—	—	—	
Neighborhood center	MUP	P	P	CUP	P	P	P	P	MUP	
Night club	—	—	MUP(11)	—	MUP	MUP	MUP	MUP	MUP	
Office—Supporting retail	MUP	P	P	—	P	P	P	P	P	
Outdoor display and sales	—	MUP	MUP	—	MUP (13)	MUP (13)	MUP (13)	CUP	CUP	20-42.110
Pharmacy	MUP	P	P	—	P	P	P	P	MUP	
Restaurant, café, coffee shop—Counter ordering	MUP	P	P	—	P	P	P	P	P	
Restaurant, café, coffee shop—Outdoor dining	P(8)	P(8)	P(8)	—	P(8)	P(8)	P(8)	P(8)	P(8)	20-42.110, 20-42.160
Restaurant, café, coffee shop—Serving alcohol (no bar)	P	P	P	—	P	P	P	P	P	
Restaurant, café, coffee shop—Table service	MUP	P	P	—	P	P	P	P	P	
Second hand store	—	MUP	MUP	—	MUP	MUP	MUP	MUP	MUP	
Shopping center	—	—	P	—	P	P	P	P	—	
Tasting room	—	MUP	P	—	P	P	P	P	P	
Tobacco or smoke shop	—	—	MUP	—	MUP	MUP	MUP	MUP	MUP	
Warehouse retail	—	—	CUP(11)	—	—	—	—	CUP	—	
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL										
ATM	P	P	P	P	P	P	P	P	P	20-42.044
Bank, financial services	MUP	P	P	—	P	P(5)	P(5)	P	P(5)	
Business support service	MUP	MUP	P	—	P	P	P	P	P	
Medical service—Clinic, urgent care	P	MUP	P	—	P	P	MUP	P	MUP	
Medical service—Doctor office	P	P	P	—	P	P(5)	MUP	P	P(5)	
Medical service—Health care facility	MUP	—	MUP	—	—	—	—	—	—	20-42.060
Medical service—Hospital	CUP	CUP (11)	CUP(11)	CUP	CUP	CUP	CUP	CUP	CUP	
Medical service—Integrated medical health center	P	MUP	P	—	P	P	P	P	MUP	

Medical service—Lab	P	—	P	—	—	—	—	MUP	—	
Medical service—Veterinary clinic, animal hospital	MUP	—	MUP	—	—	—	—	MUP	—	
Office—Accessory	P	P	P	P	P	P	P	P	P	
Office—Business/service	P	P	P	—	P	P	P	P	P(5)	
Office—Government	P	MUP	MUP	MUP	P	MUP	MUP	MUP	MUP	
Office—Processing	MUP	—	MUP	—	MUP	MUP	MUP	—	MUP	
Office—Professional	P	MUP	P	—	P	P	P	—	P(5)	
SERVICES—GENERAL										
Accessory services	P	P	P	P	P	P	P	P	P	20-42.030
Adult day care	—	P	MUP	—	MUP	MUP	MUP	P	MUP	
Catering service	—	—	P	—	—	—	P	—	—	
Child day care—Large family day care home	MUP	MUP	MUP	—	P	P	P	MUP	MUP	20-42.050
Child day care—Small family day care home	P	P	P	—	P	P	P	P	P	20-42.050
Child day care center	MUP	MUP	MUP	—	MUP	MUP	MUP	MUP	MUP	20-42.050
Drive-through service	—	CUP	CUP	—	—	—	—	CUP	—	20-42.064
Equipment rental	—	—	P(4)	—	—	—	—	—	—	
Extended hours of operation (11:00 p.m. to 6:00 a.m.)	—	MUP	MUP	—	P	P	P	MUP	MUP	
Lodging—Bed and breakfast inn (B&B)	—	—	MUP	—	P	P	P	—	MUP	
Lodging—Hotel or motel	MUP	—	MUP	—	P(4)	P(4)	P(4)	—	P	
Mortuary, funeral home	—	—	CUP	—	—	—	—	—	—	
Personal services	P	P(2)	P	—	P	P	P	P	P	
Personal services—Restricted	—	—	MUP	—	MUP	MUP	MUP	MUP	—	
Public safety facility	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Repair service—Equipment, large appliances, etc.	—	—	MUP	—	—	—	—	—	—	
Social service organization	MUP	—	MUP	—	MUP	MUP	MUP	—	—	
Vehicle services—Major repair/body work	—	—	—	P(4)	—	—	—	—	—	
Vehicle services—Minor maintenance/repair	—	—	MUP	P(4) (11)	—	—	MUP	MUP	—	
TRANSPORTATION, COMMUNICATION & INFRASTRUCTURE										
Broadcasting studio	P	—	P	—	P	P	P	P	P	
Parking facility, public or commercial	MUP	—	MUP	—	P(4)	PP(4)	MUP	—	MUP	
Telecommunications facilities	S	S	S	S	S	S	S	S	S	20-44
Transit station or terminal	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility infrastructure	P	P	P	P	P	P	P	P	P	

Key to Zoning District Symbols

CO	Office Commercial	**CV**	Motor Vehicle Sales	**TV-M**	Transit Village—Mixed	**MMU**	Maker Mixed Use
CN	Neighborhood Commercial	**CD**	Downtown Commercial	**CMU**	Core Mixed Use		
CG	General	**CSC**	Community Shopping Center	**SMU**	Station Mixed Use		

	Commercial		

Notes:

(1) See Division 7 for land use definitions.

(2) Each new development or project involving significant additions or reconstruction is required to be a mixed use project with a residential component in compliance with the residential density requirements for the CSC zoning district as described in Sections20-23.040 and 20-23.080.

(3) Each new development on a site shown in Figure 2-1, Section 20-23.060.C shall be a mixed use project, and each new development within the Courthouse Square Sub-Area of the Downtown Station Area Specific Plan shall provide activity-generating uses at the ground floor along all public streets.

(4) Minor Conditional Use Permit required when site abuts residential zoning district or parcel with residential use

(5) Uses permitted on upper stories of building, Minor Use Permit required when proposed on ground floor.

(6) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.

(7) Residential uses are encouraged as part of new development on sites zoned CN, as described in Section 20-23.050.

(8) Administrative Design Review is required when a project is not part of a building permit application.

(9) Mobile food vending is permitted on private property, with the approval of a Minor Use Permit, only on sites located within the CG zoning district that have street frontage on Sebastopol Road, between Stony Point Road and Olive Street, as described in Section 20-42.210.

(10) Subject to a 600-foot minimum setback requirement to a "school," as defined by the Health and Safety Code Section 11362.768. In addition, a cannabis retail use shall not be established within 600 feet of any other cannabis retail use established within and permitted by the City of Santa Rosa.

(11) Not permitted in the Southeast Greenway area.

(12) Supportive housing is allowed only when the proposed use meets each of the requirements of Assembly Bill 2162, as specified in Government Code Section 65651.

(13) Outdoor dining permitted by right, pursuant to Section 20-42.110.B

Section 3. Amend Santa Rosa City Code Section 20-24.030, Industrial district land uses and permit requirements, replacing Table 2-10, to read and provide as follows:

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Districts*	P	Permitted Use, Zoning Clearance required		
	MUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	See Specific Use Regulations for requirement		
	—	Use not allowed		

LAND USE (1)	**PERMIT REQUIRED BY ZONE (2)**			**Specific Use Regulations**
	BP	**IL**	**IG**	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Agricultural product processing	—	—	P(3)	
Artisan/craft product manufacturing	P	P	P	
Brewery—Brew pub	P	CUP	—	

Brewery—Production	P	P	P	
Cannabis—Commercial cultivation—up to 5,000 sq ft	—	MUP	MUP	20-46
Cannabis—Commercial cultivation—5,001 sq ft or greater	—	CUP	CUP	20-46
Cannabis—Distribution	MUP(4)	P(3)	P(3)	20-46
Cannabis—Manufacturing level 1 (non-volatile)	P(3)	P(3)	P(3)	20-46
Cannabis—Manufacturing level 2 (volatile)	—	CUP	CUP	20-46
Cannabis—Microbusiness	—	CUP	CUP	20-46
Cannabis—Testing laboratory	P	P	P	20-46
Community care facilities—6 or fewer clients	P	P	P	
Community care facilities—7 or more clients	MUP	MUP	MUP	
Furniture/fixtures manufacturing, cabinet shops	—	P(3)	P(3)	
Laboratory—Medical, analytical	P	P	—	
Laundry, dry cleaning plant	—	MUP	P	
Manufacturing/processing—Heavy	—	—	MUP	
Manufacturing/processing—Light	P(3)	P(3)	P(3)	
Manufacturing/processing—Medium	—	MUP	MUP	
Media production—Indoor only	P	P(3)	P(3)	
Media production—With outdoor uses	MUP	P(3)	P(3)	
Petroleum product storage and distribution	—	—	MUP	
Printing and publishing	P(3)	P(3)	P	
Recycling—Large collection facility	—	—	MUP	20-42.120
Recycling—Processing facility	—	—	MUP	20-42.120
Recycling—Reverse vending machines	P	P	P(3)	20-42.120
Recycling—Scrap or dismantling yard	—	—	MUP	20-42.120
Recycling—Small collection facility	MUP	MUP	MUP	20-42.120
Research and development	P	P	MUP	
Storage—Accessory	P	P	P(3)	
Storage—Contractor's yard	—	MUP	MUP	
Storage—Open during extended or transitional hours	—	MUP	MUP	
Storage—Outdoor	—	MUP	MUP	20-42.170
Storage—Personal storage facility (mini-storage)	—	P(3)	P(3)	20-42.180
Warehouse, wholesaling and distribution	MUP (4)	P(3)	P(3)	
Winery—Boutique	P	P	P	
Winery—Production	P	P	P	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Adult entertainment business	S	S	S	20-40
Commercial recreation facility—Indoor	MUP	P	P	
Commercial recreation facility—Outdoor	—	MUP	—	
Community garden (6)	P	P	P	
Conference/convention facility	MUP(4)	MUP	—	
Health/fitness facility—Commercial	MUP	MUP	—	
Health/fitness facility—Quasi-public	MUP	MUP	—	
Meeting facility, public or private	MUP	MUP	—	
School, public or private	MUP	MUP	MUP	
Sports and entertainment assembly facility	—	CUP	—	
Studio—Art, dance, martial arts, music, etc.	MUP	MUP	—	
Theater, auditorium	—	CUP	—	

RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)

Accessory dwelling unit	P(4)	—	—	20-42.130
Animal keeping—Domestic/exotic	S	S	S	20-42.040
Caretaker unit	MUP(4)	MUP(4)	MUP(4)	

Emergency shelter	CUP	CUP	CUP	
Home occupation	S	—	—	20-42.070
Junior accessory dwelling unit	P(4)	—	—	20-42.130
Live/work unit	MUP	—	—	20-42.080
Mixed use project	MUP	—	—	
Mobile home/manufactured housing	CUP(4)	—	—	20-42.094
Multi-family dwellings	CUP(4)	—	—	
Organizational house	CUP(4)	—	—	
Residential accessory uses and structures	P(4)	—	—	
Single-family dwelling	CUP(4)	—	—	
Supportive housing(8)	P	—	—	
Transitional housing	CUP	CUP	CUP	
Work/live unit	MUP	MUP	MUP	20-42.080
RETAIL TRADE				
Accessory retail uses	P(4)	P	P	20-42.024
Alcoholic beverage sales	—	CUP	—	20-42.034
Auto and vehicle sales and rental	—	MUP	—	
Bar/tavern	—	CUP	—	
Building and landscape materials sales—Indoor	—	P	MUP	
Building and landscape materials sales—Outdoor	—	MUP	MUP	
Cannabis—Retail (dispensary) and delivery	CUP(7)	CUP(7)	CUP(7)	20-46
Construction and heavy equipment sales and rental	—	MUP	MUP	
Farm supply and feed store	—	P	MUP	
Fuel dealer (propane for home and farm use, etc.)	—	—	MUP	
Gas station	—	—	—	
Neighborhood center	MUP (5)	MUP(5)	CUP (5)	
Night club	—	CUP	—	
Office supporting retail	P	—	—	
Restaurant, café, coffee shop—Counter ordering	P(4)	P	CUP	
Restaurant, café, coffee shop—Outdoor dining	MUP (4)	MUP	CUP	
Restaurant, café, coffee shop—Serving alcohol (no bar)	P(4)	P	CUP	
Restaurant, café, coffee shop—Table service	P(4)	P	CUP	
Warehouse retail	CUP(4)	CUP	CUP	
SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL				
ATM	P	P	—	20-42.044
Bank, financial services	P	—	—	
Business support service	P	P	MUP	
Medical service—Clinic, urgent care	P	MUP	—	
Medical service—Doctor office	P	—	—	
Medical service—Health care facility	MUP	—	—	20-42.060
Medical service—Integrated medical health center	P	MUP	—	
Medical service—Lab	P	MUP	—	
Medical service—Veterinary clinic, animal hospital	—	MUP	MUP	
Office—Accessory	P	P	P(3)	
Office—Business/service	P	—	—	
Office—Government	P	—	—	
Office—Processing	MUP	—	—	
Office—Professional	P	—	—	

SERVICES—GENERAL				
Accessory services	P(4)	P	MUP	20-42.024
Catering service	—	P	P	
Child day care center	MUP	MUP	—	20-42.050
Equipment rental	—	P(3)	P(3)	
Extended hours of operation (11:00 p.m. to 6:00 a.m.)	MUP	MUP	MUP	
Kennel, animal boarding	—	MUP	MUP	
Lodging—Hotel or motel	CUP(4)	—	—	
Maintenance service—Client site services	MUP	P	P	
Personal services	P	MUP	—	
Public safety facility	MUP(2)	MUP	MUP	
Repair service—Equipment, large appliances, etc.	—	MUP	P(3)	
Vehicle services—Major repair/body work	—	MUP	P(3)	
Vehicle services—Minor maintenance/repair	—	P	P(3)	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Broadcasting studio	P	P	P	
Parking facility, public or commercial	—	—	MUP	
Taxi or limousine dispatch facility	—	MUP	MUP (3)	
Telecommunications facilities	S	S	S	20-44
Truck or freight terminal	—	MUP	MUP(3)	
Utility facility	—	P(3)	P(3)	
Utility infrastructure	P(3)	P(3)	P(3)	
Vehicle storage	—	MUP	P(3)	

Key to Zoning District Symbols

BP	Business Park	**IG**	General Industrial
IL	Light Industrial		

Notes:

(1) See Division 7 for land use definitions.

(2) The reoccupancy of a building with an allowable use that is similar to or less intense than the former use may be permitted without MUP or CUP approval. See Section 20-24.030.B.

(3) MUP required if the use, specific suite, or its associated operations abuts a residential zoning district or parcel with a residential use.

(4) Use only allowed if ancillary and related to a primary or dominant use.

(5) Allowed in any industrial district where the review authority first determines that a need exists, and that the proposed business will be economically viable.

(6) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.

(7) Subject to a 600-foot minimum setback requirement to a "school," as defined by the Health and Safety Code Section 11362.768. In addition, a cannabis retail use shall not be established within 600 feet of any other cannabis retail use established within and permitted by the City of Santa Rosa.

(8) Supportive housing is allowed only when the proposed use meets each of the requirements of Assembly Bill 2162, as specified in Government Code Section 65651.

* The land use and permit requirements set forth in this table shall be waived for all land uses approved under the provisions of Chapter 20-16, Resilient City Development Measures.

Section 4. Amend and rename Santa Rosa City Code Section 20-42.150, Service stations, to read and provide as follows:

"20-42.150 Vehicle **S**ervices.

A. Site requirements. A proposed vehicle services use shall be approved only on a site that complies with the following requirements**:**

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.
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 vehicle services 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."

Section 5. Add Subsection (E) to Santa Rosa City Code Section 20-61.020, Nonconforming uses, to read and provide as follows:

" E. Gas Station modifications.

1. Gas stations and related fossil fuel infrastructure shall not be enlarged, extended, reconstructed, or moved to a different portion of the lot or parcel of land occupied by such use except as outlined below or as required for compliance with local, state, or federal law, or as approved by the CUPA. Fossil fuel infrastructure subject to this provision includes, but is not limited to structures, features, and facilities related to the sale, storage, conveyance, and dispensing of gasoline and any other fossil fuel (e.g., storage tanks, pumps, dispensers). A Minor Use Permit shall be required for any modifications to existing gas stations and fossil fuel infrastructure unless proposed modifications are subject to review by a higher review authority pursuant to City Code Section 20-50.020, Authority for Land Use and Zoning Decisions, Table 5-1, Review Authority. Land use entitlements required pursuant to this Section are in addition to applicable CUPA permitting requirements.

a. Modifications to Improve Air, Soil, Groundwater, and Stormwater Quality. Gas stations may be modified to conform to current air or stormwater quality control regulations or to remediate contamination of soil or groundwater.

b. Modifications to Improve Traffic Safety. As determined by the City Engineer, the pedestrian and vehicular circulation features (e.g., curbing, sidewalks, traffic control devices) of a gas station may be modified to improve public safety.

c. Modifications to Enable Zero Emission Vehicles (Battery Charging Station). Gas stations may be modified to accommodate battery charging station(s) for zero emission vehicles. Pursuant to Government Code Section 65850.7, this Zoning Ordinance requires no permit for battery charging stations.

d. Temporary and Permanent Closure of Gas Stations. The temporary and permanent closure of gas stations shall be subject to City Code Title 17, Environmental Protection, Chapter 17-34, Certified Unified Program Agency (CUPA), and California Code of Regulations Title 23, Chapter 16, Article 7, Underground Storage Tank Closure Requirements, Sections 2670-2672, Temporary and Permanent Closure, and as outlined in the Santa Rosa Fire Department Underground Storage Tank Closure Policy and Guidelines."

Section 6. Amend the following definition in Santa Rosa City Code Section 20-70.020, Definitions of specialized terms and phrases, to read and provide as follows:

"Gas Station. A retail business selling gasoline and/or other motor vehicle fuels derived from fossil fuels (e.g., petroleum, coal, natural gas), and related products."

Section 7. Add the following definition to Santa Rosa City Code Section 20-70.020, Definitions of specialized terms and phrases, to read and provide as follows:

"Zero Emission Vehicle. A vehicle that does not emit exhaust gas or other pollutants from the onboard source of power under any and all possible operational modes and conditions."

Section 8. Environmental Determination. Amending the Zoning Code to prohibit new automotive gas or fueling stations is not a project within the meaning of CEQA Guidelines Section 15378, because the amendments have no potential to result in a physical change in the environment, directly or ultimately. This item supports the City's stated goal to reach zero GHGs across all sectors by beginning to phase out fossil fuel sales for transportation uses in the City and expanding the availability of zero emission fueling stations. Gas stations are a land use inconsistent with achieving zero GHGs. Removing gas stations as a permitted use will prevent new gas stations from being permitted and classify existing gas stations as a "nonconforming use", requiring a minor use permit with a public hearing for modifications. It will not force existing gas stations to close.

In the alternative, if the action is determined to be a project, it has been found exempt from CEQA review in accordance with Sections 15307 and 15308 because this ordinance constitutes action taken by a regulatory agency to protect natural resources and the environment. The proposed Ordinance would establish a limit to infrastructure that directly supports or perpetuates

the use of fossil fuels for vehicles, which is the largest source of greenhouse gas emissions for the City. Consistent with the City Council's adopted Climate Emergency Resolution, this step will advance the goal of carbon neutrality by 2030.

In addition, the proposed Ordinance is exempt from CEQA pursuant to the "common sense" exemption under CEQA Guidelines section 15061(b)(3), because there is no possibility that the Ordinance might have a significant effect on the environment. This ordinance will prohibit new gas stations and the expansion of fossil fuel infrastructure at existing gas stations, in turn, preventing future groundwater or surface water contamination, leaks from underground tanks, or improper disposal of gasoline. The City has further determined that 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 section15300.2.) At the time of future development proposals, additional environmental analysis may be required to analyze the potential environmental impacts associated with specific development projects and uses proposed at specific locations.

Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. Existing Applications. 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.

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Section 11. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on August 23, 2022.

IN COUNCIL DULY PASSED AND ADOPTED this 13th day of September, 2022.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: Stephanie A. Williams
City Clerk

APPROVED: Chris Rogers (Sep 19, 2022 22:25 PDT)
Mayor

APPROVED AS TO FORM: Jeff Clerk (Sep 14, 2022 14:39 PDT)
Deputy City Attorney

CC - ORD-2022-010 (09-13-2022)

Final Audit Report 2022-09-20

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