



City of Sebastopol Planning Commission Staff Report

Meeting Date: October 12, 2021
Agenda Item: 6A
To: Planning Commission
From: Kari Svanstrom, Planning Director
Kelly Hickler, Senior Planner
Subject: Gas Station Ban

Introduction:

The City of Sebastopol City Council has requested the Climate Action Committee (CAC) and Planning Commission review and provide direction/recommendations on a potential ban on new gas stations (as defined under the Recommended Amendments to Zoning Ordinance section of this report), and the expansion of fossil fuel infrastructure at existing stations within the City of Sebastopol. At its meeting on September 28, 2021, the CAC discussed this item and unanimously supported the ban.

Discussion:

At its meeting on July 12, 2021, the Sonoma County Regional Climate Protection Authority (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. Included in the Resolution was 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.

If City 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. Therefore, this item is to request the Planning Commission to decide if it wants to recommend approval of the ban to City Council, review and develop revised language for the Zoning Ordinance, and review and develop appropriate findings for Council to consider. This discussion item is presented to the Planning Commission as a study session to discuss the item, review for General Plan consistency concerns, assess impacts of a ban, and review proposed Zoning Ordinance modifications prior to any formal public hearings.

Consistency with City Goals:

A ban on new gas stations 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).

Recommended Amendments to Zoning Ordinance:

The recommended amendments to the Zoning Ordinance are listed below with text additions and changes underlined. 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.

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.

Staff also recommends moving the following language regarding abandoned stations from section 17.345.010 to this section:

17.160.040(G). Abandoned Stations. Any ~~service~~ automotive gas or fueling station that becomes nonconforming for any reason other than the spacing requirements set forth in this section 17.345.010(B), 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)

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 consistent, and it doesn't read as though new automotive gas or fueling stations are permitted. Staff proposes to combine section 17.345.020 with 17.345.010 because there is no longer a need for a separate section referring to service stations. Staff also proposes to move a paragraph regarding abandoned stations to the nonconforming use section of the Zoning Ordinance.

Chapter 17.345 ~~SERVICE STATIONS AND CAR WASHES~~

17.345.010 ~~Service stations and~~ Car washes.

In addition to the development standards in Chapter 17.25 SMC, ~~gas stations and~~ 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 ~~Service Station and~~ Car Wash Sites and Existing Automotive Gas or Fueling Stations. The minimum distance between ~~service station sites and/or~~ car wash sites and existing automotive gas or fueling stations 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.~~ Building 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.~~
- A4. 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.
- B5. All washing and automatic drying facilities shall be completely within an enclosed building.

€6. 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.

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.

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)

(Move this paragraph to 17.160.040 Nonconforming facility)

~~G. Abandoned Stations. Any service 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 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 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)~~

(Combine these standards with section 17.345.010)

~~17.345.020 Car washes.~~

~~In addition to the requirements established in Chapter 17.25 SMC and the requirements identified in subsection A of this section, 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.

Recommendation:

The Planning Commission should discuss and provide direction to staff regarding a potential recommendation for approval of the gas station ban and associated Zoning Ordinance revisions. Staff will prepare the draft Ordinance, and schedule the item for a Public Hearing with the Planning Commission for formal recommendation to City Council for adoption.

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 Planning Commission 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.

Attachment(s):

Draft Resolution Recommending the Zoning Ordinance Amendments to City Council for approval

RESOLUTION NO. 2021-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL RECOMMENDING 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;

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-Climate.pdf>

and,

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, with the need for charging infrastructure inevitably growing as the need for gasoline stations correspondingly diminishes; 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, the proposed amendments to the Zoning Ordinance are consistent with the City of Sebastopol's General Plan Principals, Goals, and Policies as follows:

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. And,

WHEREAS, the proposed amendments to the Zoning Ordinance are consistent with the City

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>

of Sebastopol City Council Goals:

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). And,

WHEREAS there are over 135 gasoline stations in Sonoma County⁸, and two gas stations in Sebastopol. 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; and

WHEREAS 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

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 at its meeting on October 12, 2021, the City of Sebastopol’s Planning Commission _____ (recommended, or other, etc.) 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 (TBD)

⁸ <https://www.arcgis.com/apps/mapviewer/index.html?webmap=654c10243ed244aba13ec8bf9fe7b777&extent=-123.0739,38.1948,-122.25,38.5898>

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol's Planning Commission recommends that the City Council of the City of Sebastopol approve and adopt amendments to the City of Sebastopol 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.

Approved on _____, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Certified: _____

Kari Svanstrom, Planning Director

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