

Dear Council:

Re: Proposed Parking Ordinance: West County Homeless Advocates

I am writing to urge restraint in enacting the proposed parking ordinance at this time, and suggest the Council take additional time to reconsider some of its key components. We have all moved quickly in past months under the urgency “to do something” about the continuing situation of Morris Street and environs, but a rush to enact an inherently-problematic ordinance may not be appropriate at this time.

Enforcement and removals have already begun on Morris, and progress continues toward the SAVS RV Village; these are acts in mitigation of Morris Street problems. While parking revisions have been discussed in combination with clearance of Morris, the present ordinance may not present certain legal problems, and negatively affect commerce and residential life in Sebastopol. I respectfully request the Council slow its proceedings in this matter, so that an ordinance may be created to address the issues below.

**1.** First, banning all RVs from commercial streets during daytime business hours would harm downtown businesses, with commerce already drawn away by the popularity of shops and restaurants of The Barlow district, and would harm The Barlow itself, as its RV patrons could not park on its adjoining commercial streets. To compel RV visitors unfamiliar with Sebastopol to find our limited pocket parking lots away from the core downtown, or, ludicrously, to suggest they park out of town and return by Uber, is an unfriendly burden on local trade and on Sebastopol as a gateway for coastal, winery, farm trails, and redwood recreation.

**2.** Second, the complete ban on RVs in residential neighborhoods could be retooled to allow RV parking there only by residents (homeowners and renters) and their temporary guests (e.g., visiting out-of-town relatives and vacationers) parking in front of the related address. An ordinance which creates a “72-hour rule with teeth,” one which requires substantial movement of 10/15/20/50 yards or a block would prevent long-term encroachment or encampment.

I would suggest that few neighborhood residents, who do not closely follow Council meetings, are even yet aware of the proposed prohibition, and the Council will have to revisit this matter when homeowner and renter residents become subject to this prohibition, wake to the increased costs of storing their RVs elsewhere, and protest and petition to the Council for relief, creating a whole new series of hearings and consumption of limited Council time.

As to feared encroachment of the unhoused into the neighborhoods in the absence of a ban, allowance of RV parking only for actual residents (homeowners, renters, and their authorized visitors) would mitigate against any claims by the unhoused of “discrimination.” To allow RV parking as I suggest, RV parking would be akin to a property right appurtenant to the fixed residence, as much as a lawn, to which an encroaching unhoused would have no such right.

**3.** An attorney with an outside litigation group, California Rural Legal Assistance (“CRLA”), has raised the possibility of litigation, that the proposed ordinance is discriminatory in that it targets the unhoused for removal. While the ordinance appears “facially neutral,” in that it applies to all RVs, it may be violative of “civil rights” to the extent it may have a disparate impact or effect on the unhoused, particularly as those unhoused may include those with “immutable” (unchangeable) characteristics such as women as a gender or persons with disabilities.

Whether such a claim would succeed is unknown, but it would force the City to defend itself against this claim, with would contain very detailed, highly-nuanced, and thus expensive issues. With the City facing well-acknowledged financial constraints, this is not a time for legal bravado. Negotiation with an intervening outside party, even if perceived as an interloper, may defuse brinkmanship and arrive at a compromise that is more constitutionally acceptable.

Similarly, as counsel for The Barlow has raised the possibility of litigation under Code of Civil Procedure Section 526a (action against government to restrain or prevent waste of or injury to public property, or where entity fails to carry out legal duties) for a “failure” to clear Morris, this would appear to present more easily-resolved factual issues than extended “civil rights” litigation. Again, negotiation and a measured approach may better provide long-term solution and avoid litigation.

4. It has been clearly stated on Council meetings that the purpose of the ordinance is to clear Morris Street and similar environs during daylight business hours, pushing the unhoused out of town onto County or State roadways and adjoining lands during the day. Such stated intentionality may support claims of discrimination. There appear to be no provisions for sanitation or safety in those outlying areas, particularly as to women.

**There appears to be no comprehensive plan from the County or State to deal with this problem, or even the general problem of unhoused in the County. A better approach might be for restraint now, as the Continuum of Care “re-boots” itself, with Councilmember Una Glass as a sitting delegate from the Sebastopol City Council with other governmental representatives.** Demand from municipalities for a comprehensive plan, rather than a series of band-aid remedies, such as sequential and expensive hotel purchases removing properties from tax rolls and further impacting tourism and related commerce, that do not address the bulk of the problem, might be more constructive than Sebastopol proceeding on its own to expel RVs in the manner proposed in this ordinance.

As always, thank you for your consideration in these regards, and the significant amount of time the Council has devoted to these difficult issues. In recognition of all that, and with awareness of the Council’s goal to seek some finality, nevertheless restraint is urged at this time.

Arthur George  
Chair, West County Homeless Advocates

