


Agenda Report Reviewed by:
 City Manager: 

**CITY OF SEBASTOPOL
 CITY COUNCIL
 AGENDA ITEM**

Meeting Date: April 5, 2021
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: First Reading and Introduction of Ordinance to revise the Zoning Ordinance to prohibit new Gas Stations in Sebastopol
Recommendation: Hold a Public Hearing, Introduce and Waive the First Reading
Funding: Currently Budgeted: _____ Yes _____ No X 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 for City Council Consideration of approval of first reading and introduction of ordinance to revise the Zoning Ordinance to prohibit new gas stations in Sebastopol. This ordinance would prohibit new fossil fuel service stations (e.g. “gas stations”) as well as the expansion of the fossil fuel infrastructure of existing gasoline / service stations.

BACKGROUND:

At its September 13, 2021, the RCPA Board of Directions unanimously passed a Resolution recommending the prohibition of new gas stations and the expansion of fueling infrastructure at existing gas stations (see attachments). 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. Other communities in the County are also considering such ordinances.

At its August 3, 2021 meeting, the City Council discussed whether to move forward with a potential ban on new gas stations within the City of Sebastopol. At this meeting, the Council indicated interest in this, and directed staff to work with the Climate Action Committee and Planning Commission on said ordinance.

At its meeting on September 28, 2021, the CAC discussed this item and unanimously supported the ban. At a study session on October 12, 2021, the Planning Commission discussed this item and also unanimously supported the ban, and provided direction to staff regarding some of the details of such an ordinance. On January 25, 2022, the Planning Commission held a duly noticed public hearing, and unanimously voted to recommend the attached ordinance to City Council for adoption.

DISCUSSION:

The recommended amendments to the Zoning Ordinance are listed below with text additions and changes underlined and deletions shown with a strike-through. Staff notes that the Zoning Ordinance amendments would be relatively minor and would likely mirror those for drive-throughs (which simply prohibits drive throughs in all zoning districts).

17.08.030 Definitions “A.”

The CAC proposed adding the words “fossil fuel-based” to the “*Automotive gas or fueling station*” definition, but also noted that it may not be necessary. The amended definition would read as follows:

“*Automotive gas or fueling station*” means a retail business selling gasoline and/or other fossil fuel-based motor vehicle fuels, and related products.

The Planning Commission generally agreed to this amended definition during the study session but noted that the intent is not to preclude alternative fuels, such as biodiesel.

17.160.040 Nonconforming facility.

Existing automotive gas or fueling stations and associated infrastructure would become a ‘nonconforming use’ (sometimes also called a ‘grandfathered’ use) and would be subject to the requirements of Sebastopol Municipal Code Section 17.160. This section outlines requirements for changes to nonconforming uses and specifies that use permits for nonconforming uses expire after a 12-month period of non-operation/vacancy.

The intent is to allow upgrades for safety/environmental reasons (as generally required by State law), and enhancements of other parts of the business, but not allow further enhancements that would substantially expand the fossil fuel infrastructure (fuel pumps, propane sales, etc.). In the case of automotive gas or fueling stations, upgrades to other components not directly related to fossil fuel infrastructure (such as EV chargers, retail areas, etc.) could still be enhanced with a use permit.

Staff recommends adding the following language to Section 17.160.040 to further clarify this, similar to when the City banned drive-throughs:

17.160.040(F). Automotive gas or fueling stations and associated infrastructure existing as of (insert date), may be modified for aesthetic, safety, or other reasons as determined appropriate by the City, but no modifications that would intensify or expand the fossil fuel infrastructure or related components shall be permitted.

Table 17.25-1. Permitted and Conditionally Permitted Uses in the Commercial, Office, and Industrial Zones

A simple change to this table would need to be made to replace the “C” (conditionally permitted) in the automotive gas or fueling station use (circled below with solid line) with a dash “–” (not permitted). It would then appear the same as the Drive-through use (circled below with dashed line).

Use	CO	CG	CD	M	OLM	CM
Commercial Uses						
Agriculture, outdoor and indoor growing and harvesting	-	-	-	-	C	-
Alcoholic beverage tasting establishment	C	C	C	-	-	C
Animal hospital and kennels	-	C	-	C	C	-
Animal hospital, office only	CD	CD	C	CD	CD	C
Automotive gas or fueling station	-	C	-	C	C	-
Automotive repair and service	-	-	-	P	-	-
Automotive sales, service, and repair	-	C	C	-	-	-
Beekeeping, commercial	-	P	-	P	P	P
Commercial manufacturing	-	-	-	P	-	P
Convenience sales and service	P	P/C ⁽¹⁾	P	-	-	P
Drive-through	-	-	-	-	-	-
Exercise facilities	CD	CD	C	C	P	C
Extensive commercial	-	C ⁽¹⁾	C	-	-	-

Chapter 17.345 SERVICE STATIONS AND CAR WASHES

The following revisions to this chapter are proposed so that the language is clear and consistent. We want to make it clear that while new automotive gas or fueling stations are not permitted, these standards still apply to existing stations as well as both existing and new car washes. Staff also proposes to move a paragraph regarding abandoned stations to the nonconforming use section of the Zoning Ordinance.

Chapter 17.345 EXISTING SERVICE AUTOMOTIVE GAS OR FUELING STATIONS AND EXISTING AND NEW CAR WASHES

17.345.010 Existing Service automotive gas or fueling stations and existing and new car washes.

In addition to the development standards in Chapter 17.25 SMC, existing automotive gas or fueling stations and existing and new car washes shall comply with the following requirements:

A. *Location.*

1. The site shall have at least 150 feet of frontage on an arterial or collector street.
2. The site shall not adjoin an existing residential district, or single- or two-family residential use at the time the ~~service station use or~~ car wash use is established.

B. *Distance between existing Automotive Gas or Fueling Service Station and existing and new Car Wash Sites.* The minimum distance between existing automotive gas or fueling service-station sites and/or car wash sites shall be 500 feet.

C. *Site Area.* The minimum site area shall be 15,000 square feet or the minimum required by the applicable zoning district, whichever is greater.

D. *Site Dimensions.* The minimum width shall be 150 feet; the minimum depth shall be 100 feet.

E. *Site Design.*

1. Pump islands shall be set back a minimum of 20 feet from any property line. Setbacks for the buildings shall comply with the applicable zoning district.

2. New curb cuts on a public street shall be a minimum of 50 feet from the intersection of the projected curb lines. No more than two curb cuts shall be permitted unless otherwise approved by a conditional use permit.

3. Vapor processing units and propane tanks shall be located behind or on the side of the main building, where possible, or screened within a landscaped area. Tanks shall be installed pursuant to State, County, and local requirements and shall be oriented in a horizontal position.

F. *Other Requirements.*

1. All merchandise, including but not limited to periodicals, vending machines, and other items offered for purchase, shall be contained within the buildings at all times.

2. The storage of inoperative vehicles is prohibited.

G. *Abandoned Automotive Gas or Fueling Stations.* Any ~~service~~ automotive gas or fueling station that becomes nonconforming for any reason other than the spacing requirements set forth in this section, and which is abandoned or closed for a period of one year consecutively, or an aggregate of 365 days in any two-year period, shall be physically removed from the site by the owner. Removal shall mean the demolition of all ~~service~~ automotive gas or fueling station facilities, including removal of underground tanks pursuant to State and County requirements. Prior to the effective date of any order to remove ~~a service~~ an automotive gas or fueling station pursuant to this section, interested parties shall be notified by registered mail and shall be given a hearing before the City Council. (Ord. 1111, 2018)

17.345.020 Existing and new car washes.

In addition to the requirements established in Chapter 17.25 SMC and the requirements identified in subsection A of this section, existing and new car washes shall comply with the requirements listed below.

A. The site layout and design shall ensure that there is adequate room for the queuing and drying areas and vehicles will not queue in the adjoining walkways and streets.

B. All washing and automatic drying facilities shall be completely within an enclosed building.

C. Vacuuming facilities shall not be located along public or private streets and shall be screened from adjacent residential properties. Mechanical equipment for powering vacuuming shall be located within an enclosed structure.

D. Any noise from car washing activities, loud speakers, and vacuuming shall meet the noise standards in the SMC and General Plan.

E. Car washes shall use recycled water whenever feasible. (Ord. 1111, 2018)

Environmental Review:

The Zoning Ordinance amendments comply with the requirements of the California Environmental Quality Act (CEQA) in accordance with the following:

Actions Related to Prohibition of New Automotive Gas or Fueling Stations

Amending the Zoning Ordinance 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. Moreover, the Zoning Ordinance amendments are, pursuant to CEQA Guidelines 15061(b)(3), not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Zoning Ordinance amendments will prohibit new automotive gas or fueling stations and, in turn, prevent physical changes to the environment. Therefore, it can be seen with certainty that there is no possibility that the Zoning Ordinance amendments will have a significant effect on the environment.

Actions Related to Existing (Nonconforming) Automotive Gas or Fueling Stations

The Zoning Ordinance amendments related to nonconforming uses may be found to be categorically exempt from CEQA under the following sections, however each project / application would be reviewed by the City's Environmental Coordinator (Planning Director) upon receipt of such application:

- **CEQA Guidelines Section 15301** which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.
- **CEQA Guidelines Section 15303** which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- **CEQA Guidelines Section 15304** which applies to minor public or private alterations in the condition of land, water, and/or vegetation (e.g., new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping, minor trenching and backfilling where the surface is restored).
- **CEQA Guidelines Section 15308** which applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

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.

A ban on new fossil fuel/gasoline stations, and expansion of existing stations' fossil fuel infrastructure, is consistent with the following City Goals:

- **General Plan Guiding Principal:** "Emphasize sustainability and environmental stewardship in future planning decisions."

- **General Plan Goal COS 1:** Make Proactive, Forward-Thinking Environmental Protection and Resource Management the Cornerstone of Sebastopol’s Identity
- **General Plan Goal COS 7:** Improve Air Quality in Sebastopol and Reduce Air Quality Impacts from Future Development
- **General Plan Goal COS 8:** Reduce Emissions of Greenhouse Gases from City Operations and Community Sources
- **General Plan Goal COS 9:** Promote Conservation of Energy and Other Natural Resources
- **City 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.”
- **City Council 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 CAC).
- **Climate Emergency Resolution:** On December 3, 2019, the City Council unanimously voted to adopt the Climate Emergency Resolution which signifies the City’s commitment to reduce greenhouse gas emissions and increase energy efficiency.

PUBLIC COMMENT:

Comments received as of the writing of this staff report are included in the attachments. Staff anticipates receiving public comment from interested parties following the publication and distribution of this staff report. Such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

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:

Potential impacts include future increase in gasoline tax revenues that new gasoline stations could produce.

RECOMMENDATION:

That the City Council Approve first reading and introduction of ordinance to revise the Zoning Ordinance to prohibit new gas stations in Sebastopol.

Attachments:

Proposed Ordinance

“Redline” of Existing Ordinance showing changes

Planning Commission Resolution 22-02

Planning Commission Meeting minutes, January 25,2022

City Council Resolution No. 6274 Declaring a Climate Emergency

RCPA Resolution

Public comments

City of Sebastopol
Ordinance No. _____
First Reading and Introduction

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
ADOPTING AMENDMENTS TO THE ZONING ORDINANCE PROHIBITING CONSTRUCTION OF NEW
AUTOMOTIVE GAS OR FUELING STATIONS OR EXPANSION OF EXISTING AUTOMOTIVE GAS OR FUELING
STATION INFRASTRUCTURE THROUGHOUT THE CITY OF SEBASTOPOL

1. Whereas, the City Council finds that the Zoning Ordinance amendments prohibiting construction of new automotive gas or fueling stations or expansion of existing automotive gas or fueling station infrastructure are consistent with the following City goals, thereby enhancing consistency between the General Plan, Zoning Ordinance, and other City policies:
 - a. **General Plan Guiding Principal:** “Emphasize sustainability and environmental stewardship in future planning decisions.”
 - b. **General Plan Goal COS 1:** Make Proactive, Forward-Thinking Environmental Protection and Resource Management the Cornerstone of Sebastopol’s Identity
 - c. **General Plan Goal COS 7:** Improve Air Quality in Sebastopol and Reduce Air Quality Impacts from Future Development
 - d. **General Plan Goal COS 8:** Reduce Emissions of Greenhouse Gases from City Operations and Community Sources
 - e. **General Plan Goal COS 9:** Promote Conservation of Energy and Other Natural Resources
 - f. **City 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.”
 - g. **City Council 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 CAC).
 - h. **Climate Emergency Resolution:** On December 3, 2019, the City Council unanimously voted to adopt the Climate Emergency Resolution which signifies the City’s commitment to reduce greenhouse gas emissions and increase energy efficiency; and

2. Whereas, the City Council finds that the Zoning Ordinance amendments will be in conformity with public convenience, general welfare, and good land use practice, in that the revisions are also intended to clarify the regulations and facilitate ease of use and understanding, as well as to establish appropriate standards and procedures; and
3. Whereas, the City Council finds that the Zoning Ordinance amendments will not be detrimental to the public health, safety and general welfare, and will not adversely affect the orderly development of property, in that they will harmonize the General Plan and Zoning Ordinance, better express the City's policies, and generally promote good land use planning and regulation; and
4. Whereas, amending the Zoning Ordinance 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; and
5. Whereas, the Zoning Ordinance amendments are, pursuant to CEQA Guidelines Section 15061(b)(3), not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Zoning Ordinance amendments will prohibit new automotive gas or fueling stations and, in turn, prevent physical changes to the environment. Therefore, it can be seen with certainty that there is no possibility that the Zoning Ordinance amendments will have a significant effect on the environment; and
6. Whereas, the Zoning Ordinance amendments related to nonconforming uses may be found to be categorically exempt from CEQA under CEQA Guidelines Sections 15301, 15303, 15304, and 15308, and each project / application would be reviewed by the City's Environmental Coordinator (Planning Director) upon receipt of such application; and
7. WHEREAS at its meeting on September 28, 2021, the City of Sebastopol's Climate Action Committee unanimously supported prohibiting construction of new automotive gas or fueling stations or expansion of existing automotive gas or fueling station infrastructure throughout the City of Sebastopol; and
8. WHEREAS, on October 12, 2021, the City of Sebastopol's Planning Commission conducted a study session and unanimously supported prohibiting construction of new automotive gas or fueling stations or expansion of existing automotive gas or fueling station infrastructure throughout the City of Sebastopol;

9. Whereas, on January 25, 2022, the Planning Commission conducted a duly-noticed Public Hearing, deliberated, and found that as revised, the Zoning Ordinance is consistent with the aforementioned City goals, thereby enhancing consistency between the General Plan, and Zoning Ordinance, and other City policies; and
10. Whereas, on April 5, 2022, the City Council conducted a duly-noticed Public Hearing, deliberated, and found that as revised, the Zoning Ordinance is consistent with the aforementioned City goals, thereby enhancing consistency between the General Plan, and Zoning Ordinance, and other City policies.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:

Section 1. The following definition in Chapter 17.08.030 shall be amended to read as follows:

“Automotive gas or fueling station” means a retail business selling gasoline and/or other fossil fuel-based motor vehicle fuels, and related products.

Section 2. Table 17.25-1 in Chapter 17.25, “Automotive gas or fueling station” row shall be amended as follows to reflect that Automotive gas or fueling stations are not permitted in any commercial or industrial zones:

Table 17.25-1. Permitted and Conditionally Permitted Uses in the Commercial, Office, and Industrial Zones

Use	CO	CG	CD	M	OLM	CM
Automotive gas or fueling station	-	-	-	-	-	-

Section 3. Chapter 17.160 shall be amended to add the following Section:

17.160.040 Nonconforming facility.

17.160.040(F). Automotive gas or fueling stations and associated infrastructure existing as of May 19, 2022 may be modified for aesthetic, safety, or other reasons as determined appropriate by the City and with the approval of a Conditional Use Permit, but no modifications that would intensify or expand the fossil fuel infrastructure or related components shall be permitted.

Section 4. Chapter 17.345 shall be amended to add the following Section:

Chapter 17.345 EXISTING AUTOMOTIVE GAS OR FUELING STATIONS AND-EXISTING AND NEW CAR WASHES

17.345.010 Existing automotive gas or fueling stations and existing and new car washes.

In addition to the development standards in Chapter 17.25 SMC, existing automotive gas or fueling stations and existing and new car washes shall comply with the following requirements:

A. *Location.*

1. The site shall have at least 150 feet of frontage on an arterial or collector street.
2. The site shall not adjoin an existing residential district, or single- or two-family residential use at the time the car wash use is established.

B. *Distance between existing Automotive Gas or Fueling Station and existing and new Car Wash Sites.* The minimum distance between existing automotive gas or fueling station sites and/or car wash sites shall be 500 feet.

C. *Site Area.* The minimum site area shall be 15,000 square feet or the minimum required by the applicable zoning district, whichever is greater.

D. *Site Dimensions.* The minimum width shall be 150 feet; the minimum depth shall be 100 feet.

E. *Site Design.*

1. Pump islands shall be set back a minimum of 20 feet from any property line. Setbacks for the buildings shall comply with the applicable zoning district.
2. New curb cuts on a public street shall be a minimum of 50 feet from the intersection of the projected curb lines. No more than two curb cuts shall be permitted unless otherwise approved by a conditional use permit.
3. Vapor processing units and propane tanks shall be located behind or on the side of the main building, where possible, or screened within a landscaped area. Tanks shall be installed pursuant to State, County, and local requirements and shall be oriented in a horizontal position.

F. *Other Requirements.*

1. All merchandise, including but not limited to periodicals, vending machines, and other items offered for purchase, shall be contained within the buildings at all times.
2. The storage of inoperative vehicles is prohibited.

G. *Abandoned Automotive Gas or Fueling Stations.* Any automotive gas or fueling station that becomes nonconforming for any reason other than the spacing requirements set forth in this section, and which is abandoned or closed for a period of one year consecutively, or an aggregate of 365 days in any two-year period, shall be physically removed from the site by the owner. Removal shall mean the demolition of all automotive gas or fueling station facilities, including removal of underground tanks pursuant to State and County requirements. Prior to the effective date of any order to remove an automotive gas or fueling station pursuant to this section, interested parties shall be notified by registered mail and shall be given a hearing before the City Council.

17.345.020 Existing and new car washes.

In addition to the requirements established in Chapter 17.25 SMC and the requirements identified in subsection A of this section, existing and new car washes shall comply with the requirements listed below.

A. The site layout and design shall ensure that there is adequate room for the queuing and drying areas and vehicles will not queue in the adjoining walkways and streets.

B. All washing and automatic drying facilities shall be completely within an enclosed building.

C. Vacuuming facilities shall not be located along public or private streets and shall be screened from adjacent residential properties. Mechanical equipment for powering vacuuming shall be located within an enclosed structure.

D. Any noise from car washing activities, loud speakers, and vacuuming shall meet the noise standards in the SMC and General Plan.

E. Car washes shall use recycled water whenever feasible.

This ordinance shall become effective (30) days after the date of adoption.

Approved for First Reading and Introduction on this 5th day of April, 2022.

Scheduled for Second Reading and Approval on the 19th day of April, 2022.

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Mayor Patrick Slayter

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney

REDLINED EXHIBIT A TO SHOW PROPOSED CHANGES

Section 1. The following definition in Chapter 17.08.030 shall be amended to read as follows:

“Automotive gas or fueling station” means a retail business selling gasoline and/or other fossil fuel-based motor vehicle fuels, and related products.

Section 2. Table 17.25-1 in Chapter 17.25 shall be amended as follows:

Table 17.25-1. Permitted and Conditionally Permitted Uses in the Commercial, Office, and Industrial Zones

Use	CO	CG	CD	M	OLM	CM
Commercial Uses						
Agriculture, outdoor and indoor growing and harvesting	-	-	-	-	C	-
Alcoholic beverage tasting establishment	C	C	C	-	-	C
Animal hospital and kennels	-	C	-	C	C	-
Animal hospital, office only	CD	CD	C	CD	CD	C
Automotive gas or fueling station	-	C	-	C	C	-
Automotive repair and service	-	-	-	P	-	-
Automotive sales, service, and repair	-	C	C	-	-	-
Beekeeping, commercial	-	P	-	P	P	P
Commercial manufacturing	-	-	-	P	-	P
Convenience sales and service	P	P/C ⁽¹⁾	P	-	-	P
Drive-through	-	-	-	-	-	-
Exercise facilities	CD	CD	C	C	P	C
Extensive commercial	-	C ⁽¹⁾	C	-	-	-

Section 3. Chapter 17.160 shall be amended to add the following Section:

17.160.040 Nonconforming facility.

17.160.040(F). Automotive gas or fueling stations and associated infrastructure existing as of (date Ordinance will become effective to be inserted), may be modified for aesthetic, safety, or other reasons as determined appropriate by the City and with the approval of a Conditional Use Permit, but no modifications that would intensify or expand the fossil fuel infrastructure or related components shall be permitted.

Section 4. Chapter 17.345 shall be amended to add the following Section:

Chapter 17.345 EXISTING SERVICE AUTOMOTIVE GAS OR FUELING STATIONS AND EXISTING AND NEW CAR WASHES

17.345.010 Existing Service automotive gas or fueling stations and existing and new car washes.

In addition to the development standards in Chapter 17.25 SMC, existing automotive gas or fueling stations and existing and new car washes shall comply with the following requirements:

A. *Location.*

1. The site shall have at least 150 feet of frontage on an arterial or collector street.
2. The site shall not adjoin an existing residential district, or single- or two-family residential use at the time the ~~service station use or car wash use~~ is established.

B. *Distance between existing Automotive Gas or Fueling Service Station and existing and new Car Wash Sites.* The minimum distance between existing automotive gas or fueling service station sites and/or car wash sites shall be 500 feet.

C. *Site Area.* The minimum site area shall be 15,000 square feet or the minimum required by the applicable zoning district, whichever is greater.

D. *Site Dimensions.* The minimum width shall be 150 feet; the minimum depth shall be 100 feet.

E. *Site Design.*

1. Pump islands shall be set back a minimum of 20 feet from any property line. Setbacks for the buildings shall comply with the applicable zoning district.
2. New curb cuts on a public street shall be a minimum of 50 feet from the intersection of the projected curb lines. No more than two curb cuts shall be permitted unless otherwise approved by a conditional use permit.
3. Vapor processing units and propane tanks shall be located behind or on the side of the main building, where possible, or screened within a landscaped area. Tanks shall be installed pursuant to State, County, and local requirements and shall be oriented in a horizontal position.

F. *Other Requirements.*

1. All merchandise, including but not limited to periodicals, vending machines, and other items offered for purchase, shall be contained within the buildings at all times.
2. The storage of inoperative vehicles is prohibited.

G. Abandoned Automotive Gas or Fueling Stations. Any ~~service~~ automotive gas or fueling station that becomes nonconforming for any reason other than the spacing requirements set forth in this section, and which is abandoned or closed for a period of one year consecutively, or an aggregate of 365 days in any two-year period, shall be physically removed from the site by the owner. Removal shall mean the demolition of all ~~service~~ automotive gas or fueling station facilities, including removal of underground tanks pursuant to State and County requirements. Prior to the effective date of any order to remove a ~~service~~ an automotive gas or fueling station pursuant to this section, interested parties shall be notified by registered mail and shall be given a hearing before the City Council.

17.345.020 Existing and new car washes.

In addition to the requirements established in Chapter 17.25 SMC and the requirements identified in subsection A of this section, existing and new car washes shall comply with the requirements listed below.

- A. The site layout and design shall ensure that there is adequate room for the queuing and drying areas and vehicles will not queue in the adjoining walkways and streets.
- B. All washing and automatic drying facilities shall be completely within an enclosed building.
- C. Vacuuming facilities shall not be located along public or private streets and shall be screened from adjacent residential properties. Mechanical equipment for powering vacuuming shall be located within an enclosed structure.
- D. Any noise from car washing activities, loud speakers, and vacuuming shall meet the noise standards in the SMC and General Plan.
- E. Car washes shall use recycled water whenever feasible.

RESOLUTION NO. 2022-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL RECOMMENDING THAT THE CITY COUNCIL APPROVE AND ADOPT AMENDMENTS TO THE ZONING ORDINANCE PROHIBITING CONSTRUCTION OF NEW AUTOMOTIVE GAS OR FUELING STATIONS OR EXPANSION OF EXISTING AUTOMOTIVE GAS OR FUELING STATION INFRASTRUCTURE THROUGHOUT THE CITY OF SEBASTOPOL

WHEREAS human activities have warmed the Earth to a point that threatens climate stability, and climate change has already set in motion catastrophic changes; and

WHEREAS critical tipping points must be avoided, as they will have cascading feedback effects that are predicted to cause an increasingly uncontrollable climate emergency; and

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

WHEREAS the current scale and speed of local government action has not resulted in the necessary reductions in global greenhouse gas (GHG) emissions to limit global temperature increases; and

WHEREAS on January 26, 2018, Governor Brown issued Executive Order B-48-18¹ calling for five million zero-emission vehicles by 2030 and the installation of 250,000 electric vehicle charging stations in the State; and

WHEREAS on September 12, 2018, Governor Brown issued, and Governor Newsom has since affirmed, Executive Order B-55-18², calling for the State to achieve carbon neutrality by 2045; and

WHEREAS on September 9, 2019, the Sonoma County Regional Climate Protection Authority (RCPA) adopted a Climate Emergency Resolution³, and new gasoline stations are not consistent with this policy; and

WHEREAS between May 2019 and March 2021, the County of Sonoma and each of the incorporated jurisdictions adopted Climate Emergency Resolutions and committed to working on activities to address this state of climate emergency; and

WHEREAS on September 23, 2020, Governor Newsom issued Executive Order N-79-20⁴ setting 2035 as the year by which all new vehicles sold in California must be zero-emission; and

¹ <https://www.ca.gov/archive/gov39/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/index.html>

² <https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>

³ <https://scta.ca.gov/wp-content/uploads/2019/09/4.1.1-Climate-Emergency-Resolution.pdf>

⁴ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-City-Council>

WHEREAS on March 8, 2021, the RCPA adopted a Sonoma Climate Mobilization Strategy⁵ which sets a goal of reaching countywide carbon neutrality by 2030; and

WHEREAS transportation accounts for 60%⁶ of GHG emissions in Sonoma County 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, including toxic/carcinogenic air contamination, surface water runoff, leaking underground storage tanks, and more⁷; and

WHEREAS a just transition away from fossil fuels requires that local government actions are ecologically sustainable, equitable, and just for all its members; and

WHEREAS marginalized communities worldwide—including people of color, immigrants, indigenous communities, low-income people, those with disabilities, and the unhoused—are already disproportionately affected by climate change and must benefit from a just transition to a sustainable and equitable economy; and

WHEREAS currently there are over 635,000 electric vehicles (EVs) in California and almost 10,000 EVs in Sonoma County, and over 20,000 gasoline/hybrid vehicles, with the need for charging infrastructure inevitably growing as the need for gasoline stations correspondingly diminishes; and

WHEREAS in adopting the Climate Emergency Resolution on December 3, 2019, the City of Sebastopol City Council signified the City's commitment to reduce greenhouse gas emissions and increase energy efficiency; and

WHEREAS in adopting the Sonoma Climate Mobilization Strategy, the RCPA Board prioritized Strategy 4—EV Access for All Partnership, calling for development of over 10,000 public and workplace charging stations in Sonoma County, addressing barriers for installing this charging equipment, and limiting fossil fuel infrastructure; and

WHEREAS there are three gasoline stations within the 1.88 square miles of the City of Sebastopol city limits, with two additional gasoline stations outside City limits along Highway 116; and

WHEREAS local government resources should be used to develop clean-emission, affordable, accessible, convenient public transportation networks; safe, connected pedestrian and bicycling infrastructure; and clean vehicle charging/fueling infrastructure; and

WHEREAS the RCPA recommends that the County of Sonoma and the incorporated jurisdictions of Cloverdale, Cotati, Healdsburg, Rohnert Park, Santa Rosa, Sebastopol, Sonoma,

⁵ <https://rcpa.ca.gov/wp-content/uploads/2020/12/Sonoma-Climate-Mobilization-Strategy-Adopted-2021-03-08.pdf>

⁶ <https://scta.ca.gov/wp-content/uploads/2020/06/2018-GHG-Report-FINAL-9-25.pdf>

⁷ <https://www.ucusa.org/resources/hidden-costs-fossil-fuels>

and Windsor cease acceptance of all applications for new gas stations or expansion of existing gas station infrastructure in their local jurisdiction; and

WHEREAS as identified and adopted in the Sonoma Climate Mobilization Strategy, that the RCPA encourages the County of Sonoma and Sonoma County incorporated jurisdictions to continue developing clean-emission, affordable, accessible, convenient public transportation networks; installing safe, connected pedestrian and bicycling infrastructure; and expanding efforts to serve zero-emission vehicles through the installation of battery charging infrastructure and other necessary improvements for the essential transition to zero-emission vehicles; and

WHEREAS at its meeting on September 28, 2021, the City of Sebastopol’s Climate Action Committee unanimously supported prohibiting construction of new automotive gas or fueling stations or expansion of existing automotive gas or fueling station infrastructure throughout the City of Sebastopol; and

WHEREAS, on October 12, 2021, the City of Sebastopol’s Planning Commission conducted a study session and unanimously supported prohibiting construction of new automotive gas or fueling stations or expansion of existing automotive gas or fueling station infrastructure throughout the City of Sebastopol;

WHEREAS, on January 25, 2022, the City of Sebastopol’s Planning Commission conducted a duly-noticed Public Hearing, deliberated, and found that as revised, the Zoning Ordinance is consistent with the aforementioned City goals, thereby enhancing consistency between the General Plan, and Zoning Ordinance, and other City policies.

NOW, THEREFORE, BE IT RESOLVED THAT, The Planning Commission of the City of Sebastopol, California, does hereby recommend that the City Council approve and adopt amendments to the City of Sebastopol Zoning Ordinance prohibiting construction of new automotive gasoline fossil fueling stations or expansion of existing automotive gas or fueling station infrastructure throughout the City of Sebastopol.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the Planning Commission on the 25th day of January, 2022, by the following vote:

VOTE:

Ayes: Chair Fritz, Vice Chair Oetinger, Commissioners Burnes, Douch, Kelley, Fernandez
Noes: none
Abstain: none
Absent: none

Certified:  _____

Kari Svanstrom, Planning Director



City of Sebastopol
Incorporated 1902
Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472

www.ci.sebastopol.ca.us

APPROVED MINUTES

PLANNING COMMISSION
CITY OF SEBASTOPOL
MINUTES OF January 25, 2022

PLANNING COMMISSION:

The notice of the meeting was posted on January 20, 2022.

1. CALL TO ORDER: Chair Fritz called the meeting to order at 6:00 P.M. and read a procedural statement.

2. ROLL CALL: **Present:** Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley
 Absent: None.
 Staff: Kari Svanstrom, Planning Director
 John Jay, Associate Planner

3. APPROVAL OF MINUTES: None.

4. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON AGENDA: None.

5. STATEMENTS OF CONFLICTS OF INTEREST: None.

6. CONTINUED PUBLIC HEARINGS:

A. 709 FIRST STREET - A Public Hearing to consider an application from Lon Chapman at 709 First Street. The applicant is seeking Planning Commission approval for Variance of setback reduction. The project proposes to use the existing footprint of the accessory structure to create 658 square feet of storage space along with a 974 square foot accessory dwelling unit. The structure's foundation is located 2'6" from the northern property line on the parcel.

Associate Planner Jay presented the staff report.

Chair Fritz asked for Planning Commission questions of staff.

Kathy Oetinger, Vice Chair

On the first page of the resolution, the second to the last paragraph doesn't make a lot of sense. Am I reading it wrong?

Paul Fritz, Chair

Yes, I agree with that, page 2 of the staff report. It says "provides housing for all residents."

John Jay, Associate Planner

I tried to find a General Plan use that was a way that we could see this project as an ADU providing housing for residents within the City of Sebastopol, so that's from our General Plan housing goal. The special needs part is not directly for people with disabilities, it's for folks who may have a hard time finding affordable options for housing, and this project, as presented with it converting an old barn structure to another housing unit was the reasoning behind that.

Kathy Oetinger, Vice Chair

I think the word "and" in the second line needs to be deleted.

Paul Fritz, Chair

I would say, "all residents of the community," or, "to residents of the community," because I wasn't sure if it was the residents of the existing house, people who are already living on the property kind of residents, or the broader community residents, so that would be clarified as, "repair to nonconforming structure and providing housing for members of the community."

Kari Svanstrom, Planning Director

Or you could say, "housing opportunities."

Paul Fritz, Chair

That would be fine too, just, "provides housing opportunities." I like that.

Evert Fernandez, Commissioner

Could I ask a question of the applicant, Mr. Chapman? Are you okay with all the conditions? Do you have any concerns or questions at this point?

Lon Chapman, Applicant

No, in fact the plans as we submitted take into account a number of these already, so there will be no problem at all. Thank you for asking.

Paul Fritz, Chair

I had another clarification on Condition #1A that talks about adequate insulation in the north and east walls. Is that thermal insulation or acoustic insulation, or both, and is there some definition of what that is instead of just adequate, which is a vague term?

John Jay, Associate Planner

Since there is that music room on that portion of the structure having some sort of acoustic insulation there to block any noise going to the neighbor on that side would be more of a direct condition rather than it being a vague "adequate" insulation.

Paul Fritz, Chair

Thermal insulation provides acoustic qualities as well, so I'm trying to clarify, are we expecting them to go beyond what's required from a thermal standpoint, and if so, do we have some definition of what that is? As an architect, I would read that as I don't know how much insulation to provide because I'm not being given any sort of guidance. I don't know if we know what that is right now or if we could just say there shall be acoustic insulation in addition to the thermal insulation.

Kari Svanstrom, Planning Director

I think acoustic insulation is fine. With respect to the wall between the music room and the ADU, both of which are conditioned spaces, an internal partition doesn't need to have insulation in it necessarily. Given some of the comments from the Commissioners, even though right now it's only being used for guitar, we took that into consideration and thought the north wall, the thermal insulation is probably the same, and frankly, if they use something like a rockwool instead of fiber glass it's going to have a better acoustic property, and we in the Planning Department saw something like that as adequate, if there's some direction for that. But between the music room and the ADU, because the ADU is a residence, there was insulation in that wall as well where by code it's not required.

Paul Fritz, Chair

The way that reads is in the north and east wall of the structure, so that would be like the overall building. I would say, "There should be acoustic insulation in the north wall and the wall between the ADU and the music room," just to make it clear what east wall we're talking about.

Commissioner Fernandez made a motion to approve for variance of setback reduction for 709 First Street, with the modifications:

- In the seventh whereas on the first page of the resolution, "Whereas the Planning Commission finds that the proposed maintenance and repair to a nonconforming structure provides housing opportunities consistent with the General Plan."
- Condition 1A shall be revised to say, "There shall be adequate insulation in the north wall and the wall between the music room and accessory dwelling unit."

Committee Member Kelley seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Fernandez, and Kelley
 NOES: None
 ABSTAIN: Commissioner Douch
 ABSENT: None.

7. PUBLIC HEARINGS:

- A. ZONING ORDINANCE UPDATE TO BAN NEW GASOLINE STATIONS AND RESTRICT EXPANSION OF EXISTING GASOLINE STATIONS** – A Public Hearing to consider amending the Zoning Ordinance to consider a potential ban on new fossil fuel (gasoline) stations and the expansion of fossil fuel infrastructure at existing stations within the City of Sebastopol.

Director Svanstrom presented the staff report.

Evert Fernandez, Commissioner

Say Rotten Robbie wanted to expand their carwash. How would this impact that ability?

Kari Svanstrom, Planning Director

This would not change their ability to apply for an expansion or modification of their car wash. This is simply for the fossil fuel component, so you can add more vehicles.

Evert Fernandez, Commissioner

Is there any current language that if modifications are made that they didn't have to conform to the new standard, or do they get grandfathered in?

Kari Svanstrom, Planning Director

If existing carwashes want to modify, that would come to the Planning Commission. If Rotten Robbie wants to improve the circulation or install significantly different equipment, that kind of thing, we would want to make sure it was coming closer into conformance in areas where they are currently nonconforming. In areas where they do conform to this code they would still need to maintain the site design standards that are in that zoning ordinance.

Evert Fernandez, Commissioner

So, if they want to replace an existing piece of equipment, they don't necessarily have to meet the standards of someone that is new?

Kari Svanstrom, Planning Director

Right, if it's permitted prior to these standards being in place.

Evert Fernandez, Commissioner

And is that something that can be added to it?

Kari Svanstrom, Planning Director

If they were to do something that would require a building permit, normally the Building Department would forward that to the Planning Department. At that point we would look at it and see if they have an option that would meet our standards and work with them to do that. That wouldn't necessarily come to the Planning Commission, as it's normal maintenance. A nonconforming code section allows a property owner to make repairs when it's not a nonconforming use, such as a carwash, but nonconforming facility that doesn't conform to the standards. Our Nonconforming Ordinance allows an owner to make ordinary repairs, which can include equipment replacements up to 10% of the property value. If it goes beyond a certain level of changes to the facility, that's when it would trigger and we would need to work with them specifically to see where they could become more compliant. City staff is certainly aware of some of the noise and circulation issues, which is probably why we added these standards.

Evert Fernandez, Commissioner

Same question for the abandoned station. The 365 days, is that a requirement, or how is that amount of time determined?

Kari Svanstrom, Planning Director

Our nonconforming code actually says anything that requires a use permit, if it's abandoned for more than 12 months, or 365 days, it is considered that the use permit is expired. During COVID there were some places, like the Barlow Event Venue, that needed to be closed for a certain amount of time, and we waived those types of things in extraordinary circumstances. But in this case, if one of our existing gas stations were to close down and not be operated for more than 365 days, then that would trigger this. For a gas station that pays sales tax, we would know when they closed.

Evert Fernandez, Commissioner

If a gas station closes and falls into disrepair and chemical leaks happen, how is that handled?

Kari Svanstrom, Planning Director

There are state regulations that govern this, and actually a lot of the underground tanks that exist in gas stations need to be upgraded. There are state codes and requirements for that, and so they would need to mitigate to those standards. I have seen at least one of

those in my professional career where a gas station closed down and turned into a bank, and so they did have to do the tank mitigation, which is either fill them or line them or remove them from the ground and do any required soil remediation.

Evert Fernandez, Commissioner

Let's say Chevron sells to Shell and they come in and rebrand. Does that trigger a review? It's the same operation; just a new owner.

Kari Svanstrom, Planning Director

All planning entitlements run with the land, not with the owner. Their use permit would still be valid.

Evert Fernandez, Commissioner

Can it warrant a little more scrutiny with a new ownership, or would that have to apply to all business ownerships?

Kari Svanstrom, Planning Director

It would have to be consistent across all. I think a good example is with our drive-throughs. We used to have a McDonald's down at the Southpoint shopping center, but Starbucks bought it and they didn't change the drive-through in a way that increased the capacity of the drive-through, so because it hadn't been closed for more than year they were able to just take that over and there was no triggering of the fact that it's a nonconforming use.

Paul Fritz, Chair

There's no need to take care of this today, but you've crossed out all the service station references, however we do have some service station references in other places in the zoning code, so I want to add that to the needs to be taken care of list: the search for all the service station references in the zoning code and get rid of them somehow.

Kari Svanstrom, Planning Director

Thank you, Chair Fritz. We can go through our code and make sure we catch the rest of those and add those to the ordinance so that it's a clean break.

Paul Fritz, Chair

I have a question on the resolution. Pages 8 and 9 of the staff report both refer to the City Council resolution declaring a climate emergency. The one on page 8 has a little bit more information about it than the one on page 9. It seems somewhat redundant. Maybe we can delete the one on page 9.

Kari Svanstrom, Planning Director

That makes sense.

Deborah Burnes, Commissioner

The gas station that's across from Rite Aid on Main Street, that hasn't been operational for much longer than a year. It's a smog check, but at one time there was a gas station. I understand if it's 365 days they lose their permit to have gas there ever again, is that correct?

Kari Svanstrom, Planning Director

Yes, and in fact right now they would need to come to the City to apply for a conditional use permit so you can get them back again. If we pass this, they just simply would not be able to even apply for that.

Chair Fritz asked for further Planning Commission questions of staff.

Hearing none, Chair Fritz opened the public hearing.

Woody Hastings, a member of the public

I live just outside of Sebastopol city limits; we moved here in 2009. I am a co-coordinator of the Coalition Opposing New Gas Stations and am here tonight in full-throated support of the Planning Commission voting yes to move this forward to the City Council. I appreciate the Planning Commission and all of the leadership in Sebastopol keeping it simple in stopping the construction of new gas stations and not trying to add in other things that can bog it down.

Sunny Galbraith, Chair of Sebastopol Zero Waste Committee

I'm so happy you're considering this and I'm very appreciative of Woody and Jenny Blaker and others that have been leading on this. From my experience on the Zero Waste Committee, our town is small but mighty and we are often the first people to do awesome things, and then it gives other cities permission to do it; they don't have to feel like the radical first City. We were the first city to pass the zero waste ordinance, polystyrene ban, updated our event policy to make it so events had to do certain zero waste things, and that's now being used at the county level and other cities have passed them. You can be a wonderful example to other cities. I used to live next door to a gas station some years back, the Rotten Robbie, and I would say it's also an environmental justice issue for people that have to live right near a gas station, that it is a significant air quality issue, so it's not just better for our carbon footprint as a whole to not build out more gas infrastructure, it's also a justice issue for people that have to live adjacent to gas stations.

Chair Fritz asked for additional public comments. Hearing none, Chair Fritz closed public comment.

Commissioner Fernandez made a motion to approve a Zoning Ordinance Update to Ban New Gasoline Stations and Restrict Expansion of Existing Gasoline Stations, with the addition of language changes as discussed in this hearing.

Committee Member Douch seconded the motion.

AYES: Chair Fritz, Vice Chair Oetinger, and Commissioners Burnes, Douch, Fernandez, and Kelley.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Kari Svanstrom, Planning Director

This item will likely be heard on the March 1st City Council agenda.

8. REGULAR AGENDA ITEMS:

- A. CLIMATE ACTION FRAMEWORK PRESENTATION** – CivicSpark Fellow Phoebe Goulden will provide a presentation as part of the kickoff to the public participation aspect of this project.

Director Svanstrom presented the staff report.

CivicSpark Fellow Phoebe Goulden gave a presentation and was available for questions.

Resolution Number 6274-2019

**CITY OF SEBASTOPOL CITY COUNCIL RESOLUTION DECLARING A CLIMATE EMERGENCY
AND COMMITTING TO ON-GOING ACTIONS TO RESTORE A SAFE CLIMATE**

WHEREAS, all the nations of the world have signed the 2015 Paris Agreement which has a stated objective of “...keeping a global temperature rise this century well below 2° Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5° Celsius;” and

WHEREAS, in October 2018 the Intergovernmental Panel on Climate Change (IPCC), the largest collaborative, consensus-based effort among the world’s scientific community, released a Special Report on Global Warming of 1.5°C, stating that “Human activities are estimated to have [already] caused approximately 1.0°C of global warming above pre-industrial levels;” and

WHEREAS an increase in global average surface temperatures results in numerous secondary effects, including: rapidly rising sea levels, decreased snowpack, accelerating melting of ice sheets in Greenland and Antarctica, accelerated melting of Arctic permafrost, increasing incidence and intensity of extreme weather events such as heat waves, droughts, hurricanes, etc., increasing incidence and intensity of wildfires, spread of diseases, and more; and

WHEREAS, the IPCC’s Special Report on Global Warming of 1.5°C states that the nations of the world must limit global temperature rise to 1.5°C above pre-industrial averages in order to maintain environmental conditions on earth that are compatible with life as it has evolved; and

WHEREAS, the IPCC’s Special Report on Global Warming of 1.5°C states that in order to have a 2-in 3 chance of limiting global warming to 1.5° C, our remaining ‘carbon budget’ is equal to 10 years of current greenhouse gas emissions; and

WHEREAS, on September 12, 2018 Governor Jerry Brown signed “Executive Order B-55-18 To Achieve Carbon Neutrality” committing the State of California to economy-wide “...carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter,” a target that accords with the recommendations of the IPCC’s Special Report on Global Warming of 1.5°C; and

WHEREAS, restoring a safe and stable climate requires a Climate Mobilization at all levels of government and society on a scale, scope, and speed not seen since World War II to reach zero greenhouse gas emissions across all sectors at emergency speed, to rapidly and safely draw down or remove all the excess carbon from the atmosphere; and

WHEREAS, marginalized communities worldwide—including people of color, indigenous communities, low-income people, those with disabilities, and the unhoused—are already disproportionately affected by climate change; and

WHEREAS, a Just Transition to a safe climate must encourage the active participation and protection of marginalized communities and work to ensure that they benefit first from a sustainable and equitable economy, including good-paying jobs and other tenets of a Green New Deal effort; and

WHEREAS , the City of Sebastopol has been a leader in addressing human-caused climate change, having made significant investments in municipal solar and pioneered adoption of solar building requirements and has made bold commitments in its participation in the greenhouse gas reduction efforts enumerated in the Regional Climate Protection Authority's (RCPA's) Climate Action 2020 Plan; and

WHEREAS, the City of Sebastopol must continue and strengthen its leadership role by converting to an ecologically, socially, and economically regenerative economy at emergency by speed and helping to rapidly organize a regional Just Transition and climate emergency mobilization effort.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Sebastopol declares a climate emergency threatens our city, region, and all life on Earth; and

BE IT FURTHER RESOLVED, the City of Sebastopol commits to working with the RCPA to update the City of Sebastopol's content in the RCPA's Climate Action 2020 and Beyond Plan; and

BE IT FURTHER RESOLVED , the City of Sebastopol commits to a city-wide Just Transition and climate emergency mobilization which includes 1) **mitigation**: reducing city-wide greenhouse gas emissions to net zero by no later than 2030 (or on a timeline that guarantees the highest odds of success), 2) **drawdown**: immediate removal of carbon from the atmosphere to near pre-industrial levels, and 3) **adaptation and resilience**: measures in preparation for the inevitable consequences of a rapidly warming planet; and

BE IT FURTHER RESOLVED, the City of Sebastopol will begin an immediate evaluation of all existing and future policies, projects, purchases, and priorities in accordance with the goals of mitigation, drawdown, and adaptation; and

BE IT FURTHER RESOLVED, the City of Sebastopol commits to keeping the considerations of disadvantaged, medically sensitive and minority communities central to all climate emergency mobilization planning processes and to inviting and encouraging such communities to actively participate in order to advocate directly for their needs.

BE IT FURTHER RESOLVED, the City of Sebastopol commits to ongoing education and active engagement of all city staff, businesses, contractors, consultants, residents, and independent community groups in alignment with the goals of mitigation, drawdown, and adaptation; and

BE IT FURTHER RESOLVED, the City of Sebastopol will create a new entity or body, or expand the purpose of an existing one, that will carry forward these climate-related efforts; and

BE IT FURTHER RESOLVED, the City of Sebastopol acknowledges that full public participation of its residents, including its disenfranchised communities, youth, elders, community organizations, labor groups, businesses, and academia, is essential to the success of this effort; and

BE IT FURTHER RESOLVED, the City of Sebastopol will work with agencies, groups, and organizations to assess current citywide activity-based GHG emissions and GHG emissions from consumption of goods and services—and to track GHG emissions and publicly report annually on progress toward the City’s goal of zero net emissions;

BE IT FURTHER RESOLVED, City of Sebastopol commits to contributing to the RCPA’s development of a countywide 2030 Climate Emergency Mobilization Strategy that focuses on identifying key local actions – including a 10-year Emergency Policy Package prioritizing a short list of the most impactful local policies that will drive systems change and identify the key areas for state level advocacy.

BE IT FURTHER RESOLVED, the City of Sebastopol will review during the FY 20-21 City budget hearings the potential creation of a Climate Emergency Mobilization Liaison to drive this effort in our jurisdiction and to review potential funding resources to support the participation of this staff member (or a designated RCPA staff member) in the RCPA coalition of local governments mobilizing regional climate action; and

BE IT FURTHER RESOLVED , the City of Sebastopol joins a nationwide call for a regional Just Transition and emergency mobilization at all levels of government to restore a safe climate, and will partner with local, regional, and State agencies to implement immediate actions -- including, but not limited to, those in Attachment A -- to help safeguard its residents against the consequences of climate change.

IN COUNCIL DULY PASSED this 3rd day of December 2019.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

AYES: Councilmembers Gurney, Hinton, Vice Mayor Glass and Mayor Slayter

NOES: None

ABSENT: Councilmember Carnacchi

ABTAIN: None

APPROVED: 
Patrick Slayter, Mayor, City of Sebastopol

ATTEST: 
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: 
Larry McLaughlin, City Attorney

**Attachment A:
List of Climate Actions for the City of Sebastopol
By Sebastopol Climate Action**

1. All Electric Reach Code - Building ordinance would require new residential construction to use only high-efficiency electric appliances. As new building types have been reviewed and analyzed by the California Energy Commission, the All Electric Reach Code would apply to them.

a. Estimated upfront savings of \$6,171 per home (or \$3,361 per multifamily units). Estimates from Santa Rosa city staff report 06/11/2019

b. Assuming 36 housing units are built over the next three years, 86 metric tons of carbon dioxide equivalents (CO₂e) would be avoided which would be a reduction of 2.4 CO₂e annually for a standard single-family home compared to a 2019 code compliant house.

c. Needs State approval for reach codes that go beyond Title 24 regulations. Sonoma Clean Power has a template for State approval documentation.

d. [Berkeley first city in California to ban natural gas in new buildings](#)

2. Municipal Solar. Solar assessment of additional sites.

a. Possible new sites include the public parking lots and the city corporate yard.

b. Examine the possibility of micro-grid power storage, such as the SRJC has done.

3. Moratorium on New Fossil Fuel Infrastructure - Applies to new gas stations

4. Oversight of Procurement - "Sustainable purchasing" for the City of Sebastopol.

5. Data Gathering

a. Annual Reporting of Consumption - Local Gas and Electricity Baseline Data

i. The city on an annual basis makes a request to PG&E for a breakdown of consumption based on residential, commercial and industrial sectors for gas and electricity for the 95472-zip code. This data is then posted on the City website. [Public energy data request portal](#)

b. Evaluation of existing municipal solar

i. Evaluate the savings (KWh, GHG, \$) the city has achieved since installing solar arrays on most of the municipal buildings and water/sewage pumping stations. This could be done with possible assistance of SSU students.

c. Evaluation of existing building requirements for residential and commercial solar

i. Estimate the savings (KWh, GHG, \$) the solar building requirement has saved. This could be done with possible assistance of SSU students.

ii. Pass on lessons learned implementing it to other jurisdictions since all of California is now having to implement solar in new buildings.

6. Education - The city embarks on multiple public education initiatives. For example:

a. Travelling exhibit based on a 10' x 10' pop up shade structure, display table, graphics and interactive exhibit components that provides community education around action items that citizens can take to reduce GHG emissions, decrease household and business waste and increase resiliency.

- b. Publicize on the city website and newsletter all available local resources for climate and zero waste actions. Examples include:
 - i. Launch before year end of Sonoma Clean Power's incentives for Heat Pump Water Heaters, Heat Pump Space Heaters and other energy saving devices.
 - ii. Sonoma Climate Challenge
 - iii. Zero Waste best practices for households
- c. Provide handouts available at city hall for climate best practices.
- d. Leverage community groups to put on climate education events and help tell the success stories.

- i. Climate speaker series
- ii. Climate workshops for teachers

7. Begin the discussion to create climate committee or expand the scope of the Zero-Waste committee to encompass broader climate actions.

8. Work to accelerate transportation electrification

- a. Team with RCPA/CCP (and others) to encourage EV (purchase/lease)
- b. Address local EV infrastructure enhancements (See RCPA Shift Sonoma County Plan).
 - i. Make electric car charging stations more visible.
 - ii. Increase numbers of DC fast chargers
- c. Organize EV Rides/shows (include E-bikes).
- d. Sharing purchase/lease strategies for new buyers. Share info for buying/leasing used EVs.

9. Fund a grant writer to find money for climate initiatives, such as:

- a. Climate Action Coordinator contract position. This person would be responsible for measuring/monitoring/reporting on progress of any action items that are adopted. Civicspark/Climatecorp provides training to these new hires. For example, the City of Alameda hired a coordinator as intern via Civicsparks or ClimateCorp
- b. Youth climate corp summer jobs.
- c. Zero Waste initiatives.
- d. Conducting free solar evaluations, developing/implementing communication/outreach tools/strategies.
- e. Stipends for SSU/SRJC students to conduct studies/research/monitoring
- f. Incentives for converting to electric in homes (fuel switching).
- g. Energy and/or lighting retrofits in city-owned buildings
- h. Solar + battery storage capacity in critical city infrastructure for emergencies and PG&E planned power outages.

Resolution Number 2021-003

Sonoma County Regional Climate Protection Authority
Santa Rosa, California
September 13, 2021

RESOLUTION OF THE SONOMA COUNTY REGIONAL CLIMATE PROTECTION AUTHORITY RECOMMENDING CEASING ALL CONSTRUCTION OF NEW GAS STATION INFRASTRUCTURE IN SONOMA COUNTY TO REDUCE FOSSIL FUEL EMISSIONS AND PREPARE FOR THE TRANSITION TO ZERO-EMISSION VEHICLES.

WHEREAS, human activities have warmed the Earth to a point that threatens climate stability, and climate change has already set in motion catastrophic changes; and

WHEREAS, critical tipping points must be avoided, as they will have cascading feedback effects that are predicted to cause an increasingly uncontrollable climate emergency; and

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

WHEREAS, the current scale and speed of local government action has not resulted in the necessary reductions in global greenhouse gas (GHG) emissions to limit global temperature increases; and

WHEREAS, on January 26, 2018, Governor Brown issued Executive Order B-48-18¹ calling for five million zero-emission vehicles by 2030 and the installation of 250,000 electric vehicle charging stations in the State; and

WHEREAS, on September 12, 2018, Governor Brown issued, and Governor Newsom has since affirmed, Executive Order B-55-18², calling for the State to achieve carbon neutrality by 2045; and

WHEREAS, on September 9, 2019, the Sonoma County Regional Climate Protection Authority adopted a Climate Emergency Resolution³, and new gasoline stations are not consistent with this policy; and

WHEREAS, between May 2019 and March 2021, the County of Sonoma and each of the incorporated jurisdictions adopted Climate Emergency Resolutions and committed to working on activities to address this state of climate emergency; and

¹ <https://www.ca.gov/archive/gov39/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/index.html>

² <https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>

³ <https://scta.ca.gov/wp-content/uploads/2019/09/4.1.1-Climate-Emergency-Resolution.pdf>

Resolution Number 2021-003

Sonoma County Regional Climate Protection Authority
Santa Rosa, California
September 13, 2021

WHEREAS, on September 23, 2020, Governor Newsom issued Executive Order N-79-20⁴ setting 2035 as the year by which all new vehicles sold in California must be zero-emission; and

WHEREAS, on March 1, 2021, the City of Petaluma became the first local government in the nation to adopt a prohibition on new gas station land uses within their boundaries; and

WHEREAS, on March 8, 2021, the Sonoma County Regional Climate Protection Authority adopted a Sonoma Climate Mobilization Strategy⁵ which sets a goal of reaching countywide carbon neutrality by 2030; and

WHEREAS, transportation accounts for 60%⁶ of GHG emissions in Sonoma County 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, including toxic/carcinogenic air contamination, surface water runoff, leaking underground storage tanks, and more⁷; and

WHEREAS, a just transition away from fossil fuels requires that local government actions are ecologically sustainable, equitable, and just for all its members; and

WHEREAS, marginalized communities worldwide—including people of color, immigrants, indigenous communities, low-income people, those with disabilities, and the unhoused—are already disproportionately affected by climate change and must benefit from a just transition to a sustainable and equitable economy; and

WHEREAS, currently there are over 635,000 electric vehicles (EVs) in California and almost 10,000 EVs in Sonoma County, with the need for charging infrastructure inevitably growing as the need for gasoline stations correspondingly diminishes; and

⁴ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

⁵ <https://rcpa.ca.gov/wp-content/uploads/2020/12/Sonoma-Climate-Mobilization-Strategy-Adopted-2021-03-08.pdf>

⁶ <https://scta.ca.gov/wp-content/uploads/2020/06/2018-GHG-Report-FINAL-9-25.pdf>

⁷ <https://www.ucsusa.org/resources/hidden-costs-fossil-fuels>

Resolution Number 2021-003

Sonoma County Regional Climate Protection Authority
Santa Rosa, California
September 13, 2021

WHEREAS, in adopting the Sonoma Climate Mobilization Strategy, this Board prioritized Strategy 4—EV Access for All Partnership, calling for development of over 10,000 public and workplace charging stations in Sonoma County, addressing barriers for installing this charging equipment, and limiting fossil fuel infrastructure; and

WHEREAS, there are over 135 gasoline stations in Sonoma County⁸ and new gasoline stations have been and are continuing to be proposed throughout Sonoma County despite the associated negative environmental and climate impacts; and

WHEREAS, local government resources should be used to develop clean-emission, affordable, accessible, convenient public transportation networks; safe, connected pedestrian and bicycling infrastructure; and clean vehicle charging/fueling infrastructure;

NOW THEREFORE, BE IT RESOLVED, that the Regional Climate Protection Authority (RCPA), recommends ceasing acceptance of all applications for new gas stations or expansion of existing gas station infrastructure throughout Sonoma County; and

BE IT FURTHER RESOLVED, that the RCPA recommends that the County of Sonoma and the incorporated jurisdictions of Cloverdale, Cotati, Healdsburg, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, and Windsor cease acceptance of all applications for new gas stations or expansion of existing gas station infrastructure in their local jurisdiction; and

BE IT FURTHER RESOLVED, as identified and adopted in the Sonoma Climate Mobilization Strategy, that the RCPA commits to working with its local government members to assist with policy development and implementation for those areas that provide the greatest impact to reducing emissions; and

BE IT FURTHER RESOLVED, as identified and adopted in the Sonoma Climate Mobilization Strategy, that the RCPA encourages the County of Sonoma and Sonoma County incorporated jurisdictions to continue developing clean-emission, affordable, accessible, convenient public transportation networks; installing safe, connected pedestrian and bicycling infrastructure; and expanding efforts to serve zero-emission vehicles through the installation of battery charging infrastructure and other necessary improvements for the essential transition to zero-emission vehicles.

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<https://www.arcgis.com/apps/mapviewer/index.html?webmap=654c10243ed244aba13ec8bf9fe7b777&extent=-123.0739,38.1948,-122.25,38.5898>

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Santa Rosa, California
September 13, 2021

THE FOREGOING RESOLUTION was moved by Director Fischer, seconded by Director Giudice, and approved by the following vote:

Director Agrimonti	<u>Absent</u>	Director Gurney	<u>Aye</u>
Director Alvarez	<u>Aye</u>	Director Hopkins	<u>Aye</u>
Director Bagby	<u>Aye</u>	Director Kelley	<u>Aye</u>
Director Fischer	<u>Aye</u>	Director Landman	<u>Aye</u>
Director Gorin	<u>Aye</u>	Director Rabbitt	<u>Aye</u>
Director Giudice	<u>Aye</u>	Director Salmon	<u>Absent</u>
Ayes: 10		Noes: 0	
		Absent: 2	
		Abstain: 0	

SO ORDERED

I, the undersigned, certify that the foregoing resolution was duly adopted at a regular meeting of the Board of Directors of the Sonoma County Regional Climate Protection Authority held on September 13, 2021.

Suzanne Smith

Suzanne Smith, Executive Director
Clerk, Sonoma County Regional Climate Protection Authority



January 22, 2022

Subject: Planning Commission January 25 Agenda Item 7A – Gas Station Ban Ordinance PC 1-25-22

Dear Chair Fritz and Sebastopol Planning Commission:

We are writing to express our full support for the measure before you on January 25 to enact a prohibition of the construction of new gasoline stations within Sebastopol city limits. This measure has been reviewed by Sebastopol's Climate Action Committee and its Transportation Subcommittee several times and has been referred with their support to your Commission and the City Council.

Above all else, in adopting a resolution declaring a Climate Emergency Resolution on December 3, 2019 (Resolution 6274), the City of Sebastopol formally recognized the urgent nature of the crisis that is before us. This measure is not symbolic and is a logical action pursuant to that resolution. It is an important part of revising obsolete 20th century local government codes that are still on the books throughout the U.S and that continue to allow fossil fuel infrastructure, in this case gas stations, to be built.

Our only caution is to urge you to avoid any impulse to complexify the measure by imposing new restrictions or requirements on *existing* gas stations, the only exception being to prohibit the expansion of fossil fueling infrastructure at existing gas stations. Trying to link the prohibition to other proactive measures such as electric vehicle charging, public transit improvements, or active mobility amenities is not necessary and risks delaying action. Those measures are important and necessary, but can and should occur independently of this measure to cease the permitting process for a land use deemed obsolete.

Again, we encourage your "yes" vote on this matter. Thank you for the opportunity to comment.

Sincerely,

Woody Hastings & Jenny Blaker

Co-coordinators, Coalition Opposing New Gas Stations (CONGAS)

www.con-gas.org congas.contact@gmail.com 707-238-2298

Kari Svanstrom

From: The Lochners <[REDACTED]>
Sent: Sunday, January 23, 2022 10:19 PM
To: Kari Svanstrom
Subject: NO new gas stations

I support the Congas position of no new gas stations in Sebastopol agenda item 7A.

Jan Lochner
[REDACTED]
Sebastopol, CA [REDACTED]