Zoning Code Text Amendments to Prohibit New Gas Station Land Uses and Prohibit Expansion of Fossil Fuel Infrastructure for Existing Gas Station Land Uses

City Council

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Planning and Economic Development

Background

RCPA Climate Emergency Declaration
Sep 2019

Council Climate Emergency Declaration
Jan 2020

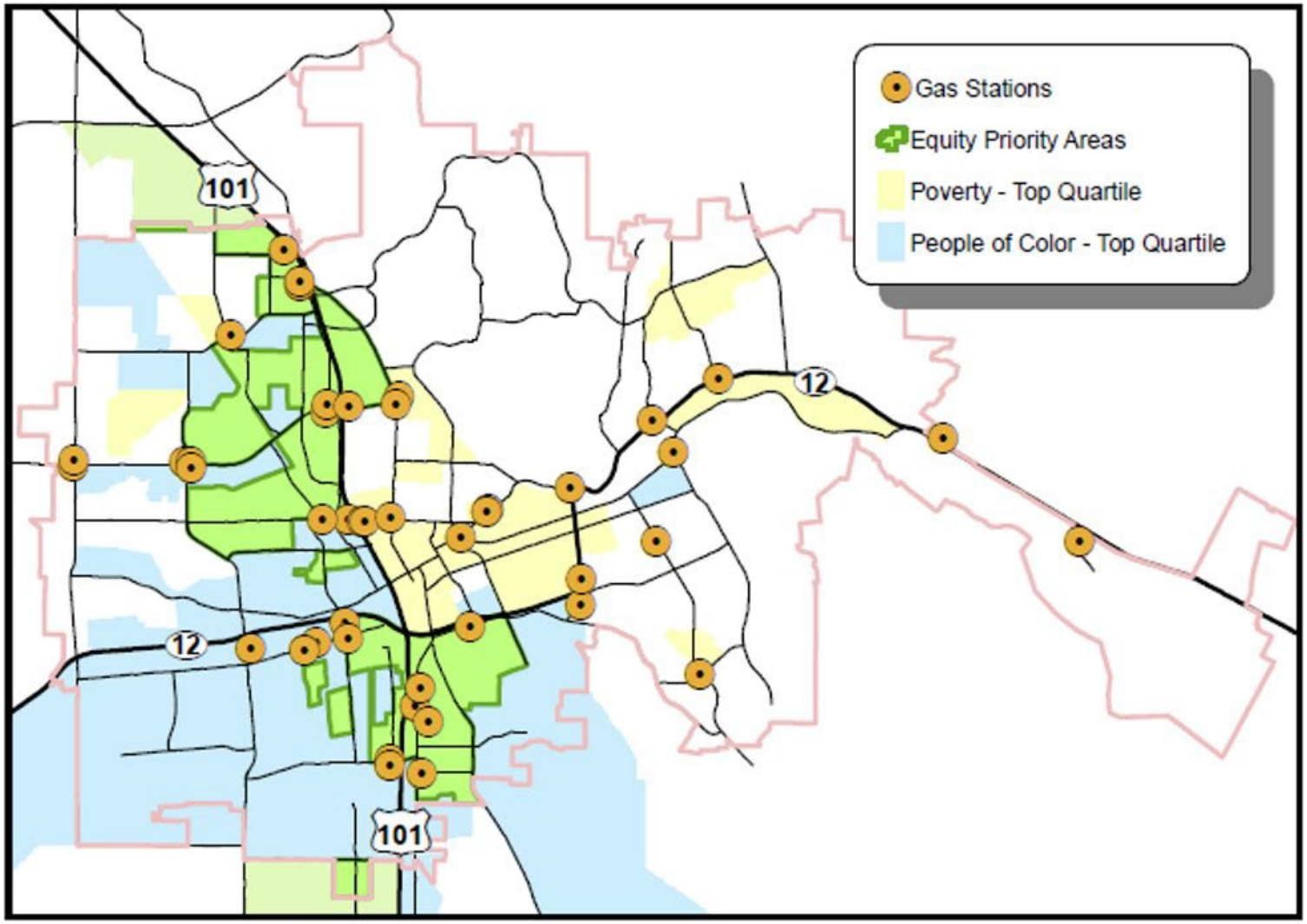
RCPA Gas Station Prohibition Resolution
September 2021

CAS Subcommittee Direction
February 2022

Planning Commission Recommendation
July 2022

City of Santa Rosa

Locations of Gas Stations and Equity Priority Communities



Proposed Ordinance



The proposed ordinance will:

- prohibit new gas stations in all zoning districts
- establish regulations for existing and currently proposed gas stations as ‘nonconforming uses’
- rename ‘service station’ land use as ‘vehicle services’ and remove the 500-foot separation requirement language that merged gas stations with other uses
- update the definition of ‘gas station’ to refine that they involve fossil fuels and add a definition for ‘zero-emission vehicle’



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Proposed Ordinance Service Stations

Amend Zoning Code Section 20-42.150, Service Stations, to separate vehicle service land uses from gas station land uses.

~~Service Stations~~ **Vehicle Services**.

A. Site requirements. A proposed ~~service station~~ **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 ~~service station~~ **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.
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; and~~
    - ~~b. A service station site incorporated into a PD project (Section 20-26.060).~~

~~B. Removal of abandoned service stations. A service station that becomes nonconforming for any reason other than the spacing requirements of this Section, and which is abandoned or closed for a period of six months consecutively, or an aggregate of 365 days in any two-year period, shall be physically removed from the site by the owner. "Removal" means the demolition of all service station facilities, removal or filling of underground tanks with sand or other solid material. Prior to the effective date of any order to remove any service station facilities in compliance with this Section, interested parties shall be notified by registered mail and shall be given a hearing before the Council.~~

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Proposed Ordinance
Gas Station Modifications

Add Subsection (E) to City Code Section 20-61.020, Nonconforming Uses

20-61.020 (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 state or federal law. 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.

a. Modifications to Improve 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, no discretionary permit is required for battery charging stations.

d. Removal of abandoned gas stations. A gas station that is abandoned or closed for a period of six months consecutively, or an aggregate of 365 days in any two-year period, shall be physically removed from the site by the owner. Removal means the demolition of all gas station structures, features and facilities and removal or filling of underground tanks in compliance with the most restrictive local, State or Federal guidelines in effect at the time of removal.

Proposed Ordinance
Nonconforming Uses

Additional staff recommended language which was not accepted by the Planning Commission

Modifications to include facilities for the storage, conveyance and dispensing of hydrogen or biogas to zero emission vehicles.

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Proposed Ordinance Definitions

Amend Section 20-70.020
Definitions of Specialized Terms and Phrases

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. ~~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.~~

~~Service Station. See "Gas Station," and "Vehicle Services.~~

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.

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Applications in Process

Two proposed new gas station projects with complete applications are currently under review:

- **43 Middle Rincon Road**
- **874 North Wright Road**

The ordinance is drafted to allow these and any other projects with complete applications prior to the effective date of the ordinance to continue being processed and acted on by the appropriate review authority.

Environmental Review
California Environmental Quality Act (CEQA)

- 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.

- Exempt pursuant to CEQA Guidelines Sections 15307 and 15308 because this ordinance constitutes action taken by a regulatory agency to protect natural resources and the environment.

- Exempt 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.

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Recommendation

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance approving text amendments to Title 20 of the City Code to prohibit new gas station land uses and to prohibit expansion of fossil fuel infrastructure for existing gas station land uses.

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