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9 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA**

10

11 THE SONOMA COUNTY HOUSING)
ADVOCACY GROUP, an Unincorporated)
12 Association,)

13 Petitioners and Plaintiffs,)

14 vs.)

15 CITY OF SANTA ROSA, governmental entity,)
CITY COUNCIL OF THE CITY OF SANTA)
16 ROSA, REDEVELOPMENT AGENCY OF THE)
CITY OF SANTA ROSA, a governmental entity,)
17 SHARON WRIGHT, Mayor of the City of Santa)
Rosa, JEFF KOLIN, City Manager of the City of)
18 Santa Rosa, DAVID GOUIN, Acting Director, Santa)
Rosa Housing and Redevelopment Department,)
19 JUDITH D. LYNCH, Acting Housing and)
20 Redevelopment Manager of the Redevelopment)
Agency of the City of Santa Rosa, all in their official)
21 capacities, and DOES 1 through 20,)

22 Respondents and Defendants.)
23 _____)
24)

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NO.
PETITION FOR WRIT OF
MANDATE

C.C.P. §§1085. 1094.51 & 1060,
Government Code §§ 65009(b),
65583, 65587, 65588, 65751,
65913.1, 65915, & 65008, §12920 *et*
seq., 12955, *et seq.*; Pub. Resources
Code, §§21168 and 21168.5; and
C.C.P. §526(a)

I.

NATURE OF THE CASE

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3 1. This is a petition for a writ of mandate and an action for declaratory and injunctive relief
4 against the City of Santa Rosa, its Redevelopment Agency and city officials to require compliance with
5 the laws of the State of California mandating an analysis of a proposed new redevelopment project's
6 significant effects on the environment and mitigation measures to avoid or substantially lessen the project's
7 adverse impacts.

8 2. The City of Santa Rosa and other respondents have violated these laws by adopting a
9 defective and incomplete Environmental Impact Report ("EIR") for the Proposed Redevelopment Plan
10 for the Transit-Oriented Redevelopment Project on an eleven acre, mostly vacant site in an industrial area
11 on the west side of Santa Rosa.

12 3. The Redevelopment Plan for Santa Rosa's Transit-Oriented Redevelopment Project,
13 as approved by the respondent Redevelopment Agency of the City of Santa Rosa ("Redevelopment
14 Agency") on May 11, 2004 and by the City Council of the respondent City of Santa Rosa ("City") is
15 neither "transit-oriented" nor a "plan" for development of the last large vacant area in the heart of Santa
16 Rosa.

17 4. In their zeal to take advantage of this unparalleled development opportunity,
18 respondents have ignored compliance with the California Environmental Quality Act, *Public Resources*
19 *Code* § 21000, *et seq.*, ("CEQA"), and its implementing Guidelines, 14 *Cal. Code Regs* 15000, *et*
20 *seq.*, ("CEQA Guidelines"), by, among other things:

21 (a) failing to adequately disclose, and, indeed, affirmatively disguising, the full scope and
22 magnitude of the development anticipated for the Project area;

23 (b) failing to fully and accurately disclose the level of toxic contamination still present in the
24 Project area, or to prescribe or require effective measures to mitigate its impacts before development is
25 commenced;

26 (c) failing to adequately disclose the traffic impacts of thousands of additional daily trips ("ADT"
27) attributable to the Project alone, or to prescribe adequate, functional mitigation measures to compensate
28 for their clearly significant impacts;

1 (d) failing to disclose the air quality impacts of construction activities in the Project area which
2 have not yet been tested for possible contamination by toxic chemicals generated during 100 years of
3 industrial and railroad use; and

4 (e) failing to analyze the cumulative effects of their own actions taken together with a development
5 of the site for tourist-oriented uses with essentially no housing provided for the hundreds of low and
6 moderate income new employees working in these businesses.

7 5. For these reasons, and the others set forth in this Petition, respondents' actions are
8 unlawful, invalid and unenforceable. Petitioners therefore request this Court issue alternative and/or
9 peremptory Writs of Mandate and order for injunctive relief prohibiting the enforcement and
10 implementation of any action in furtherance of the development of the proposed Project, and that
11 judgment be issued declaring the EIR, and any actions taken pursuant thereto, null and void.

12 II.

13 PARTIES

14 6. Petitioner/Plaintiff SONOMA COUNTY HOUSING ADVOCACY GROUP
15 ("HAG"), is an unincorporated association located in Sonoma County, California, which promotes
16 affordable housing and housing for persons with special needs, including seniors, persons with disabilities,
17 the homeless and farmworkers. Members of HAG will suffer the local and regional impacts caused by
18 the proposed development of the 11.2 acre TORP site as set forth below.

19 7. Petitioners/Plaintiffs bring this petition on behalf of all others similarly situated who are
20 too numerous to be named individually.

21 8. Respondent/Defendant CITY OF SANTA ROSA ("City of Santa Rosa" or "the
22 City") is a municipal corporation, organized and existing under the laws of the State of California. The
23 City determines, through its zoning and land use ordinances, rules and policies, the uses of all land within
24 the City.

25 9. The Respondent/Defendant REDEVELOPMENT AGENCY OF THE CITY OF
26 SANTA ROSA ("the Redevelopment Agency" or "the Agency") is the sponsor of the TORP
27 Redevelopment Project and the lead agency in the development of its environmental review which is the
28 subject of this Petition.

1 10. The City of Santa Rosa and its Redevelopment Agency are charged by law with
2 responsibility for ensuring compliance with the California Environmental Quality Act (“CEQA”) (*Pub.*
3 *Resources Code* § 21000, *et seq.*) and its implementing Guidelines, 14 *Cal. Code Regs* §15000, *et*
4 *seq.*, for all discretionary projects within the City’s jurisdiction.

5 11. Respondent/Defendant CITY COUNCIL OF THE CITY OF SANTA ROSA (
6 “City Council”) is the duly elected legislative body of Santa Rosa. The City Council is comprised of the
7 City’s Mayor and six City Council Members. The acts and omissions alleged herein were, and are being
8 undertaken by the City Council on behalf of the City of Santa Rosa.

9 12. Respondent/Defendant SHARON WRIGHT is the Mayor of the City of Santa Rosa.
10 Respondent/Defendant JEFF KOLIN, is the City Manager of the City of Santa Rosa.
11 Respondent/Defendant DAVID GOUIN is the Acting Director of the Santa Rosa Housing and
12 Redevelopment Department, and supervises staff of the Redevelopment Agency. Respondent/Defendant
13 JUDITH D. LYNCH is the Acting Housing and Redevelopment Manager of the Redevelopment Agency
14 of the City of Santa Rosa.

15 13. Respondents/Defendants identified above are referred to collectively herein as
16 “Respondents.” The individuals named above as Respondents/Defendants are sued in their official
17 capacities.

18 14. Petitioners are currently unaware of the true names and capacities of
19 Respondents/Defendants DOES 1 through 20, inclusive, as the information concerning their identity is
20 within the sole and exclusive control of Respondents. Petitioners therefore sue those parties by such
21 fictitious names. Petitioners are informed and believe, and upon such information and belief allege, that
22 DOES 1 through 100, inclusive, are agents of Respondents, and each of them, and are responsible in
23 some manner for the conduct alleged in this Petition and Complaint. (“Petition”) Petitioners will seek
24 leave to amend this Petition to state the true names and capacities of the fictitiously named parties when
25 the same have been ascertained.

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III.

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

15. Petitioners have performed all conditions precedent to issuance of a Writ of Mandate.

(a) Petitioners have exhausted all applicable administrative remedies available to them, in compliance with, among other statutes, *Public Resources Code* § 21177, by, among other things, submitting voluminous comments to Respondents concerning the EIR which is the subject of this Petition.

(b) Petitioners have complied with *Public Resources Code* § 21167.5 by serving written notice of the commencement of this action on the City of Santa Rosa and Redevelopment Agency. True and correct copies of the notice and the accompanying proof of service are attached hereto as Exhibit “A” .

(c) Petitioners have complied with *Public Resources Code* § 21167.6(a) by filing, concurrently with this filing of this Petition a written request to the City of Santa Rosa and Redevelopment Agency for preparation of the record. A true and correct copy of the request is attached hereto as Exhibit B” .

(d) Petitioners have complied with *Public Resources Code* § 21167.7 and *Code of Civil Procedure* § 388 by serving a copy of this Petition on the Attorney General of the State of California. A true and correct copy of the proof of service on the Attorney General is attached hereto as Exhibit “C” .

IV.

STATUTORY BASIS FOR THE ACTION

16. *Public Resources Code* § 21168 provides that suits alleging noncompliance with CEQA shall proceed in accordance with *Code of Civil Procedure* § 1094.5 if “by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in a public agency.” Under § 21168, actions taken by public agencies must be “supported by substantial evidence in light of the whole record.” *Public Resources Code* §21168.5 establishes a different standard of review for CEQA challenges that are not governed by § 21168. Under §21168.5, actions taken by public agencies will be invalidated if they constitute prejudicial abuse of discretion. Actions under 21168.5 properly proceed under *Code of Civil Procedure* § 1085, which provides that a Writ of Mandate “may issue by any court to any inferior tribunal, corporation, board or person to compel the performance of an act which the law specifically enjoins . . .” The City of Santa Rosa and its

1 Redevelopment Agency are “inferior tribunal(s), corporation(s) or board(s)” within the meaning of C.C.P.
2 §1085.

3 17. The City of Santa Rosa has violated a duty which the law specifically enjoins, and
4 Petitioners have a clear, present and substantial right to the performance of the City’s duty.

5 18. Petitioners have a beneficial interest in the issuance of a Writ of Mandate. As
6 explained above, Petitioners and their members and citizens will suffer the adverse environmental and
7 development impacts of the Project if those impacts are not properly identified, analyzed, evaluated and
8 mitigated.

9 19. Petitioners have no plain, speedy and adequate remedy in the ordinary course of law,
10 other than the relief sought herein, where no other means is available to obtain judicial review of
11 Respondents’ actions, and no damages or other legal remedy can adequately compensate Petitioners for
12 the irreparable harm they will suffer if the Project is allowed to proceed as planned.

13 **V.**

14 **GENERAL ALLEGATIONS**

15 20. The City’s Proposed Action consists of the following: 1) Adoption of a
16 Redevelopment Project and Plan encompassing the TORP Project Area, 2) Adoption and
17 implementation of redevelopment programs for the TORP Project Area, 3) Development of plans,
18 including plans for financial assistance, for the development of the TORP Project Area. Various parcels
19 within the Project Area would be rezoned. At least one parcel would require a General Plan
20 Amendment.

21 21. The Transit-Oriented Redevelopment Project (“TORP”) covers an area of
22 approximately 11.5 acres in central Santa Rosa just west of the Northwestern Pacific railroad tracks
23 between 3rd Street and 6th Street. Roughly half of the TORP property (5.7 acres) is owned by the
24 Sonoma Marin Area Rail Transit District (“SMART”), a state-chartered agency which seeks to develop
25 a commuter train service along the Highway 101 corridor. The primary purpose of SMART, which was
26 formed in 2003, is to develop a passenger rail system between Cloverdale and San Rafael.

27 22. The Redevelopment Plan for the TORP Project provides the legal authority for the
28 Redevelopment Agency to take various specific actions to implement the Plan. The purpose of the

1 TORP EIR is to provide the CITY, the Redevelopment Agency, other public agencies and the public in
2 general with detailed information about the environmental effects of implementing the TORP Project, to
3 examine and institute methods of mitigating any adverse environmental impacts of the TORP Project, and
4 to set forth and analyze alternatives to the TORP Project as proposed.

5 23. The California Environmental Quality Act, Cal. Pub. Res. Code §§21000 *et seq.*,
6 mandates that governmental entities “which regulate activities of private individuals, corporations, and
7 public agencies which are found to affect the quality of the environment, shall regulate such activities so
8 that major consideration is given to preventing environmental damage.” §21000(g). The environmental
9 review of redevelopment plans under CEQA is governed by the specific statutory requirements of
10 §21090, which provides that “activities or undertakings” pursuant to a redevelopment plan “shall be
11 deemed to be a single project.” Consequently, as much environmental review as possible should occur at
12 the outset of the redevelopment process, with subsequent review limited to situations where significant
13 changes or new information becomes available. The EIR on a redevelopment plan must consider in all
14 possible detail the environmental impact of land use changes sanctioned by the plan. *Friends of*
15 *Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 535, 98
16 Cal.Rptr. 2d 334.

17 24. The TORP EIR was approved by the Santa Rosa City Council on May 18, 2004 and
18 a Notice of Determination was filed by the City and posted on May 19, 2004.

19 25. The TORP EIR, as approved by the City is the only environmental review for
20 development projects carried out under the TORP Redevelopment Plan absent substantial changes in the
21 Plan or new information which was not known or could not have been known at the time the EIR was
22 approved by the City Council. *Public Resources Code* § 21166

23 26. Alternatives to the TORP Project exist which would avoid or minimize the
24 Project’s significant adverse environmental impacts.

25 27. Petitioners and the community at large will suffer great and irreparable
26 environmental harm as described herein if the Project is implemented. Petitioners have no
27 adequate remedy at law for this irreparable harm.
28

1 28. Respondents have acted in an arbitrary and capricious manner, abused their
2 discretion, and failed to comply with the law in the following ways:

3 **VI.**

4 **FIRST CAUSE OF ACTION**

5 Violation of CEQA (Public Resources Code § 21000, *et seq.*

6 (Against All Respondents and DOES 1 through 20, inclusive)

7 29. Petitioners hereby incorporate by reference into their First Cause of Action
8 paragraphs 1 through 28 of this Petition as if set forth herein in full.

9 30. CEQA was enacted to ensure that the long term protection of the environment,
10 consistent with the provisions of a decent home and suitable living environment for every Californian shall
11 be the guiding criterion in public decisions. *Public Resources Code* § 21001(d). CEQA, unlike its
12 Federal counterpart, the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.* (“NEPA”) has
13 not been construed as a merely procedural statute. Rather, CEQA contains substantive provisions with
14 which agencies must comply. Most important of these is the provision requiring public agencies to deny
15 approval of a project with significant adverse effects when feasible alternatives or feasible mitigation
16 measures can substantially lessen such effects. *Public Resources Code* § 21002; *Sierra Club v. Gilroy*
17 *City Council*, 222 Cal.App.3d 30, 41 (6thDist. 1990). CEQA was intended to be interpreted in such a
18 manner as to afford the fullest protection to the environment within the reasonable scope of the statutory
19 language. *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247 (1972). Thus, the CEQA
20 process is intended to protect not only the environment, but also informed self government. *Citizens of*
21 *Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564 (1990). The purpose of CEQA is not to
22 generate paper, but to compel government at all levels to make decisions with environmental
23 consequences in mind. *Bozung v. LAFCO*, 13 Cal.3d 263, 283 (1975).

24 31. The EIR requirement is the heart of CEQA. *County of Inyo v. Yorty*, 32 Cal.App.3d
25 795, 810 (1973). In drafting an EIR, the lead agency must consider the whole of an action, not simply its
26 constituent parts, when determining whether it will have a significant environmental effect. *Citizens Assoc.*
27 *for Sensible Development of Bishop Area v. County of Inyo*, 172 Cal.App.3d 151, 165 (1985). A
28 court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if

1 the EIR is sufficient as an information document. *Kings County Farm Bureau v. City of Hanford*, 221
2 Cal.App.3d 692, 711 (1990).

3 32. The CEQA Guidelines, developed in 1973 pursuant to authority granted in *Public*
4 *Resources Code* § 21083 contain the procedures with which public agency action to implement CEQA
5 must be consistent. *Public Resources Code* § 21082. At a minimum, courts should afford the CEQA
6 Guidelines great weight, *Citizens of Goleta Valley, supra*, 52 Cal.3d at 564, n.3, as the
7 contemporaneous construction of a statute by an administrative agency charged with its administration
8 and interpretation. *City of Santa Ana v. City of Garden Grove*, 100 Cal.App.3d 521, 530 (4th Dist.
9 1979).

10 A. The EIR's *Project Description* is Both Inadequate Under Law and Affirmatively
11 Misleading to the Public.

12 33. "Project" means the whole of an action which has a potential for resulting in either a
13 direct physical change in the environment, or a reasonably foreseeable indirect physical change in the
14 environment . . ." CEQA Guidelines, § 15378. The California courts have set forth a simple, two-prong
15 test for determining whether and EIR has properly accounted for reasonably foreseeable future expansion
16 of a proposed project: (1) is future expansion a reasonably foreseeable consequence of the initial
17 project?; and (2) will the future expansion or action be significant in that it will likely change the scope or
18 nature of the initial project or its environmental effects? *Laurel Heights Improvement Association of*
19 *San Francisco, Inc. v. Regents of the University of California*, 47 Cal.3d 376, 393-399 (1988).

20 34. The TORP EIR contains no evaluation of specific proposed uses in the Project
21 Description. It asserts that:

22 "The Redevelopment Agency's redevelopment programs are conceptual
23 in nature at this point in time in order to provide the capability to respond
24 to changes in public and private sector interests in the redevelopment
25 project area as planning for the project progresses. Similarly, the land
26 use concept as described in the EIR is conceptual in nature coinciding
27 with the conceptual nature of the redevelopment project programs."
28 (EIR 3.2-3)

26 With respect to the 5.7 acres owned by SMART, the EIR states:

27 "At the time of preparing this EIR, details regarding utilization of the
28 SMART parcel or potential land uses of the SMART parcel had not
been fully developed and/or adopted by SMART. Some preliminary,

1 conceptual plans commissioned by the property owners within the project
2 area were prepared for discussion purposes. These plans generally called
3 for mixed use development that involved revenue generating uses such as
4 retail shops, office use, restaurants, housing and parking facilities with
5 provision for public access to rail transit facilities at the site. It appears
6 that the ultimate mix of land uses and development density on the
7 SMART parcel would be subject to negotiation between the City of
8 Santa Rosa and SMART as planning for the site may progress
9 incorporating a potential railroad depot. Given the downtown location of
10 the site, vacant land and presence of an existing railroad station structure,
11 a railroad depot at the site would be a certainty, should use of the
12 NWPRR right-of-way for public rail transit become a reality.

13 35. This assertion conflicts both with previous resolutions of the City Council and a
14 Memorandum of Understanding with SMART, which provide that most of the SMART property would
15 be developed as a tourist-oriented “Wine and Food Center” and a “Culinary Academy” operated by the
16 Santa Rosa Junior College.

17 36. With respect to the other half of the Project site, the EIR states:

18 “The exact size or nature of the businesses that would fill [the]
19 commercial space or precise mix of types of housing units that would be
20 developed under the project is currently not known and cannot be known
21 at this time because the project plan for development as presented in this
22 EIR is conceptual in nature, structured to the maximum development
23 profile for commercial use and housing that can reasonably be expected
24 under the General Plan designation for the site as Retail and Business
25 Services. For this reason it is not possible to precisely characterize the
26 potential effects to be expected of the project.....” (EIR 3.3-4)

27 In fact, a great deal of information was available and in the possession of the Redevelopment Agency
28 regarding specific proposed private development projects within the proposed redevelopment area. Not
only are these specifically described in materials provided to the City Council and Redevelopment
Agency prior to their acting upon the EIR and Redevelopment Plan, but various proponents of those
projects provided both oral and written comment expressing concern about inconsistencies between the
Redevelopment Project as described in the EIR and their own more specific proposals. Accordingly,
the project description is legally insufficient.

29 **B. Inadequate Opportunity for Public Comment**

30 37. Because the project description says nothing about the size or nature of businesses in
31 the commercial space, or the number, location and mix of types of housing units (if any) that would be

1 developed under the project, the public has no way of commenting on whether the TORP Plan addresses
2 community needs adequately.

3 38. The CEQA Guidelines (15201) provide that “public participation is an essential part
4 of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide
5 public involvement, formal and informal, consistent with its existing activities and procedures, in order to
6 receive and evaluate public reactions to environmental issues related to the agency's activities.” The
7 environmental impacts of heavy commercial development of the Project Area will be very different from
8 the impacts of development emphasizing a mix of housing. The TORP Redevelopment Plan and the EIR
9 provide virtually no indication of what kinds of development will be allowed or encouraged on the site.
10 The EIR accordingly does not allow for the kinds of public notice and public participation which CEQA
11 requires.

12 39. In addition, the EIR has not included any of the traffic and noise or other technical
13 studies as appendices, nor are they reflected in any list of documents relied upon in preparation of the
14 report. It also cites a variety of documents as sources outside their own study (Railroad Square Specific
15 Plan, Santa Rosa General Plan, etc.) but nowhere provide the required statement as to where such
16 documents are available for public review. The Introduction cites the CEQA Guidelines version as of
17 12/1/02 as the source for authority (DEIR, Endnote 1, page 7). The Guidelines have gone through
18 significant changes since then (both case law and legislative).

19 C. Inconsistency with the Santa Rosa General Plan

20 40. Approximately 80% of the TORP Project Area is currently zoned for industrial uses
21 by the City’s Zoning Map. A 2.3 acre parcel on the north of the site is zoned for commercial uses. The
22 EIR asserts that the preferred mixed use development scenario would not require a General Plan
23 amendment, because most of the Project Site was included within the City’s 1979 Railroad Square
24 Specific Plan, which designated the area as a “historic specialty shopping center.” There is no substantial
25 evidence in the record that demonstrates the General Plan consistency was assessed on any basis other
26 than the General Plan Land Use Map. This truncated review does not meet the requirements of the
27 Government Code nor adopted policy of the City of Santa Rosa that specifies procedures for General
28 Plan consistency findings.

1 41. The Zoning designations for the parcels in the Project Area are inconsistent with the
2 Railroad Square Specific Plan. The EIR acknowledges that the Project Area would not be developed as
3 an extension of the Railroad Square “historic specialty shopping center.” The primary proposed uses for
4 the site – a “wine and food center” and classrooms and facilities for the Santa Rosa Junior College
5 culinary program – are clearly inconsistent with both the current zoning of the property (“industrial”), and
6 the “historic specialty shopping center” designation in the 1979 Railroad Square Specific Plan of the
7 Santa Rosa General Plan. Nowhere does the EIR consider the environmental significance of any general
8 plan amendments or zoning changes which would be required under these proposed uses.

9 42. The EIR purports to evaluate the impact of a “preferred” mixed use development
10 scenario consisting of up to 230,000 gross square feet of commercial space, up to 280 residential units.
11 It would include parking facilities for no less than 1,088 cars, and hundreds more if the rail transit system
12 becomes operational. Commercial development anticipated within the project would result in a net total
13 increase of about 767 jobs, most of which would be lower paying retail and services jobs. Apparently
14 relying on the uncertainty of what future development would take place where under the Project, the EIR
15 asserts that no adverse population, employment or housing impacts are identified for the TORP.

16 43. There is currently an extreme shortage of lower income housing in Santa Rosa and
17 surrounding areas. The City’s recently adopted Consolidated Plan states “[t]here is currently a shortage
18 of about 7,000 rental units for the city’s lowest income renter households in their affordability ranges.
19 Between 7,000 and 10,000 renter households are “overpaying” for housing and, as such, are cost
20 burdened. The city’s youngest and oldest renters are the most likely to be cost burdened. There are
21 between 7,000 and 8,000 low income homeowners currently lacking housing that is affordable given their
22 income ranges. These homeowners are also paying more for housing than they can afford.

23 44. Because most of the 767 jobs which are expected to be created by the Project will be
24 lower wage jobs, a significant need for housing for the persons who will occupy those jobs will be
25 created. The Project will not only substantially increase the overall need for affordable housing in Santa
26 Rosa and Sonoma County, but will significantly worsen the existing housing shortage in both areas,
27 thereby denying certain members of HAG and other low-income persons housing opportunities and
28 housing accommodations, and denying them the enjoyment of resident land ownership, tenancy and/or

1 land use. Most of the persons who will occupy the low-wage jobs generated by the project will belong
2 to a racial, ethnic and/or national origin minority group, specifically, most will be Latino or African-
3 American.

4 45. The problem of finding decent, affordable housing has reached crisis proportions
5 especially for lower income families with children. Many lower income families are unable to pay the high
6 rents demanded by landlords for decent, safe and sanitary housing, and consequently are often relegated
7 to live in overcrowded and/or substandard dwellings. Many pay more than thirty percent (30%) and
8 some pay up to eighty percent (75%) of their income to secure housing in Santa Rosa. The Housing
9 Authorities of Sonoma County and the City of Santa Rosa, which administer the Section 8 federal rent
10 subsidy program for their respective areas, have waiting lists of at least four years for assisted housing,
11 and federal funding for this program has recently been reduced.

12 46. State housing element law declares that the attainment of decent housing and a suitable
13 living environment for every California family is a priority of the highest order, that housing affordable to
14 low- and moderate-income households requires cooperation of all levels of government and that local and
15 state governments are responsible for improving and developing housing meeting the needs of all
16 economic segments of the community. Land use decisions, including Redevelopment Projects, must be
17 consistent with the general plan, which includes the housing element among its mandatory elements.

18 47. The Santa Rosa Housing Element (“Housing Element”), the document through which
19 the City must analyze housing needs and plan for adequate provision for existing and anticipated housing
20 needs for persons from all socio-economic strata, states that the problem of housing affordability in Santa
21 Rosa is a severe one. When new jobs are created in the City with no provision for new housing
22 affordable to the persons filling those jobs, the housing shortage gets worse. This phenomenon is known
23 as a jobs/housing imbalance. The new employees (or the households they replace) tend to commute
24 relatively long distances from areas where they can afford housing to areas where jobs are concentrated
25 resulting in more commuting miles traveled, traffic congestion and air pollution.

26 48. The City of Santa Rosa’s approval of the Redevelopment Plan and implementing land
27 use decisions related to the Project are likely to worsen the existing jobs/housing imbalance absent a firm
28 commitment to address the housing needs of the 700+ new employees which the Plan estimates will work

1 in the commercial portions of the TORP Project. This is contrary to the implicit and explicit mandates in
2 the City's Housing Element, in that the Project as approved will worsen the jobs/housing imbalance and
3 its attendant negative impacts as well as add to the general deficit in Santa Rosa's affordable housing
4 stock. The TORP EIR ignores this obvious negative impact, and states instead that "no adverse
5 population, employment or housing impacts are identified for the [TORP] Redevelopment Project, and no
6 mitigation measures are specifically required." EIR 3.3-5

7 D. Housing Discrimination:

8 49. *Government Code* §65008(c) prohibits local governments from discriminating against
9 residential developments which are intended for occupancy by persons and families of low and moderate
10 income. While the TORP Redevelopment Plan does not, on its face, restrict development of housing for
11 low and moderate income households, the City Council and Redevelopment Agency adopted a resolution
12 at their joint May 11, 2004 hearing on the Project to essentially relieve the Agency of its obligation to
13 provide *any* housing units whatsoever affordable to low and moderate income households on the TORP
14 site. This resolution, coupled with failure of the TORP Plan to include a commitment or even a policy as
15 to what kinds of housing, if any, would be included in the Project, gives rise to an inference that the
16 respondents intend to exclude housing for low and moderate income households from the Project in
17 violation of *Government Code* §65008. The EIR makes no mention of this very adverse housing
18 impact.

19 50. Low-income households, large families, minority households, households will suffer
20 the adverse consequences of the City's apparent efforts to exclude affordable housing from the project
21 area. California statutory law and applicable decisional law provide that it is not necessary to show intent
22 to discriminate to establish a violation of the California Fair Employment and Housing Act (*Government*
23 *Code* §§ 12920 *et seq.* and 12955 *et seq.*) and state planning and zoning laws (*Government Code* §
24 65008 *et seq.*) so long as it can be shown that the action complained of has a discriminatory effect.

25 51. The TORP EIR does not adequately address the significant environmental impacts of
26 the need for affordable housing which will be created by the Project. The Project will have substantial
27 physical and socio-economic impacts which will directly and significantly affect the environment. The
28 addition of over 700 new jobs without sufficient units within the Project which are affordable to lower

1 wage households will result in significant traffic congestion and deterioration in air quality and leave
2 existing and anticipated low-wage workers without a sufficient supply of housing which they can afford.
3 These effects are not sufficiently addressed by the EIR or the Statement of Overriding Considerations.

4 52. The TORP EIR asserts that all significant and/or potentially significant impacts of the
5 Project can be mitigated to less than significant levels, except for the possible impact on Police, Fire and
6 Emergency services. Petitioners allege the impacts to a range of environmental factors will be
7 exacerbated by low-wage workers commuting to jobs created by the Project and that the TORP EIR
8 fails to properly address these impacts or to consider and analyze the existing and projected workforce in
9 the area, their relationship to the price of housing to be provided and the potential impacts on the physical
10 environment.

11 **E. Traffic and Noise**

12 53. The TORP EIR fails to provide an adequate assessment of project level environmental
13 impacts, including but not limited to traffic, noise impacts, general plan consistency, affordable housing,
14 water quality , public services, and public health and safety. First, the geographic study area for the traffic
15 analysis in the EIR extends only to the surrounding neighborhood, and focuses only on adjacent streets.
16 A much larger geographic study area is therefore warranted, both for impacts to the planned SMART rail
17 system and the community in general. If, as the DEIR states, the project will require over 750 new full
18 time employees, the analysis must state how will this impact Highway 101 and Route 12. These corridors
19 are already utilized beyond capacity, and experience gridlock during commute hours. In addition, the EIR
20 contains no real analysis of how efforts to locate classrooms for cooking classes operated by Santa Rosa
21 Junior College will impact the major highways and city streets. Second, the DEIR fails to identify and
22 analyze indirect impacts associated with proposed mitigation measures to address traffic impacts. Such
23 indirect impacts include, but are not limited to: growth inducement, reduced air quality, noise and the like.
24 An analysis of the potentially significant indirect impacts of the mitigation measures must be included in a
25 revised DEIR. Finally, the section fails to include feasible mitigation measures such as requirements that
26 condition new development on the completion of needed roadways or mitigation related to the provision
27 of improved transit.

1 54. Noise impacts are inextricably linked to traffic issues, with substantial evidence
2 already showing significant noise problems within and adjacent to the Redevelopment Area. The EIR
3 does not address noise issues relative to the Highway 101 and Highway 12 corridors, in spite of the fact
4 that the already certified EIR for the current City General Plan documents noise impacts upon the
5 Redevelopment area from both those corridors. The limited noise analysis that was referenced in the EIR
6 relied almost exclusively upon a computer modelling system. The EIR specifically notes that actually field
7 tests were done that established that existing noise levels in the Redevelopment area were already above
8 those projected by the model for the present circumstances. The EIR responded to this inconsistency by
9 rejecting the field samples and continuing to rely upon the computer model process. The EIR itself
10 contains the substantial evidence that the model results may significantly understate project level and
11 cumulative noise impacts.

12 55. Respondents failed to proceed in the manner required by law by certifying the Final
13 EIR and approving the Project given this serious deficiency in both analyzing traffic impacts on Santa
14 Rosa and surrounding areas as a whole, and proposing meaningful and feasible mitigation measures.

15 **F. Hydrology**

16 56. The EIR's discussion of hydrological impacts of the project is inadequate because it
17 fails to provide any information about the sources or quantities of pollutants resulting from project
18 development, buildout and occupancy. The DEIR refers to general sources of pollutants, but does not
19 quantify the status of current water quality impacts or the increases in water quality impacts with project
20 implementation. While acknowledging that there are indications of heavy contamination of soils and
21 groundwater from years of industrial and rail use of the site, the EIR has no analysis of the impact of the
22 project on existing severe contamination of the soils and ground water. The EIR's discussion of increased
23 runoff is also flawed because no quantified data is presented concerning existing runoff and post project
24 flows.

25 57. The EIR concludes that all impacts related to hydrology will be reduced to “less than
26 significant” with proposed mitigation, but the proposed mitigation measures include only future plans and
27 programs. The EIR is wholly lacking in evidence to support the conclusions reached concerning the final
28 disposition of significant impacts to water quality and hydrology.

1 **G. Schools**

2 58. The EIR's analysis of impacts to schools is inadequate, as well as its identification of
3 mitigation for significant school impacts. The EIR notes that the potential residential development on the
4 site may bring in a total of up to 93 new students into nearby schools. There is no discussion of whether
5 additional school capacity will be needed to accommodate these additional students, or to whether or
6 how that additional capacity can be provided by a school system already in financial difficulty. Even more
7 problematic is the EIR's failure to analyze (or even mention) the impact to the City's schools from the
8 children of the 750+ persons who would be employed in commercial operations on the site. Absent this
9 analysis, and without appropriate mitigation measures, the EIR is legally insufficient.

10 **H. Inadequate Growth Inducing Analysis:**

11 59. The EIR fails to provide any meaningful analysis of the growth inducing potential of the
12 various possible configurations of the proposed project. CEQA requires that an EIR contain an analysis
13 of a project's growth inducing impacts. Growth-inducing impacts are those that encourage or facilitate
14 other activities or projects that could significantly affect the environment. The "detailed statement" setting
15 forth the growth inducing aspects of a project must "[d]iscuss the ways in which the proposed project
16 could foster economic growth, or the construction of additional housing, either directly or indirectly, in the
17 surrounding environment." CEQA Guidelines Section 15126.2(d). It must also discuss how a project
18 may "encourage or facilitate other activities that could significantly affect the environment, either
19 individually or cumulatively" or remove obstacles to population growth (such as extension of
20 infrastructure, etc.). The EIR fails to comply with these requirements. If, as the EIR asserts, the Project
21 will result in over 750 new jobs, it must address whether and how all these new employees will find
22 housing – particularly if no affordable housing is provided on the Project site.

23 **I. Inadequate Cumulative Analysis:**

24 60. The CEQA Guidelines define cumulative impacts as "two or more individual effects
25 which, when considered together, are considerable or which compound or increase other environmental
26 impacts." CEQA Guidelines Section 15355(a). A legally adequate cumulative impacts analysis views a
27 particular project over time and must consider the impacts of the project combined with other projects
28 causing related impacts, including past, present, and probable future projects. CEQA Guidelines

1 15130(b)(1). The EIR fails to adequately analyze the cumulative impacts of the project. First, the
2 DEIR's study areas for the majority of the cumulative impact analyses is too small. A revised EIR must
3 not only include larger study areas, but clear graphics and text, which indicate the study areas and
4 statements of why they are sufficient. Second, a legally adequate cumulative analysis must consider the
5 impacts of the project when combined with other past, present, and probable future projects. A revised
6 EIR must clearly state which development plans and/or projects are included in the analysis. Third, the
7 EIR's cumulative analysis fails to quantify cumulative impacts. The conclusory statements of impacts in
8 Table 92 are not supported by any analysis or facts. The EIR therefore fails to provide the public and
9 decision-makers with any objective measure of cumulative impacts and therefore is inadequate. Absent
10 this information, the EIR is legally insufficient.

11 61. The respondents abused their discretion and failed to act in the manner required by
12 law in approving the Transit Oriented Redevelopment Plan and certifying the associated EIR. An
13 environmental impact report that satisfies all procedural and substantive requirements of CEQA is
14 required prior to project approval.

15 **J. Failure to Avoid or Minimize Adverse Environmental Impacts**

16 62. CEQA provides that public agencies should not approve projects as proposed if there
17 are feasible alternatives or feasible mitigation measures available which substantially lessen the significant
18 environmental effects of such projects. An EIR must contain a discussion of specific mitigation measures
19 for each significant environmental effect associated with a project. CEQA also precludes an agency from
20 relying on mitigation measures of unknown effectiveness or deferring the formulation of specific mitigation
21 measures until after project approval. The mitigation measures in the TORP EIR are either illusory or
22 non-existent.

23 63. The EIR lacks any mitigation measures for cumulative impacts. Feasible measures
24 exist for impacts identified as cumulative and significant. For example, a jobs-housing impact fee would
25 be one appropriate mitigation measure to help provide housing affordable to potential employees in the
26 project area, most of whom will be working in lower wage retail and clerical jobs.

27 64. No substantial evidence in the record supports the City Council's approval of the
28 TORP Project based on ineffective mitigation measures, illusory mitigation measures, mitigation measures

1 of unknown effectiveness, and on deferred mitigation measures. The City Council's approval of the
2 Project therefore was an abuse of discretion and a violation of CEQA.

3 65. Petitioners and public agencies and members of the public generally will suffer
4 irreparable harm if the Project is commenced in the absence of a full and adequate EIR and compliance
5 with all other applicable provisions of CEQA and the CEQA Guidelines and local CEQA guidelines.
6 Irreparable harm will result because commencement of the Project as approved will result in substantial
7 degradation of the natural environment in Santa Rosa. The quality of life for all residents will be
8 irreparably damaged if the potential impacts identified above are not properly identified, analyzed and the
9 adverse environmental impacts mitigated. Petitioners pray for relief as set forth more specifically in the
10 prayer below.

11 **VII.**

12 **SECOND CAUSE OF ACTION**

13 Violation of the Government Code

14 (Against All Respondents and DOES 1 through 20, inclusive)

15 66. Petitioners incorporate all previous paragraphs as if fully set forth.

16 67. The respondents abused their discretion and failed to act in a manner required by law in
17 approving the Transit Oriented Redevelopment Plan without properly making a finding of general plan
18 consistency. There is no substantial evidence in the record before the Santa Rosa Planning Commission
19 to support their finding that the Redevelopment Plan is consistent with the policies contained within the
20 various Elements of the adopted General Plan, including Land Use, Urban Design,
21 Transportation/Circulation, Housing and others.

22 68. The respondents again abused their discretion relative to the finding of General Plan
23 consistency upon approval by the City Council and Redevelopment Agency of the Redevelopment Plan
24 and certification of the associated EIR. In addition to noting the inadequacy of the General Plan
25 consistency analysis, Petitioners noted during the public hearing process the existence of various General
26 Plan policies specific to the geographic area in question and to Redevelopment projects; respondents did
27 not acknowledge these specific citations nor their consistency with the Redevelopment Plan, instead
28 relying solely upon the adequacy of the prior finding by the Planning Commission.

69. In addition to violating specific Government Code requirements relative to determining
General Plan consistency, the respondents violated adopted City policy that further specified the manner

1 and standards for determining General Plan consistency. Petitioners also noted this violation of the
2 General Plan consistency requirements of the City during the public hearing on the Redevelopment Plan
3 and EIR , including that the policy was presently in force and being applied to other development
4 projects. Respondents again did not further describe the process for determining General Plan
5 consistency nor provide substantial evidence demonstrating compliance with the City policy or
6 consistency with the General Plan.

7 **VIII.**

THIRD CAUSE OF ACTION

Violation of Health and Safety Code §§3346 and 3367(d)

9 (Against all Respondents and Does 1 through 20, inclusive)

10 70. Petitioners incorporate all previous paragraphs as if fully set forth herein.

11 71. The respondents abused their discretion and failed to act in a manner required by law
12 in approving the Transit Oriented Redevelopment Plan without properly making a finding of general plan
13 consistency as required by provisions of §§3346 and 3367(d) of the Health and Safety Code governing
14 the Redevelopment Plan process. The Health and Safety Code provides no process for determining
15 general plan consistency distinct and separate from the process reflected in the Government Code. The
16 Health and Safety Code provides no process or language that would override the locally adopted policy
17 specifying the procedure for determining General Plan consistency. Accordingly, the Santa Rosa Planning
18 Commission failed to make adequate findings supported by substantial evidence as required by the Health
19 and Safety Code that the Redevelopment Plan is consistent with the policies contained within the various
20 Elements of the adopted General Plan, including Land Use, Urban Design, Transportation/Circulation,
21 Housing and others, and the Santa Rosa City Council should not have approved the EIR absent a valid
and legally supportable finding of consistency.

22 **IX.**

FOURTH CAUSE OF ACTION

(Declaratory Relief – C.C.P. § 1060)

23 (Against All Respondents and DOES 1 through 20, inclusive)

24 72. Petitioners re-allege and incorporate herein by reference each and every allegation in the
25 preceding paragraphs of this Petition.

26 73. An actual and justiciable controversy has arisen between petitioner and respondents in that
27 petitioners contend:
28

- 1 a) the City’s approval of the TORP Redevelopment Plan and the related implementing land use
2 decisions and its approval of the TORP EIR violate CEQA;
3 b) the TORP Redevelopment Plan and implementing land use decisions are inconsistent with the
4 City’s General Plan Housing Element and other Elements;
5 e) the City’s unlawful adoption of the TORP EIR, TORP Redevelopment Plan and implementing
6 land use decisions constitute unlawful discrimination in violation of state law.

7 74. Petitioners desire a declaration of the rights and duties of the parties. Petitioners pray
8 for relief as set forth more specifically in the prayer below.

9 **X.**

10 **FIFTH CAUSE OF ACTION**

11 **Injunctive Relief (Code Civ. Proc. § 526(a))**

12 (Against All Respondents and DOES 1 through 20, inclusive)

13 75. Petitioners hereby incorporate by reference into their Fifth Cause of Action each
14 preceding paragraph of this Petition as if set forth herein in full.

15 76. Because the EIR, and other Project actions violate CEQA and the CEQA Guidelines
16 and are therefore unlawful and invalid, Petitioners are entitled to temporary, preliminary and permanent
17 injunctive relief enjoining Respondents, and each of them, from taking any action in furtherance of the
18 Project.

19 77. For all of the reasons set forth above, Petitioners have a strong probability of
20 prevailing on the merits, and of establishing a pattern of misconduct by Respondents arising out of their
21 continuing overt violations of their statutory and regulatory obligations under CEQA and the CEQA
22 Guidelines.

23 78. Absent immediate intervention by this Court, Petitioners in particular, by virtue of their
24 composition, beneficial interests and location, and the public in general, by virtue of the adverse local and
25 regional environmental impacts of the proposed Project that will result from Respondents' ongoing failure
26 to comply with CEQA and the CEQA Guidelines, will suffer irreparable and irreversible injury in that, if
27 the Project is allowed to be developed without proper environmental review, Petitioners and the public
28 will have no legal way to undo the environmental harm and no further recourse under the law.

1 79. Respondents, by comparison, will suffer little or no harm if this Court grants the relief
2 requested herein, other than a possible slight delay in commencing development the Project until they have
3 fully complied with CEQA and the CEQA Guidelines. Respondents will incur no new or additional
4 obligations, in that they will be required to do only what they are already obligated by law to do, and will
5 incur no increased development costs where, under the proposed action, development costs will be
6 borne by purchasers and developers.

7 80. Petitioners have no plain, speedy and adequate remedy in the ordinary course of law,
8 other than the relief sought herein, where no other means is available to obtain judicial review of
9 Respondents' actions, and no damages or other legal remedy can adequately compensate Petitioners for
10 the irreparable harm they will suffer if the Project is allowed to proceed as proposed by Respondents.

11 81. Therefore, Petitioners request that this Court temporarily and/or preliminarily and
12 permanently enjoin Respondents from taking any further action in furtherance of the proposed Project
13 unless and until they have fully complied with the mandates of all applicable statutes and regulations,
14 including CEQA and the CEQA Guidelines.

15
16 **PRAYER FOR RELIEF**

17 Petitioners request that the Court grant the following relief:

18 1. A writ of mandate compelling respondents to vacate and set aside the May 18, 2004
19 approval of the TORP Project, and certification of the Final EIR for the project and any and all
20 approvals, resolutions, orders, decisions, determinations and findings or adoption in connection with, or in
21 furtherance of the TORP Redevelopment Project and Redevelopment Plan;

22 2. A writ of mandate prohibiting the respondents and real parties in interest from taking any
23 action in furtherance of the Project unless and until respondents comply with requirements of CEQA, and
24 the respondents approve a revised TORP Redevelopment Project and Plan and any relevant land use
25 decisions which are consistent with the respondents' General Plan, including Land Use Element and
26 updated Housing Element;

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3. A declaration as to the First Cause of Action that the Respondent's approval of the TORP Plan and Project and the related implementing land use decisions and its approval of the Final EIR violate CEQA.

4. Preliminary and permanent injunctive relief enjoining respondents from taking any action in furtherance of the TORP Project unless and until respondents comply with requirements of CEQA, and the respondents approve a Redevelopment Plan and any relevant related documents which are consistent with the City of Santa Rosa General Plan, including the Land Use Element and Housing Element.

5. An award of reasonable attorneys fees and costs incurred in this action.

6. Such other and further relief as the Court deems reasonable and just.

Date: June 17, 2004

/s/ David Grabill

David Grabill
Neil Herring
Attorneys for Petitioners/Plaintiffs

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VERIFICATION

I, Stephen Harper, am the Chair of the Sonoma County Housing Advocacy Group, the Petitioner in the above-entitled action, and am authorized to make this Verification on its behalf.

I have read the foregoing PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF and know its contents. The facts stated therein are true and within my personal knowledge, except those matters which are stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 17 day of June, 2004 at Santa Rosa, California.

/s/ Stephen Harper

1 DAVID GRABILL, #46758
1930 Alderbrook Lane
2 Santa Rosa, CA 95405
Telephone: (707) 528 9941
3 Fax: (707) 780 1585

4 NEIL M. HERRING, #38584
503 Sandretto Drive
5 Sebastopol, CA 95472
Voice: (707) 823 9418
6 Facsimile: (707) 823 3406

7 Attorneys for Plaintiffs/Petitioners

8

9 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA**

10

11 THE SONOMA COUNTY HOUSING)
ADVOCACY GROUP, an Unincorporated)
12 Association,)

13 Petitioners and Plaintiffs,)

14 vs.)

15 CITY OF SANTA ROSA, governmental entity,)
CITY COUNCIL OF THE CITY OF SANTA)
16 ROSA, REDEVELOPMENT AGENCY OF THE)
CITY OF SANTA ROSA, a governmental entity,)
17 SHARON WRIGHT, Mayor of the City of Santa)
Rosa, JEFF KOLIN, City Manager of the City of)
18 Santa Rosa, DAVID GOUIN, Acting Director, Santa)
Rosa Housing and Redevelopment Department,)
19 JUDITH D. LYNCH, Acting Housing and)
Redevelopment Manager of the Redevelopment)
20 Agency of the City of Santa Rosa, all in their official)
21 capacities, and DOES 1 through 20,)

22 Respondents and Defendants.)
23 _____)
24)

25 PLEASE TAKE NOTICE pursuant to Public Resources Code §21167.5, that on June 17,
26 2004, the petitioner Sonoma County Housing Advocacy Group will file a Petition pursuant to Public
27 Resources Code §21167 and the California Environmental Quality Act, Public Resources Code §21000
28 *et seq.* relating to the Environmental Impact Report for the Transit-Oriented Redevelopment Project of

1 the City of Santa Rosa Redevelopment Agency, approved by the City Council of the City of Santa Rosa
2 on May 18, 2004.

3
4 Dated: June 17, 2004

5
6 /s/ David Grabill

7 _____
8 David Grabill
9 Neil Herring
10 Attorneys for Petitioner
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1 PROOF OF SERVICE

2 I am a resident of the State of California, County of Sonoma, and over the age of 18 years. I am
3 not a party to the within action. My business address is 1930 Alderbrook Lane; Santa Rosa, CA 95405.
4 On June 17, 2004, I served the within

5 NOTICE OF INTENT TO FILE CEQA PETITION

6 on the CITY OF SANTA ROSA and REDEVELOPMENT AGENCY OF THE CITY OF SANTA
7 ROSA in said action by:

8 **G** personal delivery to the person named at the address below:

9 **G** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the
10 United States mail addressed as set forth below:

11 CITY OF SANTA ROSA

12 c/o Brien Farrell, City Attorney

13 P. O. Box 1678

Santa Rosa, CA 95402

14 REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA

15 c/o DAVID GOUIN, Acting Director

16 City Hall Annex 90 Santa Rosa Avenue, Santa Rosa, CA

17
18 Executed on June 17, 2004 at Santa Rosa, California. I declare under penalty of perjury under the laws
19 of the state of California that the foregoing is true and correct.

20
21 /s/ David Grabill

22 _____
David Grabill

1 DAVID GRABILL, #46758
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9 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA**

10

11 THE SONOMA COUNTY HOUSING)
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12 Association,)

13 Petitioners and Plaintiffs,)

14 vs.)

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19 JUDITH D. LYNCH, Acting Housing and)
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4 Dated: June 17, 2004

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6 /s/ David Grabill

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8 David Grabill
9 Neil Herring
10 Attorneys for Petitioner
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21 /s/ David Grabill

22 _____
David Grabill

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Voice: (707) 823 9418
6 Facsimile: (707) 823 3406

7 Attorneys for Plaintiffs/Petitioners

8

9 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA**

10

11 THE SONOMA COUNTY HOUSING)	NO.
12 ADVOCACY GROUP, an Unincorporated)	
Association,)	REQUEST FOR PREPARATION OF
13 Petitioners and Plaintiffs,)	RECORD OF PROCEEDINGS
)	_____
14 vs.)	
)	Pub. Resources Code, §§21167.6
15 CITY OF SANTA ROSA, governmental entity,)	
16 CITY COUNCIL OF THE CITY OF SANTA)	
ROSA, REDEVELOPMENT AGENCY OF THE)	
17 CITY OF SANTA ROSA, a governmental entity,)	
SHARON WRIGHT, Mayor of the City of Santa)	
18 Rosa, JEFF KOLIN, City Manager of the City of)	
Santa Rosa, DAVID GOUIN, Acting Director, Santa)	
19 Rosa Housing and Redevelopment Department,)	
JUDITH D. LYNCH, Acting Housing and)	
20 Redevelopment Manager of the Redevelopment)	
Agency of the City of Santa Rosa, all in their official)	
21 capacities, and DOES 1 through 20,)	
)	
22 Respondents and Defendants.)	
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23 _____)	
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25 Under Public Resources Code §21167.6, petitioner Sonoma County Housing Advocacy Group
26 requests that respondents CITY OF SANTA ROSA and the REDEVELOPMENT AGENCY OF THE
27 CITY OF SANTA ROSA prepare the record of proceedings relating to the subject matter of this action,
28 which is the Environmental Impact Report for the Transit-Oriented

1 Redevelopment Project (“EIR”) approved by the City Council on May 18, 2004.

2 Petitioner requests that respondents include in the record all documents, including all transcripts,
3 minutes of meetings, notices, correspondence (including e-mail), reports, studies, proposed decisions,
4 final decisions, findings, data, computerized material, and any other documents or records relating to the
5 City’s preparation and approval of the EIR.
6

7 Petitioner will pay the costs of preparation of the record on notice of the estimated costs of
8 preparation.
9

10 Dated: June 17, 2004

/s/ David Grabill

David Grabill
Neil Herring
Attorneys for Petitioner

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4 On June 17, 2004, I served the within

5 REQUEST FOR PREPARATION OF RECORD OF
6 PROCEEDINGS

7 on the RESPONDENTS in said action by:

8 **G** personal delivery to the person named at the address below:

9
10 **G** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the
11 United States mail addressed as set forth below:

12 CITY OF SANTA ROSA
13 CITY COUNCIL OF THE CITY OF SANTA ROSA
14 JEFF KOLIN, City Manager of the City of Santa Rosa
15 SHARON WRIGHT, Mayor of the City of Santa Rosa
16 Santa Rosa City Hall 100 Santa Rosa Avenue, Santa Rosa, CA

17 REDEVELOPMENT AGENCY OF THE CITY OF SANTA ROSA
18 DAVID GOUIN, and JUDITH LYNCH
19 City Hall Annex 90 Santa Rosa Avenue, Santa Rosa, CA

20 Executed on June 17, 2004 at Santa Rosa, California. I declare under penalty of perjury under the laws
21 of the state of California that the foregoing is true and correct.

22
23 _____
24 David Grabill