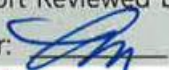


Agenda Report Reviewed by:
City Manager: 

**CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM**

Meeting Date: April 19, 2021
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: Approval of Second Reading, Waiving of Further Reading and Adoption of Ordinance – Revisions to the Zoning Ordinance to prohibit new Gas Stations in Sebastopol
Recommendation: Adopt the Ordinance
Funding: Currently Budgeted: _____ Yes _____ No X N/A

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

INTRODUCTION/PURPOSE:

At its April 5, 2022 regular meeting, the City Council received the staff report and presentation, held the public hearing and discussed an ordinance to 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. Existing service stations would become non-conforming uses, and would be allowed to continue, but would not be allowed to expand the fossil fuel infrastructure at their facilities in Sebastopol. No new fossil fuel stations would be permitted.

The ordinance is now presented for adoption. The ordinance will go into effect in 30 days after adoption.

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.

Environmental Review:

City Council concurred with the CEQA finding that the proposed Zoning Ordinance amendments are exempt under CEQA Guideline Sections 15378, 15061(b)(3), 15301, 15303, 15304, and 15308. See attached prior staff report for additional detail.

PUBLIC COMMENT:

The City has not received any public comments since the First Reading (April 5 Council meeting). However, 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 schedule meeting date.

FISCAL IMPACT:

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

RECOMMENDATION:

Staff recommends the Sebastopol City Council adopt the ordinance.

Attachments:

Ordinance 1140
April 5, 2022 Staff Report

City of Sebastopol
Ordinance No. 1140

SECOND READING AND ADOPTION

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 the 5th day of April, 2022.

Approved for Second Reading and Adoption 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