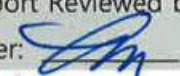


Agenda Report Reviewed by:  
 City Manager: 

**CITY OF SEBASTOPOL  
 CITY COUNCIL  
 AGENDA ITEM**

**Meeting Date:** August 3, 2021  
**To:** Honorable Mayor and City Councilmembers  
**From:** Kari Svanstrom, Planning Director  
**Subject:** Discussion about Ban on New Gas Stations and Expansion of Fueling Infrastructure at Existing Gas Stations; and Referral to Planning Commission and Climate Action Committee  
**Recommendation:** Receive report and provide direction to staff, Planning Commission, and Climate Action Committee  
**Funding:** Currently Budgeted: \_\_\_\_\_ Yes  No \_\_\_\_\_ N/A  
 Net General Fund Cost: N/A  
 Amount: \$0

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

**INTRODUCTION:**

This item is to request the Council decide if it is interested in further exploration of the topic of a potential ban on new gas stations within the City of Sebastopol, at Council level and/or by direction to the Planning Commission and Climate Action Committee.

**DISCUSSION:**

At its last meeting on July 12, 2021, the RCPA Board of Directions unanimously passed a motion to direct Staff to return to the Board on at its next meeting on September 13, 2021, with a Resolution prohibiting new gas stations and the expansion of fueling infrastructure at existing gas stations (Item 4.6). To be included in the Resolution is a request to all jurisdictions to consider agendizing discussion of this issue and hopefully adopt a similar ban. The resolution, as described, is to be simple and basic for all jurisdictions to use, and as legally defensible as possible.

The City of Petaluma has already passed a moratorium on new gas stations and followed its initial decision with a permanent ban. These actions, taken last January and February 2021, have received international recognition in the news.

Locally, the citizen group CONGAS has been working to stop the construction of new gas stations throughout the County. CONGAS has written a model ordinance (attached) for consideration by the Sonoma County Cities.

This item is to request the Council decide if it is interested in further exploration of this topic, at Council level and/or by direction to the Planning Commission and Climate Action Committee. Either body may, for instance: hold a study session; review for General Plan consistency; work with RCPA’s Tanya Narath

to assess of availability of supply and impact of a ban; review the Zoning Ordinance for modification; and take other actions within its purview. If the Council were to move forward with revising the Zoning Ordinance to ban gas stations, this would require Planning Commission review/recommendation as with all Zoning Ordinance changes. Planning staff has noted that the zoning ordinance changes would be relatively easy and would likely mirror those for drive-throughs (which simply prohibits drive throughs in all zoning districts).

Council direction is important so that the Planning Commission and/or Climate Action Committee knows that they are dedicating their time and energy to valid work product, approved by the Council.

**GOALS:**

This item relates to Council Goal 4.1” Create a safe, healthy, and attractive environment for residents and visitors, as it would reduce potential future Greenhouse Gas emission sources within the City. It also relates to Goal 5.1.4 : “Expand and encourage community involvement in Government...” and “Enhance the use of the City of Sebastopol Committees, Commissions, and Boards,” as this is an item of interest of the Climate Action Committee.

**PUBLIC COMMENT:**

As of the writing of this staff report, the City has not received any public comment. However, public comment from interested parties following the publication and distribution of this staff report will be provided to the City Council as supplemental materials before or at the meeting.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

**FISCAL IMPACT:**

There is no direct fiscal impact associated with the recommended action tonight.

**RECOMMENDATION:**

**Attachments:**

SCTA-RCPA Agenda Item on Gas Station Ban (7.12.2021)  
Model Ordinance



Sonoma County Transportation Authority  
Regional Climate Protection Authority

# Staff Report

To: SCTA/RCPA Board of Directors Meeting Date: 7/12/21  
From: Tanya Narath, Director of Climate Programs Item Number: 4.6  
Subject: Local Gas Station Land Use Prohibition

Consent Item: Regular Item: Action Item: Report:

## Issue

What are the key elements of a resolution supporting local action to ban new gas stations? How should the RCPA support its member jurisdictions in adopting gas station bans?

## Recommendation

Staff requests Board input on elements to include in a potential resolution supporting local action to ban new gas stations.

## Advisory Committee Recommendation

None

## Alternatives Considered

None

## Executive Summary

The RCPA Board adopted the Sonoma Climate Mobilization Strategy in March 2021. The strategy sets a target of carbon neutrality by 2030, and outlines 13 countywide strategies focused on high impact measures to reduce greenhouse gas emissions and increase carbon sequestration to meet this goal.

Transportation produced approximately 60% of Sonoma County’s greenhouse gas (GHG) emissions in 2018. To achieve the target of carbon neutrality by 2030, Sonoma County must reduce vehicle miles traveled (VMT) by increasing transit ridership, biking, and walking; and reduce fossil fuel consumption by replacing fossil fuel powered vehicles with electric vehicles.

To accelerate the shift from fossil fuel to electric vehicles, local jurisdictions are considering regulations to prohibit new gas station land uses. On March 1, 2021, the City of Petaluma became the first jurisdiction in the country to adopt a ban on new gas stations. The cities of Santa Rosa and Cotati are also working on gas station bans that will be presented to their City Councils at some point in the future.

Consistent with the Sonoma Climate Mobilization Strategy and RCPA’s role in coordinating countywide climate action, RCPA seeks Board direction on the role it should play in supporting local gas station bans and input on the content of a resolution supporting gas station bans.



## Policy Impacts / Nexus to Agency Goals

The Sonoma Climate Mobilization has two strategies to reduce transportation related emissions – the Drive Less Sonoma County Campaign and EV Access for All Partnership. The EV Access for All Partnership includes an objective to reduce barriers to installing EV charging stations and limit permitting of new fossil fuel infrastructure.

## Financial Implications

Is there a fiscal impact?	Yes	No	N/A
Is there funding in the current budget?	Yes	No	N/A
The funding source(s) to be used are:	RCPA operational funding		

## Background

The RCPA Board adopted the Sonoma Climate Mobilization Strategy (Strategy) in March 2021 as the framework document that RCPA will use to coordinate countywide climate action over the next ten years. The Strategy sets a target of carbon neutrality by 2030, and outlines 13 countywide strategies focused on high impact measures to reduce greenhouse gas emissions and increase carbon sequestration to meet this goal.

Transportation produced approximately 60% of Sonoma County’s greenhouse gas (GHG) emissions in 2018. To achieve the target of carbon neutrality by 2030, Sonoma County must reduce vehicle miles traveled (VMT) by increasing transit ridership, biking, and walking; and reduce fossil fuel consumption by replacing fossil fuel powered vehicles with electric vehicles.

The magnitude of the climate crisis requires us to accelerate the transformation to a zero-emission transportation system. RCPA’s member jurisdictions have limited resources to focus on climate action. Supporting local action to ban new gas stations will enable RCPA’s member jurisdictions to focus their limited staff resources on developing new policies and infrastructure to support the electrification of the transportation infrastructure.

In addition to supplying the fuel that emits greenhouse gases when burned to power vehicles, gasoline stations also pose significant impacts on public health and the environment such as toxic air pollution, surface water runoff, and leaking underground storage tanks.

As of 2016, Sonoma County had roughly 138 gas stations primarily concentrated along major transportation corridors.<sup>1</sup> All jurisdictions have adopted urban growth boundaries and other land use policies designed to facilitate city-centered growth and prevent sprawl. With these policies in place, it is highly unlikely that significant new development will occur in locations not already well served with existing gas stations.

On March 1, 2021, the City of Petaluma adopted ordinances approving amendments to its Implementing Zoning Ordinance and SmartCode to prohibit new gas station land uses and enact new regulations for zero emission vehicles. By adopting this prohibition, Petaluma became the first jurisdiction in the country to enact a gas station ban.

---

<sup>1</sup> California Office of Emergency Services, based on retail fuel station gasoline sales information from 2010 to 2016 of the California Retail Station Annual Report.

On May 12, 2021, the City of Santa Rosa Climate Action Subcommittee received a staff presentation on gas station regulation options in Santa Rosa. As of 2016, the city had 56 gas stations and staff reported two gas station applications currently under review. Staff presented the subcommittee with three policy options for consideration: prohibit new gas stations, modify existing regulations, or make no regulation change and allow changes to be market driven. The subcommittee was supportive of moving forward with a gas station ban and directed staff to develop a draft ordinance for its review.

Beginning with its initial community outreach for the development of the Sonoma Climate Mobilization strategy, RCPA has heard support from the community for bans on gas stations. RCPA incorporated these inputs in Strategy 4. EV Access for All Partnership and Objective 4.2 Develop a package of local ordinances and other actions to address remaining permitting barriers for installing charging equipment, *while also limiting permitting of new fossil fuel infrastructure.*

#### Recent City of Petaluma Actions

The City of Petaluma's recent prohibition of new gas station land uses consists of several related actions, including adoption of a General Plan amendment, amendments to multiple chapters of the Implementing Zoning Ordinance, and changes to two sections of the City's SmartCode. These actions made permanent a moratorium on new gas station uses that had been in temporary effect since May 2019.

Prior to making the prohibition permanent, Petaluma conducted an inventory of existing gas stations and determined that there are multiple stations located within a 5-minute drive of every existing residence within the city, as well as all areas planned for residential development by the 2025 General Plan but not yet constructed. Based upon this inventory, the City concluded that there are adequate gas stations to serve existing and future internal combustion vehicles to the extent that they continue to exist.

Specific amendments to existing City code included changes to the General Plan to "prohibit new fossil fuel gas stations and transition existing stations to serve Zero Emission Vehicles," as well as changes to the Implementing Zoning Ordinance and SmartCode related to managing non-conforming gas stations and to promote zero-emission vehicles. Public outreach was also conducted prior to adoption of the amendments, including providing notice to all existing gas station owners for their input. The gas station prohibition is also supported by the City's Climate Emergency Resolution adopted in May 2019, and the Climate Emergency Framework adopted in January 2021. All of the proposed changes were found by the City to be exempt under the California Environmental Quality Act (CEQA) because they have no potential for resulting in physical change in the environment, directly or ultimately, and it can prevent environmental impacts resulting from new gas station uses.

#### Potential Areas of RCPA Support to Local Jurisdictions

There are multiple ways in which RCPA could support jurisdictions in their efforts to pass additional prohibitions on new gas station land uses. These include:

- Providing an analysis of the locations of existing gas stations countywide and their geographic relationship to population centers and travel corridors,
- Compiling and distributing guidance documents to assist planning staff in developing ordinance changes tailored to their specific jurisdiction, and

- Coordinating meetings or workshops among city/county staff to identify common barriers and develop consistent strategies for overcoming these barriers.

Board Members may have additional items to suggest based upon knowledge of their specific jurisdiction and RCPA staff is open to any guidance provided by the Board that would facilitate the goal of passing gas station bans throughout the county.

#### Key Points of RCPA Resolution Recommending Ceasing All Construction of New Gas Station Infrastructure

Dependent upon direction given by the RCPA Board today, staff intends to present a resolution for discussion and potential adoption at the September Board meeting. Staff is currently working with representatives from several jurisdictions to draft the resolution, and is also working with legal counsel to review specific language for consistency with existing SCTA/RCPA Board Policy.

Key intended recitals include:

- Acknowledgement of human-induced global warming
- Desire to avoid the critical tipping points that will have cascading feedback effects
- Recognition that Sonoma County has a commitment to taking local climate action
- Recognition that local government action has not yet resulted in the necessary reductions in global greenhouse gas emissions
- Acknowledgement of State Executive Order calling for an increase of zero-emission vehicles and installation of electric vehicle (EV) charging stations
- Acknowledgement of State Executive Order calling for the State to achieve carbon neutrality by 2045
- Recognition of adoption by RCPA Board of a Climate Emergency Resolution
- Recognition of adoption by the County of Sonoma and each of the incorporated jurisdictions of a Climate Emergency Resolutions
- Acknowledgement of State Executive Order setting 2035 as the year by which all new vehicles sold in California must be zero-emission
- Recognition of the City of Petaluma as the first local government in the nation to adopt a prohibition on new gas station land uses within their boundaries
- Recognition of the Sonoma Climate Mobilization Strategy adopted by RCPA Board as the framework document that RCPA will use to coordinate countywide climate action over the next ten years
- Recognition that transportation accounts for 60% of greenhouse gas emissions in Sonoma County
- Acknowledgement that gas stations pose significant local impacts on public health and the environment
- Acknowledgement that government actions need to be equitable and just for all local residents
- Acknowledgement that marginalized communities worldwide are already disproportionately affected by climate change and must benefit from a just transition to a sustainable and equitable economy

- Recognition that there are over 635,000 electric vehicles (EVs) in California and almost 10,000 EVs in Sonoma County
- Recognition that new gasoline stations continue to be proposed throughout Sonoma County even given the shift toward electric vehicles
- Acknowledgement that existing rules continue to enable new gasoline stations to be permitted
- Recognition that there are over 135 gasoline stations in Sonoma County with no demonstrated need for any new gasoline stations in Sonoma County
- Desire to use local government resources to develop public transportation networks; pedestrian and bicycling infrastructure; and clean vehicle charging/fueling infrastructure

Key intended conclusions include:

- Recommendation to cease all construction of new gas station land uses and related on-site fossil fuel infrastructure throughout Sonoma County
- Recommendation that all local jurisdictions no longer accept for processing or permitting any applications for new gas station land uses or the expansion, enlargement, extension, reconstruction, or relocation of any related on-site fossil fuel infrastructure
- Commitment of RCPA to work with its local government members to assist with policy development and implementation of a prohibition on construction of all new gas station infrastructure within their jurisdictional boundaries
- Recommendation that local jurisdictions continue to increase the installation of battery charging infrastructure and other necessary improvements for the transition to zero-emission vehicles

## Supporting Documents

- Link: Sonoma Climate Mobilization Strategy adopted by RCPA Board on March 8, 2021: <https://rcpa.ca.gov/wp-content/uploads/2020/12/Sonoma-Climate-Mobilization-Strategy-Adopted-2021-03-08.pdf>
- Link: City of Petaluma's approval of General Plan Amendments and first reading of Zoning Text Amendments to prohibit new gas station land uses and enact new policy and regulations for Zero Emission Vehicles (February 22, 2021) – [https://petaluma.granicus.com/Viewer.php?view\\_id=31&event\\_id=45134&meta\\_id=482615](https://petaluma.granicus.com/Viewer.php?view_id=31&event_id=45134&meta_id=482615)
- Link: City of Petaluma's second reading of Zoning Text Amendments to prohibit new gas station land uses and enact new policy and regulations for Zero Emission Vehicles (March 1, 2021) -- [https://petaluma.granicus.com/Viewer.php?view\\_id=31&clip\\_id=3218&meta\\_id=483708](https://petaluma.granicus.com/Viewer.php?view_id=31&clip_id=3218&meta_id=483708)
- Link: City of Santa Rosa's staff presentation to Climate Action Subcommittee with potential options for prohibiting the construction of new gas stations within city limits– <https://santa-rosa.legistar.com/View.ashx?M=F&ID=9380885&GUID=87B7902F-CF49-4112-BD60-3F85B132C710>



## **Model Ordinance: Local Government Prohibition on the construction of new gasoline stations (California)**

The model ordinance below is offered by the Coalition Opposing New Gas Stations (CONGAS) as a tool to help local governments (cities and counties) in California in crafting their own ordinance. County and city codes in each jurisdiction are not identical so each ordinance will not be identical.

Any ordinance prohibiting or restricting the permitting or construction of new gasoline stations should be kept as simple as possible. Cities and counties may consider including the prohibition of expansion of fueling infrastructure at existing gasoline stations. However, addressing any other fossil fuel-related infrastructure or existing gas station operations introduces complexity, invites controversy, and should be avoided.

**The core language** of any prohibition would be to this effect: *“Effective immediately upon adoption of this ordinance, [name of city/county] will no longer accept applications for the construction of new gasoline stations, or for the expansion of fueling infrastructure at existing gas stations. This ordinance prohibits the construction of new gasoline stations or the expansion of existing gasoline station infrastructure in (name of city/county).”*

*This does not apply to any new gasoline station application which is complete at the time the ordinance is passed.*

### **The “WHEREAS” clauses:**

Local Governments will tailor these to their own circumstances, but below are some to consider:

WHEREAS, Abrupt anthropogenic climate change is a real and increasingly urgent threat to public health and safety that demands action at every level of government, and [city/county] has a well-established commitment to taking local action in order to do its part in helping to address the global climate crisis; and

WHEREAS, on [date], [name of city/county] adopted a Climate Emergency Resolution, and new gasoline stations are not consistent with this policy; and

WHEREAS, On September 23, 2020, Governor Newsom issued [Executive Order N-79-20](#) setting 2035 as the year by which all new vehicles sold in California must be zero-emission; and

WHEREAS, On September 12, 2018, Governor Brown issued, and Governor Newsom has since affirmed, [Executive Order B-55-18](#), calling for the State to achieve carbon neutrality by 2045 and subsequently called for full economic decarbonization no later than 2045. This very ambitious goal means that local governments must take action immediately to reduce

Coalition Opposing New Gas Stations ♦ (707) 238-2298 ♦ [congas.contact@gmail.com](mailto:congas.contact@gmail.com) [www.con-gas.org](http://www.con-gas.org)



greenhouse gas (GHG) emissions and avoid prolonging dependency on fossil fuel infrastructure into the future, for example by permitting new gasoline stations; and

WHEREAS, In January 2018, Governor Brown issued [Executive Order B-48-18](#) calling for five million zero-emission vehicles by 2030 and the installation of 250,000 electric vehicle (EV) charging stations in the State; and

WHEREAS, Consequences of anthropogenic climate disruption have already severely impacted the lives, health, and livelihoods of nearly every family and business in [city/county], driven by a devastating increase in drought, wildfire, flooding, evacuations, electric power-shutoff episodes, extreme heat events, and other anomalous disruptions; and

WHEREAS, Climatic disruptions are increasing globally with [2020 tied with 2016 as the hottest year ever recorded](#) for global average temperature; and

WHEREAS, Transportation accounts for [x%] of GHG emissions in [city/county name] with the burning of gasoline and diesel fuel for transportation as the leading cause of GHG emissions in this sector; and

WHEREAS, Gasoline stations pose significant local impacts on public health and the environment. This includes toxic/carcinogenic air contamination, surface water runoff, leaking underground storage tanks, and more. These issues are well documented in Coltura's ["Governing the Gasoline Spigot: Gas station regulation and the transition away from gasoline"](#); and

WHEREAS, New gasoline stations frequently add to local traffic congestion and safety issues; and

WHEREAS, Fossil fuel use imposes deep and long-standing racial injustice. In every drop that comes out of a gasoline dispenser, there is a trail of devastation for communities of color and the environment around the world that leads all the way back to the point of extraction of the crude oil from the ground in places like Nigeria, Ecuador, and Kern County California. Low income communities of color in the US and around the world, "frontline communities" are poisoned and/or displaced by effluent and emissions from these operations; low income communities along rail and roadways are threatened by the hazard of oil and gas transportation; similar historically disadvantaged communities of color near refineries and gas processing facilities, "fenceline communities," face respiratory disorders, cancer, and death rates much higher than the national average. Indigenous communities around the world are severely impacted by pumping and pipelines; and

WHEREAS, Currently there are ~800,000 electric vehicles (EVs) in California and [~x number of EVs] in [name of city/county]. With the rapid rise of practical and affordable EVs, and many new models becoming available on a regular basis, the need for charging infrastructure will inevitably grow as the need for gasoline stations diminishes. [name of city/county] should encourage and

support private sector investments based on clear trends that indicate that any new gasoline or diesel capacity added in the 2020s is likely to be abandoned as unprofitable in a few short years; and

WHEREAS, New gasoline stations have been and are continuing to be proposed in [name of city/county]; and

WHEREAS, Outdated 20th century permitting rules continue to enable new gasoline stations to be permitted despite countervailing state and [city/county] climate policy and energetic community opposition; and

WHEREAS, there is an abundance of gasoline stations in [city/county] with no demonstrated need for any new gasoline stations in [city/county]; and

WHEREAS, limited [city/county] staff time, money and resources are wasted processing new gas station applications and potentially responding to public opposition to them; and

WHEREAS, limited [city/county] resources should be used instead to develop clean-emission, affordable, accessible, convenient public transportation networks; safe, connected, pedestrian and bicycling infrastructure; and clean vehicle charging/fueling infrastructure;

THEREFORE, Be it RESOLVED, that [city/county] Effective immediately upon adoption of this ordinance, [name of city/county] will no longer accept for processing or permitting any applications for new gasoline service stations or expansion of existing gasoline service station infrastructure...[city/county to add any specific actions that must be taken to resolve permissions embedded in existing code]