

Urgency Ordinance
Enacting a Temporary
Moratorium on the
Establishment of New
Service Stations or
Expansion of Existing
Service Stations in the
City of Pinole

Tuesday, April 2, 2024

City Council



Background

- July 18, 2023: Future agenda item request to present information regarding enacting a ban on service stations in the City of Pinole (Councilmember Sasai)
- February 6, 2024:
 - Council received information
 - Council directed staff to prepare an urgency ordinance enacting a moratorium on new service stations and include development of a permanent ordinance as an action in the Climate Action and Adaptation Plan (CAAP)



Climate Change and Government Regulation



Climate change poses significant risks to public health, safety, and welfare (i.e., air pollution, extreme weather events, increased food insecurity, and rising sea levels)



One main contributor to climate change is the transportation industry



Government agencies at the federal, state, and local levels have all set priorities to shift consumers toward electric vehicles over traditional gasoline-powered vehicles

Gas/Service Station Regulation in Other Communities

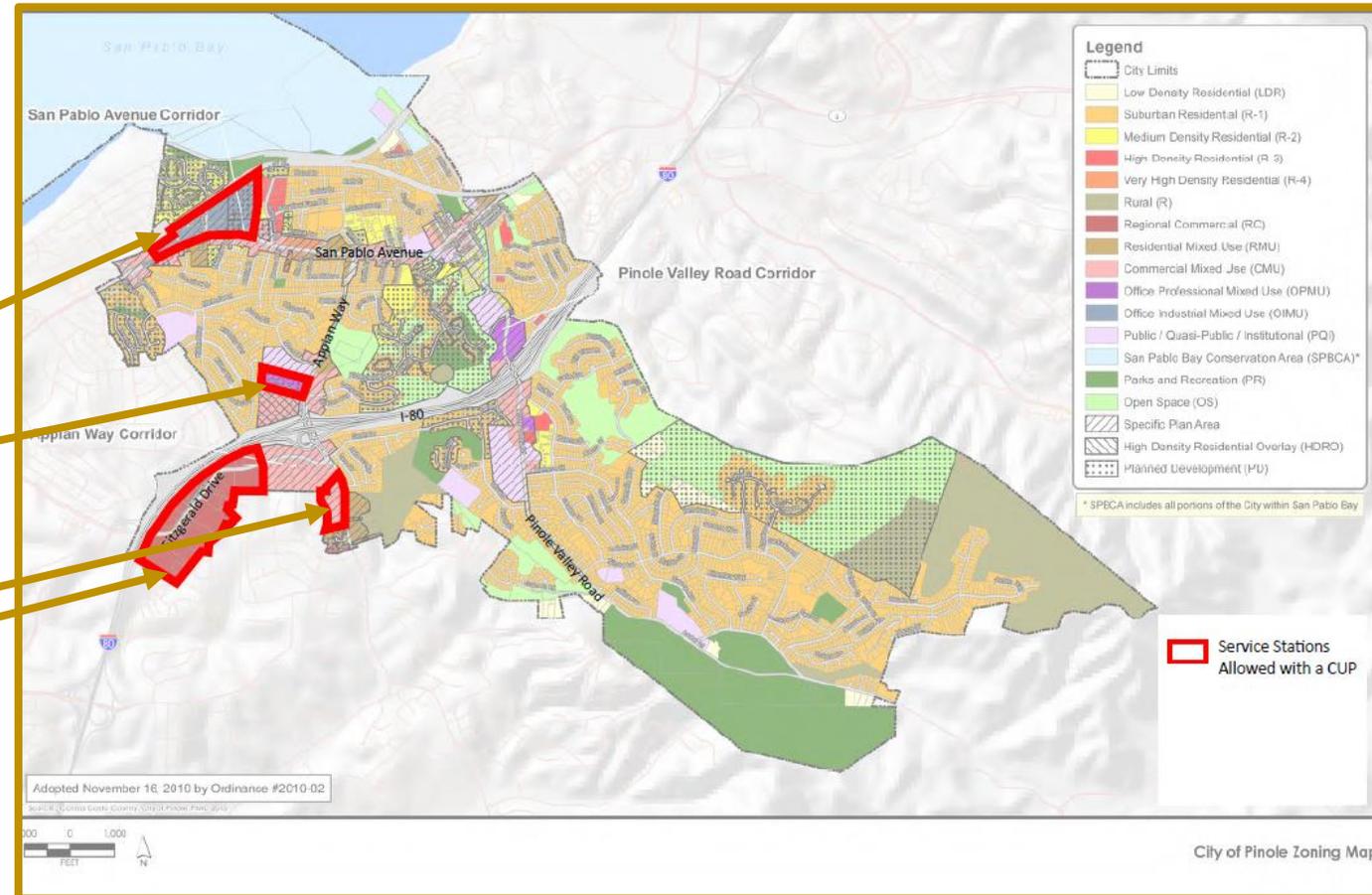
City	County	Date of Ban	# Existing and Proposed Gas Stations Regulated by Ordinance	Population
Petaluma	Sonoma	Mar 2021	17	59,403
Rohnert Park	Sonoma	Mar2022	13	44,411
Sebastopol	Sonoma	Apr 2022	3	7,448
Cotati	Sonoma	Jun 2022	5	7,498
Windsor	Sonoma	Oct 2022	4	26,039
Santa Rosa	Sonoma	Aug 2022	44	176,938
Sonoma County	Sonoma	Mar 2023	46	485,887
Yountville	Napa	Sept 2023	1	3,360
American Canyon	Napa	Feb 2022	3	21,605
Calistoga	Napa	Dec 2021	3	5,187
Napa	Napa	Apr 2023	20	78,818
St. Helena	Napa	Ban is pending	3	5,386
Novato	Marin	October 2022	14	52,708
San Anselmo	Marin	November 2023	3	12,693
Fairfax	Marin	November 2023	2	7,521

Where are Service Stations in Pinole Allowed?

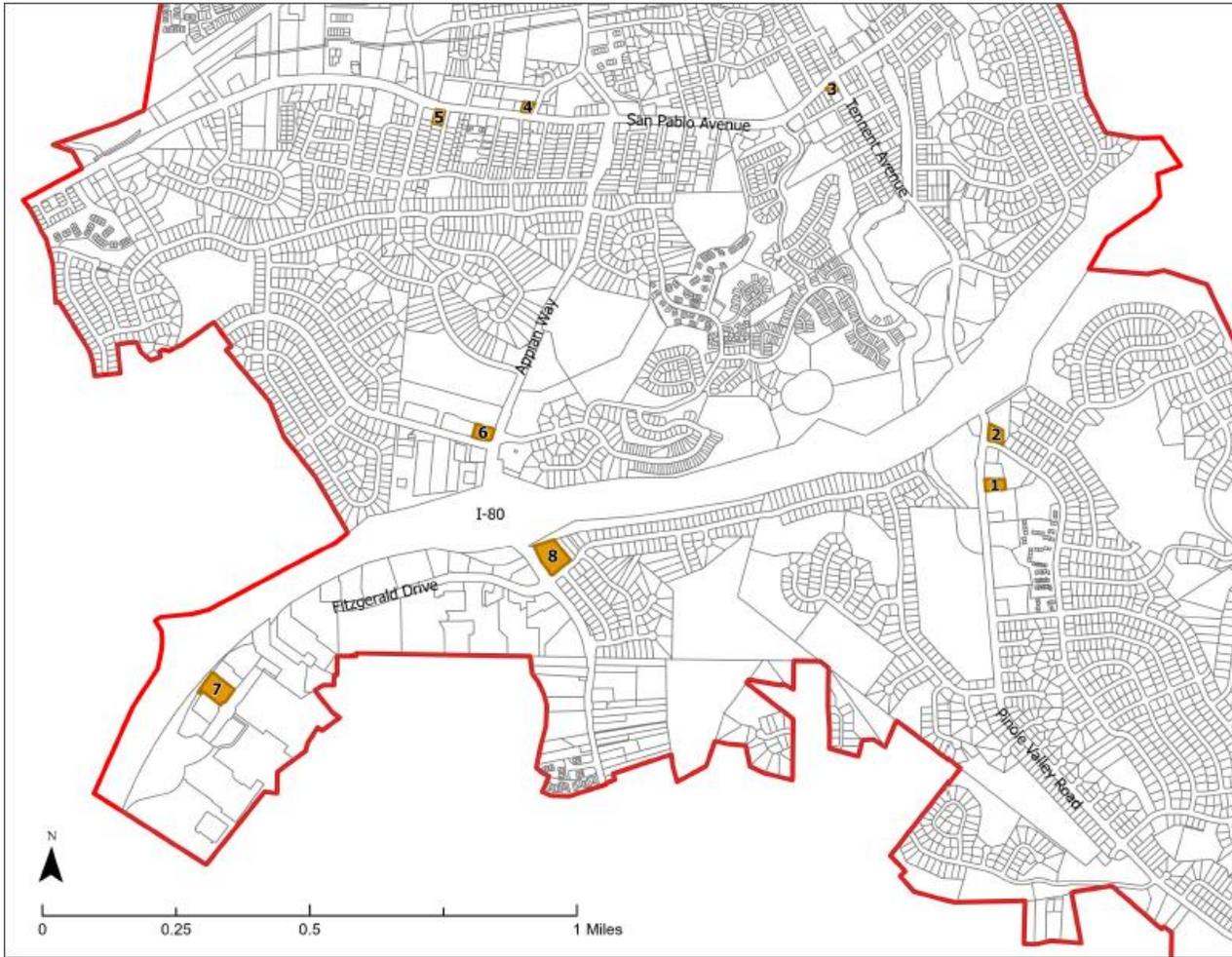
Service Stations: *retail businesses selling gasoline or other motor vehicle fuels.*

Allowed with a CUP only:

- OIMU in the Service Sub-Area in the San Pablo Avenue Corridor.
- OPMU in the Service Sub-Area in the Appian Way Corridor.
- CMU in the Mixed Use Sub-Area in the Appian Way Corridor.
- RC Zoning District.

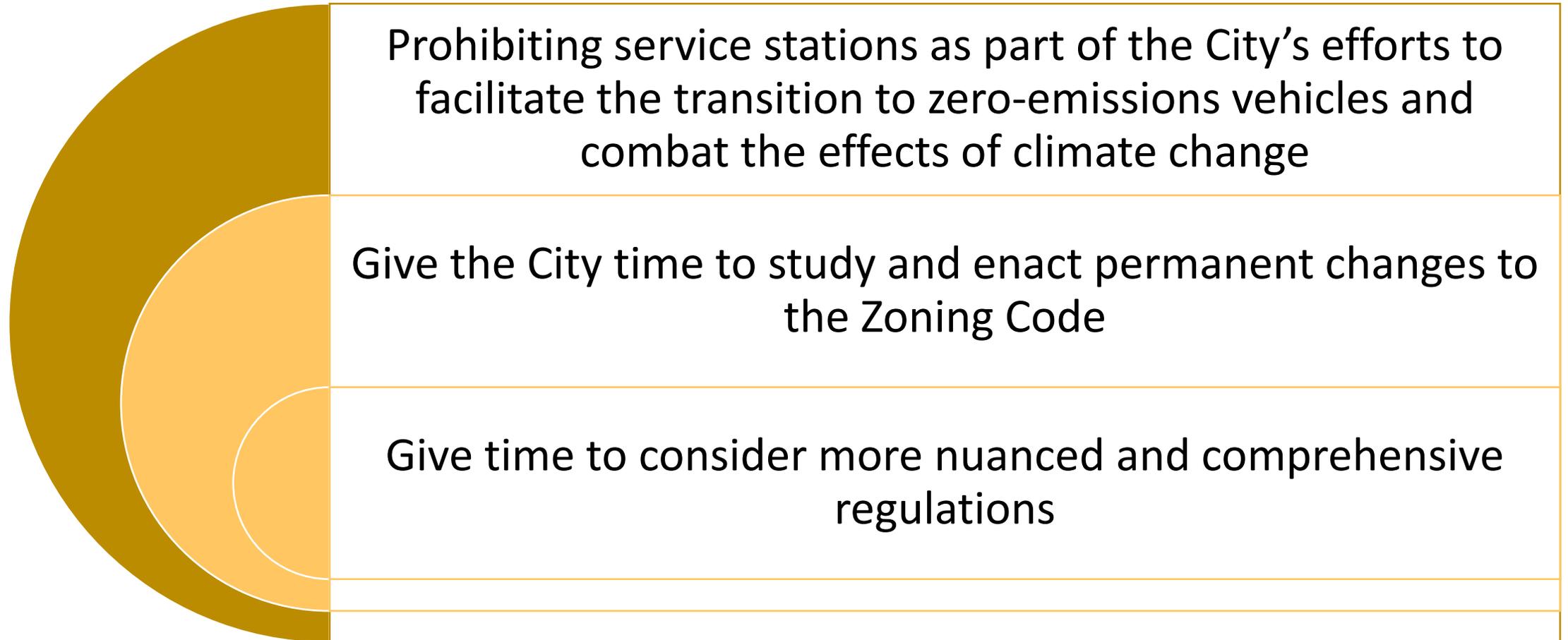


Existing Service Stations in Pinole



ID	Station	Address	Zoning District	Built (effective year)
1	ARCO	2737 & 2747 Pinole Valley Rd	CMU (Commercial Mixed Use)	1976
2	Chevron - Pinole Valley	2695 Pinole Valley Rd	CMU	1959 (1970)
3	Pump House	700 Tennent Ave	CMU	1961 (1965)
4	Grand	1390 San Pablo Ave	CMU	1984
5	Smart Stop	1007 San Pablo Ave	CMU	1984
6	Chevron - Appian Way	2298 Appian Way	CMU	1967 (1980)
7	Shell	1401 Fitzgerald Dr	RC (Regional Commercial)	1999 (2000)
8	1401 Fitzgerald	2401 Appian Way	CMU	1999 (2000)

Purpose of Moratorium



Proposed Urgency Ordinance

Gov't Code Section 65858 authorizes the City Council to adopt, as an urgency measure to preserve the public peace, health, and safety, a zoning moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering or studying.

The urgency ordinance will:

Enact a moratorium on the establishment of new service stations anywhere in the City

Make service stations already existing in the City a legal nonconforming use, which allows existing service stations to continue operating

Prohibit the expansion of existing service stations, as well as accessory buildings on the same site, such as convenience stores

Generally allow repairs and maintenance of existing service stations as long as they did not result in an expansion of the existing use

Ensure that if a service station ceased to sell or dispense fossil fuel for a period of 180 days or more they would lose the status as a legal nonconforming use

Not impact the ability of an existing service station to expand, modify or retrofit their facilities if such renovation supports a transition towards serving zero-emission vehicles

Consistency with General Plan

There are many public health and environmental impacts associated with service stations, such as toxic air pollution, surface water runoff, and leaks from underground fuel storage tanks.



Two main goals of the Pinole General Plan are to promote sustainability, and to improve air quality through efforts to reduce vehicle emissions.



Banning the development of new service stations in the City would align with these goals. Accordingly, the moratorium is consistent with the City's General Plan.

Applicability of Urgency Ordinance on Other Public Agencies

Other public agencies must generally comply with the City's Zoning Ordinances, except in limited circumstances.



However, the County is generally exempt from the City's Zoning Ordinance.



This also applies to joint powers authorities of which the County is a member, such as the Western Contra Costa Transit Authority ("WestCAT").



Accordingly, this moratorium would not prohibit the County or WestCAT from establishing new service stations in Pinole.

Urgency Ordinance Process and Timeline

Urgency Ordinance can be adopted tonight if so desired by the City Council

Findings supporting the determination that the moratorium is necessary to protect the public peace, health and safety (included in proposed ordinance)

Approval by four-fifths (4/5) vote of the City Council is required

Urgency ordinance will go into effect immediately for 45 days

Council can renew the ordinance for a total combined period of time of up to two years

Permanent Ordinance Process and Timeline

Included as action in the CAAP, with a development and adoption timeline not to exceed two years

Staff will study and consider: (1) the potential negative effects of service stations on public health, welfare and safety; (2) the zoning and economic development impacts of services stations; and (3) appropriate controls for service station for the protection of public health, safety, and welfare, and to facilitate the transition to ZEVs

Planning Commission will provide a recommendation on the draft permanent ordinance

The City Council will ultimately consider adopting the permanent ordinance.

Fiscal Impact

There is no direct fiscal impact of adopting the moratorium. The moratorium will not prevent existing service stations from continuing to operate, nor the ability of the City to collect sales tax. As part of studying and developing a permanent ordinance prohibiting service stations, staff will analyze long term fiscal impacts of that change.



Staff Recommendations

- Staff recommends that the City Council adopt an urgency ordinance enacting a temporary moratorium on the establishment of new service stations or expansion of existing service stations

