

ORIGINAL

## RESOLUTION NO. PC - 2022 - 7

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COTATI RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 17.24.020 (ALLOWABLE LAND USES), SECTION 17.42.180 (SERVICE STATIONS) AND CHAPTER 17.90 (DEFINITIONS) OF THE COTATI MUNICIPAL CODE TO PROVIDE PROVISIONS FOR ELECTRIC VEHICLE CHARGING AND PROHIBIT SERVICE STATION FACILITIES THAT STORE, CONVEY OR DISPENSE FOSSIL FUELS**

**WHEREAS**, Article XI, Section 7 of the California Constitution authorizes cities to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the United States Environmental Protection Agency has classified gas station and fuel storage locations as uses that may result in a brownfield site. Brownfield sites are properties where the development, redevelopment, or reuse of may be complicated by the presence hazardous substances, pollutants, or contaminants; and

**WHEREAS**, common contaminants found at gas station sites include gasoline, diesel, and petroleum oils, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at gas stations can threaten the public health, safety and welfare of neighboring communities; and

**WHEREAS**, the State of California has adopted policy targets to reduce greenhouse gases (GHGs) by 40% from 1990 levels by 2030 and by 80% from 1990 levels by 2050; and

**WHEREAS**, Governor Brown's Executive Order B-48-18, signed on January 26, 2018, noted that the transportation sector resulted in 50 percent of California's total greenhouse gas emissions and 80 percent of smog-forming oxides of nitrogen, and directed all state entities to work with local government and the private sector to ensure there are at least 5 million zero-emission vehicles on California roads by 2030, and the creation of 200 hydrogen fueling stations and 250,000 electric vehicle charging stations by 2025 to support such vehicles; and

**WHEREAS**, the City of Cotati participates in a coordinated, countywide collaboration to address climate change via the Sonoma County Regional Climate Protection Authority (RCPA), and the RCPA has adopted the same GHG reduction targets as the State of California; and

**WHEREAS**, on March 27, 2018, the City Council adopted Resolution 2018-15 reaffirming Cotati's commitment to reduce GHG emissions and agreed to work towards the countywide and state goal to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050; and

Attachment: Exhibit B - Planning Commission Resolution No. PC-2022-7 (Gas station fossil fuel ban - Second reading)

**WHEREAS**, on November 26, 2019, the City Council adopted Resolution 2019-74 endorsing the declaration of a climate emergency and immediate mobilization to restore a safe climate; and

**WHEREAS**, Governor Newsom’s Executive Order N-79-20, signed on September 23, 2020, sets a goal to eliminate sales of new internal combustion passenger vehicles by 2035; and

**WHEREAS**, on July 27, 2021, the City Council adopted Resolution No. 2021-41 endorsing the goals of Climate Safe California and called on the State of California to accelerate its climate action timelines, including the phase-out of fossil fuel development, production, and use; and

**WHEREAS**, adoption of changes to Land Use Code are necessary to implement the objectives of the General Plan and the City’s adopted GHG reduction goals; and

**WHEREAS**, on May 16, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed Land Use Code amendments and recommended City Council approval of the implementing draft ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Cotati does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings upon which the Planning Commission makes its recommendation includes, but is not limited to: 1) the General Plan adopted by the City Council in 2015, 2) the Environmental Impact Report certified for the 2015 General Plan, and 3) all staff reports, City files, records, and other documents prepared for and/or submitted to the Planning Commission related to the adoption of the zoning amendments.

3. General Plan Consistency

The Planning Commission of the City of Cotati does hereby find that the proposed Land Use Code amendments to prohibit facilities that store, convey or dispense fossil fuels to vehicles with internal combustion engines, as shown in the draft ordinance attached to this Resolution (Exhibit A), are in the best interest of the City because it furthers established General Plan goals and programs to reduce greenhouse gas emissions and implements some of Cotati’s local implementation measures identified in the countywide climate action plan, *Climate Action 2020 and Beyond (CA2020)*. The amendments are consistent with and implement the following specific General Plan and CA2020 goals and objectives:

*General Plan – Circulation Element*

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**Objective CI 3A:** Reduce the levels of greenhouse gas (GHG) emissions created by automobile traffic in Cotati

**Policy CI 3.1:** Actively support the Regional Climate Protection Authority (RCPA) in its efforts reduce GHG emissions to a level that is 25% below 1990 levels by 2015 and 40% below 1990 levels by 2035.

General Plan – Conservation Element

**Objective CON 2B:** Reduce emissions of greenhouse gases from city operations and community sources

**Policy CON 2.7:** Continue to aggressively implement the greenhouse gas (GHG) reduction measures contained in the 2008 Cotati Greenhouse Gas Emissions Reduction Action Plan.

**Policy CON 2.8:** Support the development and implementation of a GHG reduction plan, or Climate Action Plan, that addresses and reduces GHG emissions associated with community operations, including but not limited to: mobile sources (vehicle traffic), energy consumption, and solid waste.

**Policy CON 2.9:** Coordinate with Sonoma County and nearby cities to implement regional GHG reduction plans and consolidate efforts to reduce GHGs throughout the County.

Climate Action 2020 and Beyond

**Goal 5:** Encourage a Shift Toward Low-Carbon Transportation Options

**Goal 7:** Encourage a Shift Toward Low-Carbon Fuels in Vehicles and Equipment

- **Measure 7-L3:** Reduce fossil fuel use in equipment through efficiency or fuel switching

4. Compliance with the California Environmental Quality Act (CEQA)

The Planning Commission of the City of Cotati does hereby find that the draft ordinance complies with the requirements of CEQA in accordance with the following:

Actions Relating to the Prohibition on New or Expanded Fossil Fuel Storage and Dispensing Facilities

This ordinance to amend the Land Use Code to prohibit new and expanded facilities that store or dispense fossil fuels is not a project within the meaning of CEQA Guidelines Section 15378 and is exempt under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for resulting in a direct or indirect physical change to the environment, and it can be

seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment in that the amendment prevents physical changes to the environment by prohibiting new or expanded facilities.

Actions Relating to Regulations for Modifying Service Stations

This ordinance applies to five existing vehicle service stations that store, convey, and dispense fossil fuels, including gasoline and diesel fuel. This ordinance prohibits the addition, enlargement, extension, reconstruction, or relocation of fueling facilities and defines three specific categories of permitted modifications, as follows: 1) those to improve soil, groundwater and stormwater quality; 2) those necessary to improve traffic safety; and 3) those to enable battery charging stations for zero-emission vehicles. The latter category of modifications is addressed separately below, but the regulations to allow for modifications to improve soil, groundwater and stormwater quality, and traffic safety are categorically exempt from CEQA in accordance with the following:

- CEQA Guidelines Section 15301 (Existing Facilities) 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 (New Construction or Conversion of Small Structures) which applies to 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 (Minor Alterations to Land) which applies to minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature scenic trees except for forestry or agricultural purposes.
- CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) 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.

Actions Relating to Land Use - “Electric Vehicle Charging Station”

Pursuant to Government Code Section 65850.7(b), cities shall administratively approve electric vehicle charging stations through a nondiscretionary building permit. In accordance

with CEQA Guidelines Section 15268, ministerial projects, such as issuance of a building permit, are exempt from CEQA.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Cotati does hereby forward its recommendation to the City Council to adopt the Land Use Code amendments listed in the draft ordinance attached to this resolution as Exhibit A.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of Cotati held on the May 16th, 2022, by the following vote, to wit:

- RESULT:** ADOPTED [UNANIMOUS]
- MOVER:** Brittany Murphy, Commissioner
- SECONDER:** John T. Savage, Commissioner
- AYES:** John T. Savage, Neil Hancock, Lisa Moore, Brittany Murphy
- ABSENT:** Sylvia Lemus

Approved: M J Hancock  
Chair

Attest: Keri L Pajon  
Keri L. Pajon, Admin. Secretary

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