City of Santa Rosa

7-Eleven, Inc

43, 51, AND 55 MIDDLE RINCON ROAD, AND 4865 HIGHWAY 12

May 11, 2023

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Project Planner
Planning and Economic Development

City of Santa Rosa

Project Description

- Demolition of all structures.
- Construction of a new 4,191-square-foot, 24-hour Convenience Store with off-site alcohol sales and Gas Station with twelve gas pumps through six dispenser pumps.
- The project also includes four electrical vehicle charging stations.

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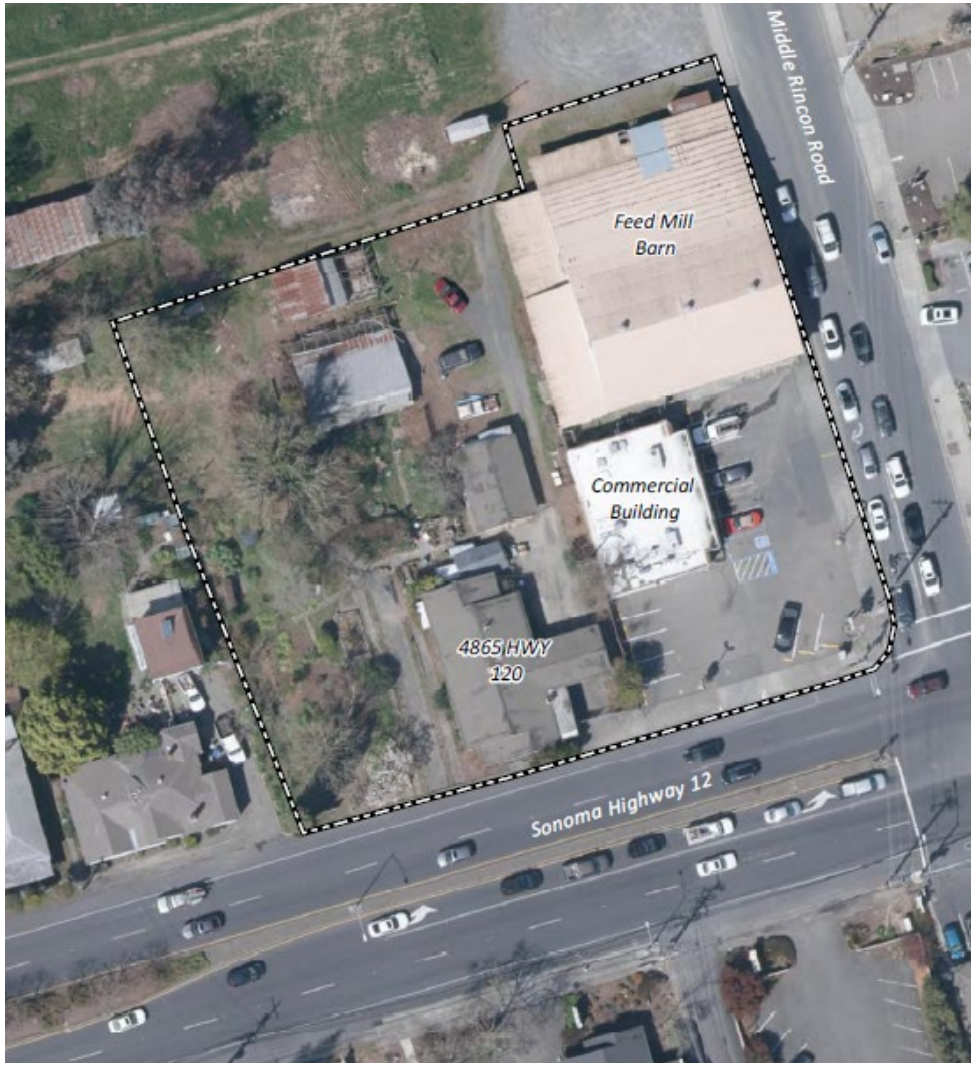
Project Location
43 Middle Rincon Rd



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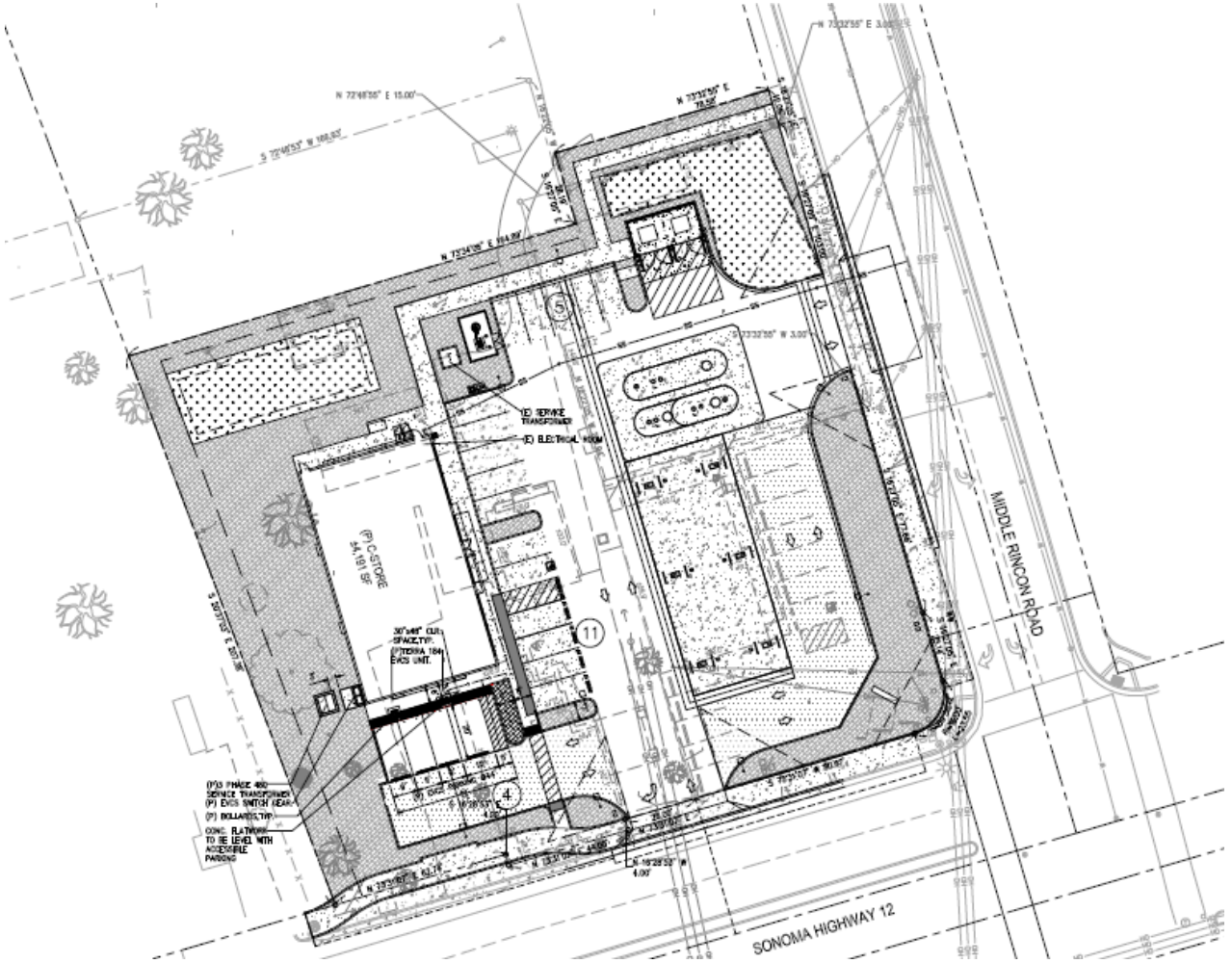
Project History

May 8, 2018	Prezoning 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.

General Plan & Zoning

City of Santa Rosa

Site Plan Entitlement



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Gas Stations

- On September 13, 2022, the City Council adopted Ordinance No. ORD- 2022- 010 to prohibit new gas station land uses and to prohibit expansion of fossil fuel infrastructure for existing gas station land uses.
- The ordinance included a “pipeline provision,” which exempts any applications from the ban if they’ve been deemed complete by the effective date of the ordinance (09/13/2022).
- The ordinance allows any “pipeline projects” that meet these criteria to continue to be processed and considered by the appropriate review authority. This project was deemed complete on September 16, 2020.

City of Santa Rosa

Gas Stations

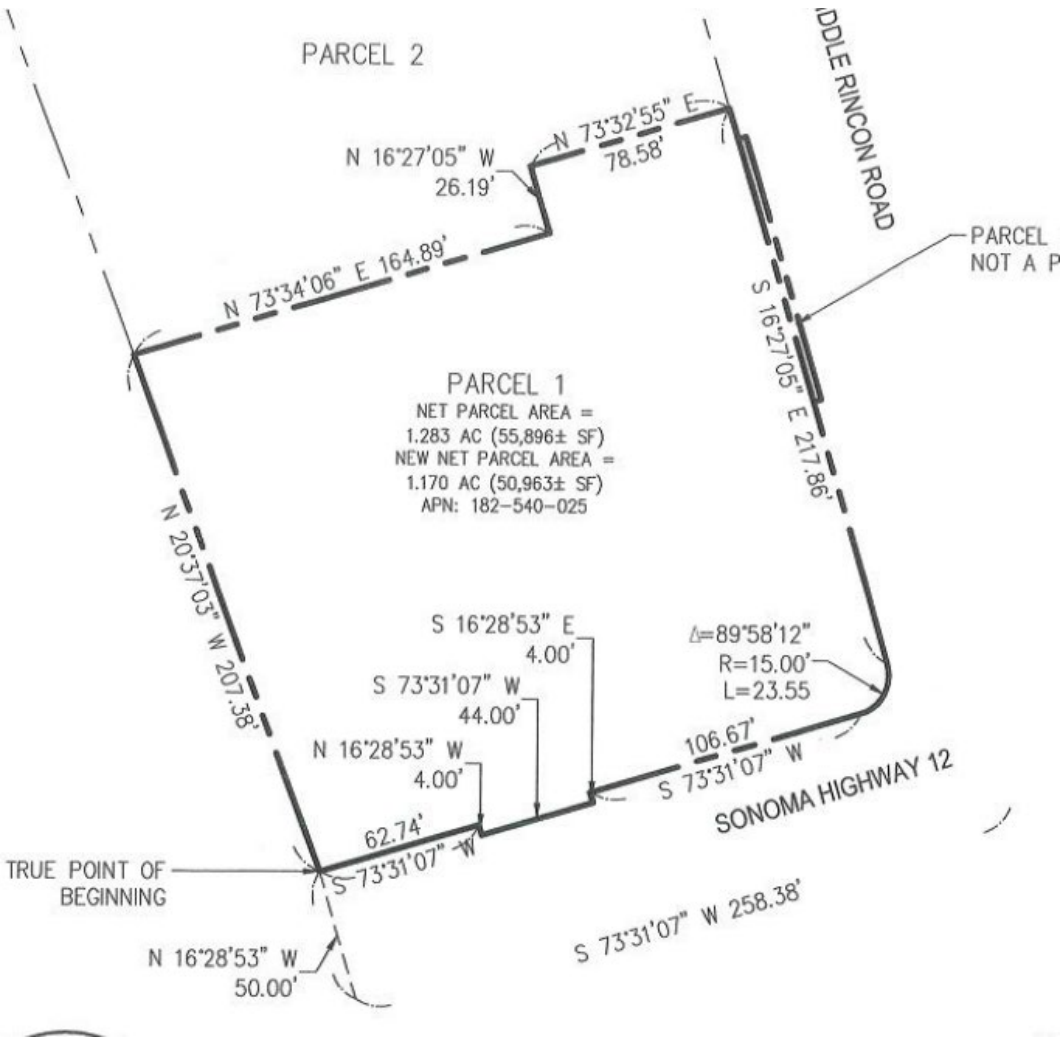
Per Code Section 20-42.150 – Service Stations, the proposed gas station is required to comply with the following site requirements:

City of Santa Rosa

Gas Stations

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.



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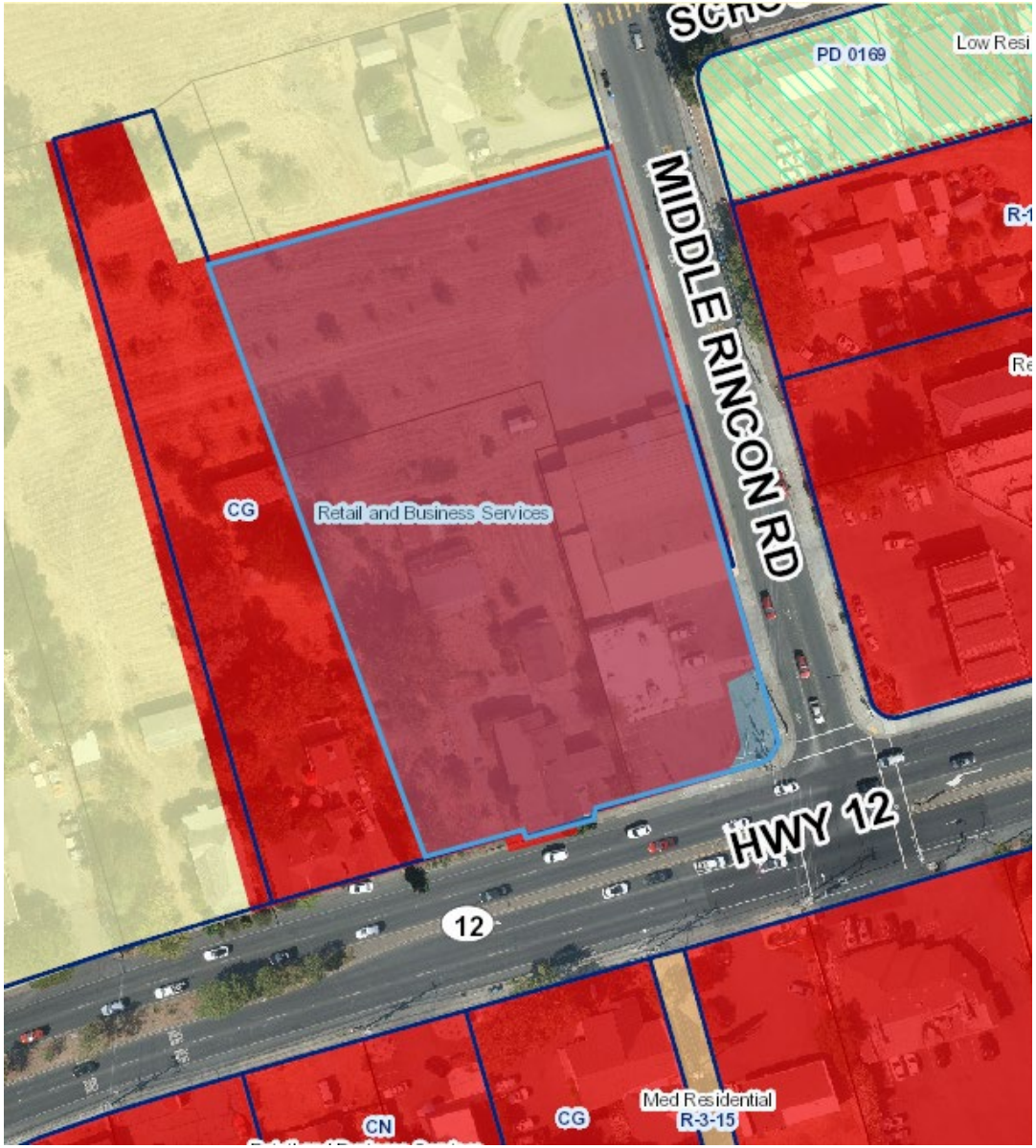
Gas Stations

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.



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Gas Stations

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:

- Service station sites within 150 feet of the U.S. Highway 101 intersections and Freeway 12 intersections measured along the intersecting street; and
- A service station site incorporated into a PD project (Section 20-26.060).

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.

Extended Hours of Operation

- 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, 2019, 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.

Alcoholic Beverage Sales

- City Code requires a Major Conditional Use Permit for Alcoholic Beverage Sales within the CG Zoning District.
- The project site was developed 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).
- 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.

Alcoholic Beverage Sales

Zoning Code Section 20-42.034(C) directs the Planning Commission 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:

- 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.

Alcoholic Beverage Sales

- 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.

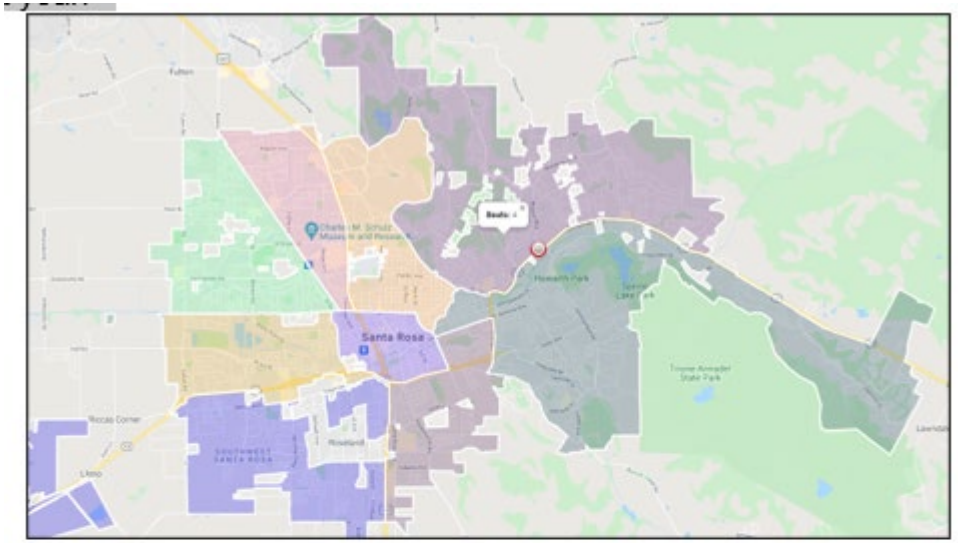

Figure 4: Santa Rosa Police Patrol Beats Map

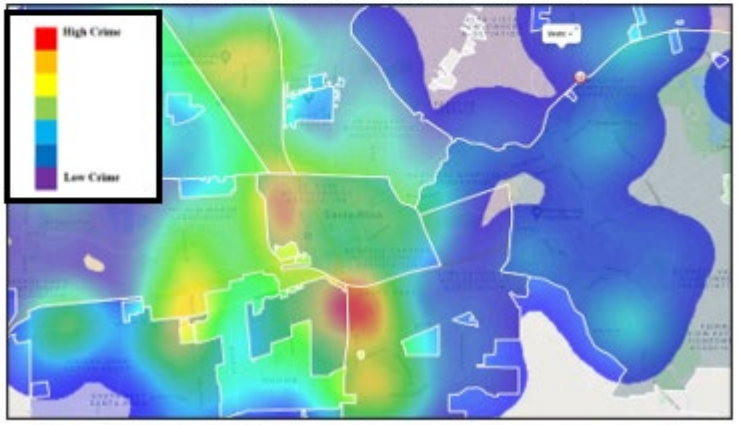

Figure 5: Santa Rosa Crime Density Map. Dark red indicates hot spots.

Alcoholic Beverage Sales

- 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: The subject area does not have an overconcentration of Type 20 licenses according to limits established by ABC based on census data.

- 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.

Alcoholic Beverage Sales

- 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: 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.

Alcoholic Beverage Sales

- 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 request for demolition, City staff initiated the preparation of a Cultural Resource Assessment and Evaluation to determine if there are any significant historic resource on the property.

- 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.

City of Santa Rosa

Historic/Cultural Resources

- 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, and a chicken coop.
- The property at 43 Middle Rincon Road (APN 182-540-024) includes a corrugated metal feed mill barn constructed circa 1942 and a single-story commercial building, a 7-Eleven convenience store, constructed in 1967.

City of Santa Rosa

Historic/Cultural Resources

Photo 4. South and west façades, looking northeast across Highway 12 (Sonoma Highway).

Historic/Cultural Resources

- 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.
- 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.

Conditional Use Permit Findings

- 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:

Conditional Use Permit Finding #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;

Staff Response: Although the Council effectively banned new gas stations by adopting Ordinance No. ORD-2022-010 on September 13, 2022, the Ordinance included an exemption for any applications to permit new gas stations if the application was deemed complete for processing by the effective date of the ordinance. The Ordinance allows any Projects that meet these criteria to continue to be processed and considered by the appropriate review authority. Since the Project was deemed complete on September 16, 2020, the Project is exempt from the Gas Station Prohibition Ordinance.

Conditional Use Permit Finding #1

- 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.
- Zoning Code Section 20-42.150 regulates Service Stations (defined as “Gas Station” and “Vehicle Services”) and specifies site requirements for Gas Station land uses that are exempt from the Gas Station Ban, including site area and dimensions, proximity to residential uses, and distance between service station sites.
- As previously discussed, this project complies with the location and siting requirements for a gas station.

Conditional Use Permit Finding #1

- As discussed, earlier, the proposed alcohol beverage sale use complies with the standards and criteria in Section 20-42.034 (Alcoholic Beverage Sales).
- 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 and continue the sale of beer and wine.

Conditional Use Permit Finding #2

The proposed use is consistent with the General Plan and any applicable specific plan;

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 Highway 12.
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.	
Urban Design	
UD-A-5: Require superior site and architectural design of new development projects, to improve visual quality in the City. **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.**	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.

Conditional Use Permit Finding #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;

Conditional Use Permit Finding #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;

Conditional Use Permit Finding #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

Environmental Review

California Environmental Quality Act (CEQA)

This project is Categorically Exempt pursuant to Class 32. The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), exempts infill development within urbanized areas if it meets certain criteria:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services

Environmental Review
California Environmental Quality Act (CEQA)

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:

- 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 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.

City of Santa Rosa

Environmental Review

California Environmental Quality Act (CEQA)

- 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.
- 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.

Environmental Review

California Environmental Quality Act (CEQA)

- 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.
- 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.

Environmental Review

California Environmental Quality Act (CEQA)

15301(l) EXISTING FACILITIES

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

City of Santa Rosa

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).
- 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.

City of Santa Rosa

Public Comments

- 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.”
- 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.

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 demolition of an existing “7-Eleven” Convenience Store, two single-family units and accessory structures on 43 Middle Rincon and 4865 HWY 12, and construction of a new 4,191-square-foot 7-11 Convenience Store with off-site alcohol sales, 24-hour operation, and an accessory Gas Station.

Questions

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