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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 CITY AND COUNTY OF SONOMA

10 FRIENDS OF NORTHWEST SEBASTOPOL, a
11 California nonprofit mutual benefit corporation,

12 Petitioner,

13 v.

14 CITY OF SEBASTOPOL, acting by and through
the Sebastopol City Council,

15 Respondent.

16
17 SONOMA APPLIED VILLAGES SERVICES, a
California nonprofit mutual benefit corporation;
18 and ST. VINCENT DE PAUL DISTRICT
COUNCIL OF SONOMA COUNTY,
19 INCORPORATED, a California nonprofit mutual
benefit corporation,

20 Real Parties in Interest.
21

Case No. SCV-270053

EX PARTE APPLICATION FOR
ALTERNATIVE WRIT OF
ADMINISTRATIVE MANDAMUS;
MEMORANDUM

Petition filed: January 21, 2022

Judge: Hon. Arthur Wick

1 **EX PARTE APPLICATION FOR ALTERNATIVE WRIT OF MANDAMUS**

2 Petitioner Friends of Northwest Sebastopol hereby applies ex parte for an alternative writ of
3 administrative mandamus directing respondent City of Sebastopol, at its first opportunity, to set
4 aside its November 30, 2021 decision to move an RV encampment project from Morris Street,
5 Sebastopol, to private property at 845 Gravenstein Highway, or in the alternative to show cause in
6 this Court, by February 16, 2022, why it has not done so.

7 This ex parte application for an alternative writ is made under CCP §§ 1087, 1088, and 1107.
8 An alternative writ of mandamus is issued ex parte when the allegations of the petition suffice to
9 state a prima facie case for a writ of mandamus. (*Dare v. Board of Medical Examiners* (1943) 21
10 Cal.2d 790, 796.) Here, each of the four counts of the petition allege that respondent City of
11 Sebastopol prejudicially abused its discretion by making a decision to approve an RV encampment,
12 which decision was not in accordance with municipal law, including provisions prohibiting living in
13 RVs (Sebastopol Municipal Code § 17.100.070(C)(4)), or State law, including CEQA, over the
14 objections of current members of Petitioner and without any CEQA review or exemption.
15 Prejudicial abuse of discretion is grounds for issuance of a writ of mandamus. (CCP § 1094.5(b).)
16 Because the petition states a prima facie case for a writ of mandamus, an alternative writ should
17 issue ex parte.

18 Proofs of service of the petition on respondent and real parties in interest will be filed by the
19 ex parte application date of February 1. Petitioner’s memorandum on the merits in support of a
20 peremptory writ of mandamus is included with this application. Petitioner has lodged, and intends to
21 proceed on the basis of, a partial administrative record. (*See Elizabeth D. v. Zolin* (1993) 21
22 Cal.App.4th 347, 355 (a partial record lodged by petitioner can be sufficient to establish prejudicial
23 abuse of discretion).) Petitioner is content to proceed on the basis of the partial record it has lodged.

24 Petitioner seeks the earliest possible hearing date on the merits, so as to avoid undue hardship
25 and uncertainty to the residents of the RV encampment the City seeks to move from Morris Street to
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1 Granvenstein Highway,¹ and to avoid any need for Petitioner to seek a stay or temporary restraining
2 order preserving the status quo before the merits are heard. CCP § 1088 allows for a hearing on the
3 merits in writ cases so long as there is “at least ten days” notice. CCP § 1107 provides that a
4 respondent and any motivated real parties in interest should file “points and authorities in opposition
5 to the granting of the writ” “[w]ithin five days” after service.

6 Consistent with these statutes, and with Petitioner’s interest in proceeding to the merits as
7 soon as possible, Petitioner proposes the following schedule:

8 **February 2, 2022:** Court issues alternative writ and Petitioner to serve alternative
9 writ by email.

10 **February 9, 2022:** Respondent and any real parties in interest to file points and
11 authorities in opposition to the granting of the writ and serve by email.

12 **February 11, 2022:** Petitioner to file reply and serve by email.

13 **February 16, 2022, 3pm:** Hearing on the merits

14 Prior to filing this application, counsel for Petitioner met-and-conferred by phone and email
15 with counsel for respondent City of Sebastopol and real party in interest St. Vincent De Paul District
16 Council of Sonoma County Incorporated (“St. Vincent”), and by email with real party in interest
17 Sonoma Applied Villages Services (“SAVS”). Sebastopol and St. Vincent would not agree to stay
18 the project pending a hearing on the merits, and also would not agree to the schedule proposed by
19 Petitioner. Sebastopol insisted on “the preparation and certification of an administrative record”
20 which “cannot be done on the schedule” proposed. (Declaration of Peter Prows, Exhibit 1, January
21 28, 3:09pm email.) SAVS has not responded to any emails by Petitioner, but counsel for Sebastopol
22 reported being in touch with SAVS and represented that SAVS also did not agree to Petitioner’s
23 proposed schedule. (*Id.*)

24 Petitioner then explained to Sebastopol that this case may proceed with a partial
25 administrative record lodged by Petitioner, and that Sebastopol “should be free to argue on the
26

27 _____
28 ¹ The press is reporting that the current plan may be to start moving the RV encampment in mid-
February. (“Sebastopol neighborhood group files lawsuit to stop safe parking program for homeless
people in RVs”, *Press Democrat*, January 29, 2022.)

1 merits that [Petitioner has] not lodged a sufficient record to show an abuse of discretion, or to
2 supplement the record with any other appropriate materials [Sebastopol would] like.” (*Id.*, January
3 28, 4:02pm email.)

4 This application is based on the verified petition for writ of mandamus, the accompanying
5 memorandum, the partial administrative record, the declaration of Peter Prows, and such other and
6 further evidence as may be presented at the hearing on this application.

7
8 Dated: January 31, 2022

By: /s/ Peter Prows

9 Peter Prows
10 Briscoe Ivester & Bazel LLP
11 Attorneys for Petitioner
12 FRIENDS OF NORTHWEST SEBASTOPOL
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Table of Contents

MEMORANDUM IN SUPPORT OF WRIT OF MANDAMUS..... 7

I. INTRODUCTION..... 7

II. BACKGROUND 7

 A. The State Streamlines RV Encampments On
 City-Owned Or Leased Properties 7

 B. Sebastopol Passes Over Several Potential Sites
 For The RV Encampment 8

 C. Sebastopol Decides To Permit The RV Encampment
 For 845 Gravenstein..... 8

III. AUTHORITY TO ISSUE A WRIT 10

IV. SEBASTOPOL PREJUDICIALLY ABUSED ITS DISCRETION 11

 A. The RV Encampment Violates The Zoning Code’s
 Ban On Living In RVs (First Count)..... 11

 B. Sebastopol’s Approval Violated Its
 Permitting Procedures (Second Count)..... 12

 C. Sebastopol Did Not Give The Required Notice (Third Count) 12

 D. Sebastopol Did Nothing To Comply With CEQA (Fourth Count) 13

 E. The City’s Violation Of The Law Was Prejudicial..... 14

V. CONCLUSION..... 14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
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21
22
23
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25
26
27
28

Table of Authorities

Cases

<i>Dare v. Board of Medical Examiners</i> (1943) 21 Cal.2d 790.....	2
<i>Elizabeth D. v. Zolin</i> (1993) 21 Cal.App.4th 347.....	2
<i>Union of Medical Marijuana Patients, Inc. v. City of San Diego</i> (2019) 7 Cal.5th 1171.....	13

Statutes

CCP § 1088.....	3
CCP § 1094.5.....	10
CCP § 1094.5(b).....	2
CCP § 1107.....	3
Government Code § 8698.4.....	8
Government Code § 65009(b)(2).....	9
Public Resources Code § 21065(b).....	14
Sebastopol Municipal Code § 17.04.080.....	7, 11
Sebastopol Municipal Code § 17.08.020(A).....	7, 11, 12
Sebastopol Municipal Code § 17.08.100.....	12
Sebastopol Municipal Code § 17.08.119.....	7
Sebastopol Municipal Code § 17.100.010.....	11
Sebastopol Municipal Code § 17.100.070(C)(4).....	2, 7, 11, 12
Sebastopol Municipal Code § 17.400.030(D).....	12
Sebastopol Municipal Code § 17.400.050.....	13
Sebastopol Municipal Code § 17.400.060.....	11
Sebastopol Municipal Code § 17.420.020.....	14
Sebastopol Municipal Code § 17.420.030.....	12
Sebastopol Municipal Code § 17.460.020(B)(2).....	13
Sebastopol Municipal Code §§ 17.420.010 <i>et seq.</i>	12

Regulations

14 Cal. Code Regs. § 15305.....	14
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1 **MEMORANDUM IN SUPPORT OF WRIT OF MANDAMUS**

2 **I. INTRODUCTION**

3 The City of Sebastopol permitted a large RV encampment on a private lot, formerly used as a
4 gas station, even though the Sebastopol Zoning Code flatly forbids RV encampments. Sebastopol
5 rushed through this illegal RV encampment without even the minimum 12-days public notice
6 required by the Zoning Code, any Planning Department Review, or any environmental review under
7 CEQA. Sebastopol did not try to justify its failure to follow the law. Petitioner Friends of
8 Northwest Sebastopol, a nonprofit, is concerned about the harm this illegal and rushed project is
9 likely to have on the local community.

10 In rushing to approve this illegal RV encampment, Sebastopol passed over multiple City-
11 owned sites where the encampment could have been sited without any Zoning Code restrictions or
12 CEQA requirements, and another site where the City had issued, or was prepared to issue, use
13 permits that might have lawfully allowed the RV encampment.

14 A writ of mandamus should issue commanding the City to set aside its decision. A writ may
15 help Sebastopol focus on alternative sites where this encampment may be legally sited.

16 **II. BACKGROUND**

17 **A. The State Streamlines RV Encampments On City-Owned Or Leased Properties**

18 The Sebastopol Zoning Code, comprising Chapter 17 of the Sebastopol Municipal Code,
19 contains strict restrictions on RVs in the City.² The Zoning Code flatly forbids living or working in
20 recreational vehicles anywhere within the City limits. (Sebastopol Municipal Code
21 § 17.100.070(C)(4) (“Recreational vehicles may be stored on properties if placement conforms to
22 applicable setback requirements, but shall not be occupied or used for residential, commercial,
23 industrial, or other purposes”); *see id.* § 17.04.080 (“...no uses shall be established, substituted,
24 expanded, constructed, altered, moved, or otherwise changed ... except in conformity with the
25 Zoning Code”).) That particular prohibition controls over any more general provisions of the
26 Zoning Code. (*See id.* § 17.08.020(A) (“The particular shall control the general.”).)

27 _____
28 ² A recreational vehicle (“RV”) is a motor home, travel trailer, truck camper, or camping trailer
designed for human habitation. (Sebastopol Municipal Code § 17.08.119.)

1 Government Code section 8698.4 exempts “safe parking” projects for the homeless on “a
2 parking lot owned or leased by a city” (para. (c)(1)) with a declared homeless emergency, from “any
3 ... zoning ... laws” (para. (a)(2)(A)(ii)) and from CEQA (para. (a)(4)). Sebastopol has declared a
4 homeless emergency. (Partial Administrative Record (“PAR”) at 133 (approving resolution
5 proclaiming the existence of a local homeless emergency in Sebastopol).)

6 Sebastopol could have relied on this exemption to approve an RV encampment on city-
7 owned or leased property without concern for restrictions in its Zoning Code or for CEQA. But this
8 Government Code section does not provide any exemptions for RV encampments on property not
9 owned or leased by a city.

10 **B. Sebastopol Passes Over Several Potential Sites For The RV Encampment**

11 The RV encampment at issue is currently located on City property on Morris Street in
12 Sebastopol. (PAR at 5 (referring to “the relocation of the RVs on Morris Street”).) Because those
13 RVs are located on City-owned property, they are exempt from the Zoning Code prohibition on
14 living in RVs and from any need for CEQA review to allow those RVs to stay. Yet Sebastopol
15 decided to “clear[] Morris Street”. (PAR at 141.)

16 Sebastopol also considered using a City-owned “Public Works Storage” yard for the RV
17 encampment. (PAR at 8.) “The viability of the [Public Works] Storage Yard has been fully
18 explored, with largely positive results”—except for the \$130,000-\$290,000 costs required. (PAR at
19 6-7.) As City-owned property, the Public Works Storage Yard site would also have been exempt
20 from the Zoning Code RV prohibition and from CEQA. Yet Sebastopol rejected this “largely
21 positive” location as well. (PAR at 95.)

22 Sebastopol has also gone through a normal use permit process, via the Planning Commission,
23 for homeless-shelter projects at a community church. (PAR at 101.) But Sebastopol did not grant a
24 use permit or involve the Planning Commission for the RV encampment here. (*Id.*)

25 **C. Sebastopol Decides To Permit The RV Encampment For 845 Gravenstein**

26 Through at least November 17, 2021, Sebastopol had been planning to move the Morris
27 Street RV encampment to the City-owned Public Works Storage yard. (PAR at 85.) On November
28

1 18, Sebastopol staff began exploring moving the RV encampment to 845 Gravenstein Highway in
2 northwest Sebastopol. (*Id.*)

3 845 Gravenstein is the site of an abandoned former gas service station (PAR at 66 (street-
4 level photo of property, with abandoned AmeriGas building visible)), and is within a quarter mile of
5 a charter school (PAR at 109). Former gas station sites raise obvious concerns for public health.
6 Although there are unresolved “environmental issues” with the site (PAR at 118), there is no
7 evidence this site had ever been cleaned up. There are sufficient environmental concerns about the
8 site for St. Vincent’s to have commissioned a “phase one” environmental site assessment³, but as of
9 the date of the City’s decision that assessment had not been completed (PAR at 123).

10 After sitting unsold for almost 300 days (PAR at 118), on November 24, 2021, Real Party in
11 Interest St. Vincent entered escrow to purchase 845 Gravenstein (PAR at 85).

12 Six days later, on November 30, the Sebastopol City Council first considered moving the RV
13 encampment at Morris Street to 845 Gravenstein, in an arrangement by which Real Party in Interest
14 Sonoma Applied Villages Services (“SAVS”) would lease the property from St. Vincent for the RV
15 encampment. (*Id.*) The Sebastopol Planning Commission did not review the project first. (*Id.*)

16 When there’s a “land use issue”, Sebastopol must give notice to all property owners near the
17 site, but Sebastopol did not give notice of this project to property owners nearby to 845 Gravenstein,
18 including members of Friends. (PAR at 95 (City Manager/City Attorney admitting that “[t]hat
19 notice was not given”); Verified Petition For Writ Of Mandate ¶ 7.) The agenda for the November
20 30 City Council meeting incorrectly stated that 845 Gravenstein is “City Owned Property”. (PAR at
21 1.) The agenda did not include the statement that Government Code section 65009(b)(2) requires to
22 be included if the City wishes to defend its action based on failure to exhaust, and says nothing about
23 CEQA or any intent by the City to rely on a CEQA exemption. (*Id.*)

24 The public commenters, who despite the lack of formal notice had managed to hear about the
25 project by word-of-mouth, were overwhelmingly opposed to the project. (PAR at 105-120.) Those
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27 _____
28 ³ A “Phase One” environmental site assessment “is a report prepared for a real estate holding that
identifies potential or existing environmental contamination liabilities”.
(https://en.wikipedia.org/wiki/Phase_I_environmental_site_assessment)

1 public commenters included several current members of Friends, who objected to the lack of
2 adequate notice and the adverse impacts that the proposed RV encampment would have on their
3 homes, neighborhood, businesses, and school children. (Verified Petition ¶ 24.)

4 Despite this opposition, the City Council approved moving the RV encampment to 845
5 Gravenstein. (PAR at 138-1 40 (Minute Order 2021-299).) The program was designed to allow
6 “RVs” to be “used as primary residences” at the site. (PAR at 18.) As part of the same approval,
7 Sebastopol also entered into a memorandum of understanding with SAVS on an “operational
8 agreement” for the encampment in which Sebastopol “agrees to permit the use of the site for a
9 temporary RV Village” (PAR at 18-20 (Memorandum Of Understanding with SAVS approved
10 by Sebastopol at November 30 meeting).) The City Council did not consider or approve any
11 variance or exemption from the Zoning Code’s ban on living in RVs, because some of the
12 Councilmembers (erroneously) considered an RV encampment to be an already “permitted” use.
13 (PAR at 101 (“it is a permitted use in our zoning ordinance for this zone”).) The Council also made
14 no CEQA findings or determination whether a CEQA exemption applied. (See PAR at 138-140 (no
15 CEQA determination).)

16 At the same hearing, the Council also resolved to “prohibit[] RVs from moving into [845
17 Gravenstein]” until the RV parking concerns at Morris Street are “addressed and resolved” per
18 modifications of the City’s parking rules. (PAR 141-142.) Sebastopol has not yet adopted any
19 changes to its parking rules.

20 This suit timely followed.

21 III. AUTHORITY TO ISSUE A WRIT

22 CCP § 1094.5 compels a court to “set aside” (para. (f)) agency action, and authorizes the
23 court to “enjoin[]” the agency (para. (f)), if the agency has committed “any prejudicial abuse of
24 discretion” (para. (b)). “Abuse of discretion is established if the respondent has not proceeded in the
25 manner required by law”. (*Id.* para. (b).)

26 Here, Sebastopol did not proceed in the manner required by law, and prejudicially abused its
27 discretion, when it rushed to approve the RV encampment for 845 Gravenstein, even though the
28 Zoning Code prohibits living in RVs and no variance was approved or CEQA done.

1 **IV. SEBASTOPOL PREJUDICIALLY ABUSED ITS DISCRETION**

2 **A. The RV Encampment Violates The Zoning Code’s Ban On Living In RVs (First**
3 **Count)**

4 The first count in the petition alleges an abuse of discretion because the RV encampment
5 violates the Zoning Code’s prohibition on residential use of RVs. Sebastopol approved an RV
6 encampment at 845 Gravenstein, intended to be “primary residences”, without any variances. (See
7 Section II.C above.) Yet the Sebastopol Zoning Code forbids living or working in recreational
8 vehicles anywhere within the City limits:

9 *C. Restrictions on Certain Uses.*

10 [...]

11 4. Recreational vehicles may be stored on properties if placement
12 conforms to applicable setback requirements, but shall not be occupied
13 or used for residential, commercial, industrial, or other purposes.

14 (Sebastopol Municipal Code § 17.100.070(C)(4) (underlining added added).) This particular
15 prohibition controls over any more general provisions of the Zoning Code. (*See id.* § 17.08.020(A)
16 (“The particular shall control the general.”).)

17 This prohibition is to “apply throughout Sebastopol”. (*Id.* § 17.100.010.) “Except as
18 otherwise allowed by the Zoning Code, no uses shall be established, substituted, expanded,
19 constructed, altered, moved, or otherwise changed” (*See id.* § 17.04.080.) “Zoning consistency
20 shall be required for all ... structures hereinafter erected, constructed, repaired or moved ... , and for
21 the use of vacant land or for a change in the character of the use of land, within any district
22 established by this code.” (*Id.* § 17.400.060.) Because Sebastopol approved an RV encampment
23 even though the Zoning Code bans RV encampments in Sebastopol, Sebastopol abused its discretion
24 by not complying with the law. This case is as simple as that.

25 The City Council’s approval of the RV encampment cannot reasonably be characterized as
26 the approval of a variance from the Zoning Code prohibition on living on RVs. (*See* Sebastopol
27 Municipal Code §§ 17.420.010 *et seq.* (prescribing “the procedure for the relaxation of any
28 substantive provision of the zoning regulations ...”).) The City Council nowhere characterized its

1 decision as a variance. Nor could it have: variances are decided by the Planning Commission. (*Id.*
2 § 17.420.030; *see id.* Table 17.400-1 (variance decisions made by the Planning Commission).)

3 The City Councilmembers who viewed an RV encampment to be a “permitted” use were just
4 wrong. The Zoning Code flatly bans residential use of RVs. (Sebastopol Municipal Code §
5 17.100.070(C)(4).) This particular prohibition controls over any more general provisions of the
6 Zoning Code. (*See id.* § 17.08.020(A) (“The particular shall control the general.”) .) For example,
7 while the Zoning Code generally permits a “homeless shelter” on properties zoned “General
8 Commercial” (Zoning Code Table 17.25-1), that general permission does not override the particular
9 prohibition on residential use of RVs. So while a traditional full-service homeless shelter facility,
10 where individual rooms for people are all under the same roof, would be permitted, an RV
11 encampment for the homeless is prohibited. (*See also* Sebastopol Municipal Code § 17.08.100
12 (defining “Homeless shelter” to include a “facility” with “individual rooms”, but excluding any
13 facility with “individual dwelling units”).) An RV encampment at 845 Gravenstein is not permitted.

14 Sebastopol abused its discretion in approving an RV encampment over the Zoning Code’s
15 flat prohibition on RV encampments.

16 **B. Sebastopol’s Approval Violated Its Permitting Procedures (Second Count)**

17 The petition’s second count alleges an abuse of discretion because the City’s approval did not
18 follow its own permitting procedures. Sebastopol agreed with SAVS “to permit” the RV
19 encampment. (PAR at 18.) But the Zoning Code requires permits to be preceded by applications,
20 fees, review and recommendation by the Planning Department, and CEQA compliance. (Sebastopol
21 Municipal Code § 17.400.030(D).) But none of that was done here: the RV encampment project
22 came straight to City Council, without any Planning Department review or CEQA. (See Section II.C
23 above.) The City Council abused its discretion in not following its own permitting procedures
24 before deciding to permit the RV encampment here.

25 **C. Sebastopol Did Not Give The Required Notice (Third Count)**

26 The petition’s third count alleges an abuse of discretion because the City did not give the
27 public the advance notice the Zoning Code required. The Zoning Code requires that the public be
28 given at least 12 days notice for variances, and that the notice include specific notice by mail to

1 owners of all properties within 600 feet of the site; even a temporary use of a year under the Zoning
2 Code requires 12 days-notice to adjacent property owners. (Sebastopol Municipal Code §
3 17.400.050 and Table 17.400-2, *id.* at § 17.460.020(B)(2) .) Because the Zoning Code prohibits
4 residential RV use (see Section IV.A), such use could be allowed only with a variance. But here,
5 because certain City Council members viewed this RV encampment as an already “permitted” use
6 under the Zoning Code without any need for a variance (see Section II.C above), the Council
7 acknowledged that the notice required for a variance was not given (*see id.*). Because the notice
8 required to permit this nonpermitted use was not given, Sebastopol abused its discretion.

9 **D. Sebastopol Did Nothing To Comply With CEQA (Fourth Count)**

10 The petition’s fourth count alleges an abuse of discretion because the City did nothing to
11 comply with CEQA. The City needed to comply with CEQA before approving this RV
12 encampment.⁴ But because certain City Council members viewed the project as a “permitted” use,
13 the Council gave no consideration at all to CEQA. (See Section II.C above.) This was an abuse of
14 discretion.

15 As an initial matter, because the RV encampment is supported by a grant from the City (PAR
16 18 (“Sebastopol agrees to grant reimbursement for lease amounts SAVS is required to pay for use of
17 the site”)), it may be subject to CEQA regardless of whether it requires a permit or a variance. (*See*
18 Pub. Res. Code § 21065(b) (activity may be a “project” subject to CEQA if it “is supported, in whole
19 or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more
20 public agencies”).) The City rightly did not invoke any exemption or exception to CEQA, which
21 generally do not apply to “changes in land use” (14 Cal. Code Regs. § 15305) such as this change

22 _____
23 ⁴ CEQA compliance is a three-step process:

24 First, the agency must determine whether the proposed activity is
25 subject to CEQA at all. Second, assuming CEQA is found to apply, the
26 agency must decide whether the activity qualifies for one of the many
27 exemptions that excuse otherwise covered activities from CEQA's
28 environmental review. Finally, assuming no applicable exemption, the
agency must undertake environmental review of the activity, the third
tier.

(*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1185.)

1 from a commercial gas-service station to a residential RV encampment. The property, which has
2 unresolved “environmental issues” concerning enough for St. Vincent’s to commission a Phase One
3 environmental site assessment, would add 22 new residential units to the property and cause
4 potentially significant negative impacts to the neighborhood, the nearby school, and surrounding
5 businesses. (See Section II.C above.) Environmental review under CEQA was required. (*See*
6 *Union of Medical Marijuana Patients, Inc.*, 7 Cal.5th at 1187 (if there is substantial evidence of
7 potentially significant environmental impacts, then an EIR or mitigated negative declaration is
8 required).) The City’s failure to do any kind of CEQA review to a City-funded project to which
9 CEQA applies was an abuse of discretion.

10 **E. The City’s Violation Of The Law Was Prejudicial**

11 These violations of the law were prejudicial. The City failed to appreciate that residential
12 RV uses are banned by its Zoning Code, and would require at least a variance. But the real parties
13 likely could not get a variance here. To get a variance, they would need to show that “exceptional or
14 extraordinary circumstances” apply to the property, that a variance “is necessary for the preservation
15 and enjoyment of substantial property rights”, and “will not ... materially affect adversely” the
16 neighborhood. (Sebastopol Municipal Code § 17.420.020.) But no extraordinary circumstances
17 apply to this property: the City could have more easily permitted the same project on City-owned
18 property, but declined to do so simply to save on costs. (See Section II.B above.) Real parties made
19 no complaints at the November 30 hearing about their property rights should the project be denied.
20 And the neighborhood will face material adverse effects to the environment, schools, and
21 businesses—impacts that could have been more fully fleshed out with the CEQA review the City
22 was required, but failed, to do. (See Section II.C above.) The City’s abuse of discretion was
23 prejudicial.

24 **V. CONCLUSION**

25 Sebastopol’s approval of this project was a prejudicial abuse of discretion. A peremptory
26 writ of mandamus should issue ordering the City to set aside its November 30, 2021 approval of the
27 project.
28

1 DATED: January 31, 2022

BRISCOE IVESTER & BAZEL LLP

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3 By: /s/ Peter Prows
4 Peter Prows
5 Attorneys for Petitioner
6 FRIENDS OF NORTHWEST SEBASTOPOL
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1 **PROOF OF SERVICE**

2 I declare that I am over the age of eighteen years and not a party to this action. I am
3 employed in the City and County of San Francisco, and my business address is 235 Montgomery
4 Street, Suite 935, San Francisco, California 94104.

5 On January 31, 2022, at San Francisco, California, I served the following document(s)

6 **EX PARTE APPLICATION FOR ALTERNATIVE WRIT OF ADMINISTRATIVE**
7 **MANDAMUS; MEMORANDUM**

8 on:

9 Edward Grutzmacher
10 Meyers Nave
11 555 Capitol Mall, Suite 1200
12 Sacramento, CA 95814
13 (916) 556-1531 (phone)
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19 Santa Rosa, CA 95404
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24 Sonoma Applied Villages Services
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26 Box 196
27 Santa Rosa, CA 95404
28 (707) 861-0646 (phone)
(916) 556-1516 (facsimile)
Email: tinyvillages@sonomavillages.org

17 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** On the date written above, I e-mailed the
18 documents to the persons on the service list at the e-mail addresses listed above. I did not receive,
19 within a reasonable time after transmission, any electronic message or other indication that
20 transmission was unsuccessful.

21 **BY FIRST CLASS MAIL:** On the date written above, I deposited with the United States Postal
22 Service a true copy of the attached document in a sealed envelope, with postage fully prepaid,
23 addressed as shown on the service list. I am aware that on motion of the party served, service is
24 presumed invalid if the postal cancellation date or postage meter date is more than one day after the
25 date of deposit for mailing contained in this declaration.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
27 correct and that this document was executed on January 31, 2022, at San Francisco, California.

28 

Arlene Won