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SEBASTOPOL

EXEMPT FROM FILING FEES
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SONOMA**

11
12 FRIENDS OF NORTHWEST
SEBASTOPOL, a California nonprofit mutual
13 benefit corporation ,
14 Petitioner,
15 v.
16 CITY OF SEBASTOPOL, acting by and
through the Sebastopol City Council,
17 Respondent,

Case No. SCV270053

**DECLARATION OF KARI SVANSTROM
IN SUPPORT OF THE CITY'S
OPPOSITION TO PETITIONER
FRIENDS OF NORTHWEST
SEBASTOPOL'S EX PARTE
APPLICATION FOR AN ALTERNATIVE
WRIT**

Assigned for All Purposes to:
Hon. Arthur A. Wick, Dept. 17

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19 SONOMA APPLIED VILLAGES
SERVICES, a California nonprofit mutual
20 benefit corporation; and ST. VINCENT DE
PAUL DISTRICT COUNCIL OF SONOMA
21 COUNTY, INCORPORATED, a California
nonprofit mutual benefit corporation,
22 Real Parties in Interest.

Hearing Date:
Time:
Judge: Hon. Arthur A. Wick
Dept.: 17

Action Filed: January 21, 2022
Trial Date: None Set

1 I, KARI SVANSTROM , declare as follows:

2 1. I am the Planning Director of the City of Sebastopol (“City”). I have been the Planning
3 Director since August of 2018. As the Planning Director, I am in charge of the Office of Planning
4 and Research for the City, and am responsible for interpretations of the Zoning Code under the
5 Sebastopol Municipal Code (“SMC”), section 17.400.020.F. I have personal knowledge of the
6 following facts and could and would testify to these facts if called upon to do so.

7
8 2. As the City’ Planning Director, I am very familiar with the homeless problem within the
9 City. I have been requested by the City Manager and City Councilmembers to assist with
10 developing solutions to the issue of homeless encampments on the City’s streets, especially Morris
11 Street.

12 3. As a part of developing these solutions, the City Council’s Ad Hoc Committee for the
13 Unhoused (“Committee”) asked me to evaluate sites and scenarios for a temporary shelter for
14 homeless persons within the City. One of the sites and scenarios the Committee asked me to
15 evaluate was whether Sonoma Applied Village Services’ (“SAVS”) could use 845 Gravenstein
16 Highway North (“the Site”) to accommodate homeless persons, homeless families and their
17 vehicles (the “Village”).

18 4. I subsequently conducted an investigation and analyzed the proposed use of the Site as a
19 temporary homeless shelter. The Site is located in the General Commercial (GC) zoning district.
20 Pursuant to Table 17.25-1, homeless shelters are a permitted use in the General Commercial (GC)
21 zoning district. As defined by SMC section 17.08.100, a “homeless shelter” is a residential
22 facility operated by a provider which provides temporary accommodations to persons or families
23 with low income. Such use may include the provision of meals, counseling and other services, as
24 well as a common area for users of the facility.

25 5. I also prepared a memorandum memorializing my findings that the Village would
26 constitute a “homeless shelter” under the Zoning Code and, thus, would be a “permitted use.” A
27 true and correct copy of that memorandum is attached hereto as Exhibit 1. Under the City’s
28 Zoning Code, “permitted uses” are permitted by right and no application, consideration by the

1 Planning Commission, or public hearing is required before a property owner may use their
2 property for a permitted use.

3 6. During my investigation, I also found that the Village would likely constitute a homeless
4 shelter according to California law. Cal. Gov. Code § 8698.4(a)(6) defines a homeless shelter as
5 “a facility with overnight sleeping accommodations, the primary purpose of which is to provide
6 temporary shelter for the homeless.” Moreover, § 8698.4(a)(6) states that a homeless shelter
7 “shall include a parking lot owned or leased by a city, county, or city and county specifically
8 identified as one allowed for safe parking by homeless and unstably housed individuals.” Because
9 the City is paying the fees to lease the parking lot from St. Vincent de Paul to provide temporary
10 shelter to the homeless, I determined that the Site qualified as a homeless shelter under California
11 law.

12 7. On or about December 8, 2021, I executed and caused to be filed in the County of Sonoma
13 a Notice of Exemption with respect to the temporary use of the Site as a homeless shelter located
14 at 845 Gravenstein Highway North in the City of Sebastopol, County of Sonoma. This Notice of
15 Exemption was based upon my review of the SAVS proposal, the applicable zoning laws and the
16 Resolution by the City proclaiming the existence of a local homeless emergency. A true and
17 correct copy of the Notice of Exemption executed by me is attached as Exhibit 2.
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19 8. The Notice of Exemption is based upon my determination of the following: The homeless
20 shelter is a ministerial project as a permitted use in the Site’s zoning district. The project is further
21 exempt under Cal. Gov. Code § 8698.4 as the City declared a shelter crisis in the form of its
22 Resolution proclaiming the existence of a shelter crisis. The City further declared local homeless
23 emergency consistent with Cal. Gov. Code § 8558 and 8630 in the form of a Resolution declaring
24 the existence of a local homeless emergency. The project is exempt under Title 14 Cal. Code
25 Regs. (“CCR”) §§ 15378 and 15301 of the California Environmental Quality Act (“CEQA”), as
26 no permanent structures will be constructed on the site, and the area used for parking the vehicles
27 is an existing parking lot.

28 9. I have reviewed the Verified Petition for Writ of Administrative Mandamus (“Petition”)

1 and Petitioner’s argument that the SMC prohibits “residing” in recreational vehicles anywhere in
2 the City. This is, in my opinion, an incorrect interpretation of the Zoning Code.

3 10. The City allows persons to reside in RVs on private property in various circumstances
4 including as temporary dwellings under § 17.08.060. In addition, residing in RVs may be allowed
5 as “temporary care” units under SMC §§ 17.08.121 and 17.22.010. Moreover, the homeless
6 individuals at the Site will be living in a homeless shelter as opposed to RVs based on City
7 Ordinance 17.08.100. This City Ordinance defines a homeless shelter as a residential facility
8 operated by a provider which provides temporary accommodations to persons or families with low
9 income. The vehicles at the Site are not fully functional dwelling units. At the Site, SAVS will be
10 providing meals, community areas, showers and bathrooms and other facilities (including
11 provisions for water and sewer). The Site will be operated for a limited time frame to
12 accommodate persons and families who are currently homeless, thereby qualifying as homeless
13 shelter under §17.08.100.


14 11. As Planning Director I have previously determined that the City can permit temporary
15 dwellings and other similar temporary shelter accommodations (shelter accommodations that do
16 not meet the definition of a dwelling unit, such as trailers/RVs, etc.) in the City through the
17 Temporary Use Permit Process, as authorized by SMC section 17.430.010. This determination
18 was previously utilized to permit two “Conestoga hut” shelters at the Community Church (1000
19 Gravenstein Hwy North), as approved by the Planning Commission on July 27, 2021 (Planning
20 file 2021-030).

21 12. Similarly, the City approved two RV pad and utility connections and these units were
22 permitted/installed at 6665 Sebastopol Avenue (the City-owned “Park Village Mobile Home” site)
23 October 2, 2018. In this instance, the land is Zoned both Mobile Home Park (RMH) and
24 Downtown Core (CD), both of which allow such a use with a Use Permit for such a use (either as
25 Temporary Dwellings in the RMH Zoning District, or Temporary Use in the Downtown Core
26 zone). However, in this instance, a use permit was not required as the City declared a Shelter
27 Crisis on October 2, 2018 (City Council Resolution 6213) prior to authorizing staff to submit the
28

1 RV project application on January 15, 2019 (Resolution 6221), which authorized the City to take
2 such actions.

3 13. The City also allows the use of RVs under SMC section 17.48.030(H), in the event of
4 implementing a Recovery Combining District zoning. This zoning can be implemented in the case
5 of a declared emergency/disaster or emergency situation.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct. Executed on February 1, 2022 at Sebastopol, California.

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KARI SVANSTROM
Planning Director at CITY OF SEBASTOPOL

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City of Sebastopol Planning Department

Date: November 18, 2021
To: Larry McLaughlin, City Attorney; Ed Gruetzmacher, of Counsel
From: Kari Svanstrom, Planning Director
Subject: Zoning Analysis for 845 Gravenstein Hwy N

The referenced site was formerly occupied by “Amerigas” company as a propane distribution site. It has been vacant for a number of years. There is a small (600-700 Square Foot) commercial structure built in the 1950’s on the site which would need to be removed due to safety concerns. Otherwise, the site is flat and much to it has been used for parking of vehicles in the past.

Site Description/considerations:

- .95 acres, larger than .5 acre minimum, allows for some separation to sensitive adjoining uses.
- Residential nearby - Proximity to homes (one home to the rear in County, and homes to north/behind convenience store, in city limits)
- Charter School proximity
- No water, has sewer, likely has electrical
- Site has sewer, does not appear to have water
- Haz mat - Healdsburg Fire did inspect a few years ago, found no hazards (City of Sebastopol contracts with Healdsburg fire for certain hazard inspections and review). AmeriGas parking/storage site clear from any groundwater contamination and no further testing required.
- Existing building needs to be removed due to safety concerns. The concrete building would require a Phase 1 Demo Permit with a lead and asbestos test.

Zoning:

The site is located in the General Commercial (GC) zoning district, which allows Homeless Shelters (defined below) as a permitted use.

Use	CO	CG	CD	M	OLM	CM
Residential/Transient Residential Uses						
Affordable housing projects	P	P	P	C	C	C
Bed and breakfast inns	C	C	C	-	-	-
Homeless shelter	-	P	C	-	-	-
Permanent residential uses that are allowed in the R7 District when part of a mixed-use development	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	C	C	C
Permanent residential uses that are allowed in the R7 District when not part of a mixed-use development	C	C	C	C	C	C
Residential, semi-transient	C ⁽⁷⁾	C ⁽⁷⁾	C	-	-	-
Residential, transient	C ⁽⁷⁾	C	P/C ⁽⁸⁾	C	-	C

As defined in our Zoning Ordinance (see below), a homeless shelter is a temporary accommodation, for a limited period of time. Facilities are allowed to have individual rooms, but not fully independent dwelling units. I believe, as proposed, the SAVS 24/7 safe parking for RV program proposed by SAVS would be classified under this definition, as the RVs are not fully functional dwelling units; communal facilities for living will be provided by SAVS; the operation will be for a limited time frame; and, the use of the site will be to accommodate persons and families who are currently homeless.

Zoning code definitions:

“Homeless shelter” means a residential facility operated by a provider which provides temporary accommodations to persons or families with low income for a period of generally not more than six months. Such use may also provide meals, counseling and other services, as well as common area for users of the facility. Such facility may have individual rooms, but is not developed with individual dwelling units.

As an allowed temporary use, and with the Shelter Crisis, I believe a CEQA exemption would be appropriate under several Sections of CEQA Statues and other state legislation, as outlined in prior communications. However, a definite project description needs to be provided, including a site plan and operational model, for this to be appropriately reviewed. This needs to be reviewed by outside counsel prior to making a final determination.

Additional Site History:

A project approval was granted in November 2016 for a mixed-use development that included a two-story mixed-use development with commercial uses on the first floor and residential uses (11 units) on the second floor. The first floor was proposed to include three commercial spaces

for a total of 12,008 square feet and the second floor proposed to have eleven apartments of various sizes for a total of 10,508 square feet. The building proposed total gross floor area of 22,516 square feet. This project received both Design Review approval (with conditions), with a Categorical Exemption under Section 15332: Class 32. This approval has since expired and is no longer valid. In discussions with the property's realtor, the current owner no longer is interested in developing the project that was proposed.

The prior approval did include a Traffic Study, which included analysis of impacts from the mixed use project (both the 13 apartments and the 12,000 SF of commercial space). The estimated number of vehicle trips was for a total of 86 trips for the apartments (estimated at 6.65 each unit) and 532 trips for the commercial uses, for a total of 618 trips (equivalent to 80-90 dwelling units), far greater than would be anticipated by the proposed use.

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Sonoma

From: (Public Agency): City of Sebastopol
7120 Bodega Ave
Sebastopol, CA 95472
(Address)

Project Title: Temporary RV Village Pilot Program

Project Applicant: City of Sebastopol

Project Location - Specific:
845 Gravenstein Highway North (State Hwy 116), APN 060-261-030

Project Location - City: Sebastopol Project Location - County: Sonoma

Description of Nature, Purpose and Beneficiaries of Project:
Operation of a temporary 24/7 safe parking program at the site for 20-22 lived-in vehicles for currently homeless persons. The operator, Sonoma Applied Village Services, will provide site management including sanitation, waste management, security, food access, and supportive services.

Name of Public Agency Approving Project: City of Sebastopol City Council

Name of Person or Agency Carrying Out Project: Sonoma Applied Village Services (SAVS)

- Exempt Status: (check one):
[X] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: CEQA Sections 15162 and 15183
[X] Statutory Exemptions. State code number: Govt Code 8698.4

Reasons why project is exempt:
The homeless shelter is a ministerial project as a permitted use in the site's zoning district. The project is further exempt under CA Gov Code 8698.4, as the City declared a Shelter Crisis and a Homeless Crisis. The project is exempt under CEQA Section 15378 and 15301, as no permanent structures will be constructed on the site, and the area used for parking the vehicles is an existing parking lot.

Lead Agency
Contact Person: Kari Svanstrom Area Code/Telephone/Extension: 707-823-6167

- If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: [Handwritten Signature] Date: 12/8/21 Title: Planning Director

[X] Signed by Lead Agency [] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Deva Marie Proto, County Clerk
BY: [Handwritten Signature]
Nancy Escobar, Deputy Clerk

This notice was posted on 12/08/2021
and will remain posted for a period of thirty days
through 01/08/2022

Doc No.49-12082021-512 Revised 2011

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PROOF OF SERVICE

Friends of Northwest Sebastopol v. City of Sebastopol, Sonoma Superior Court Case No. SCV270053

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Alameda, State of California. My business address is 1999 Harrison Street, 9th Floor, Oakland, CA 94612.

On February 1_, 2022, I served true copies of the following document(s) described as **DECLARATION OF KARI SVANSTROM IN SUPPORT OF OPPOSITION TO EX PARTE APPLICATION FOR AN ALTERNATIVE WRIT** on the interested parties in this action as follows:

Tony Francois, Esq.
Peter Prows Esq.
Briscoe Ivester & Bazel LLP
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Attorneys for Petitioner FRIENDS OF
NORTHWEST SEBASTOPOL

Telephone: (415) 402-2700
Facsimile: (415) 398-5630
Email: tfrancois@briscoelaw.net
Email: pprows@briscoelaw.net

BY ELECTRONIC SERVICE: I served the document(s) on the person listed in the Service List by submitting an electronic version of the document(s) to Odyssey eFileCA through the user interface at www.odysseyfileca.com.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 1_, 2022, at Oakland, California.

Melissa Bender