

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
ARTHUR J. FRIEDMAN, Cal. Bar No. 160867
3 ALEXANDER L. MERRITT, Cal. Bar No. 277864
Four Embarcadero Center, 17th Floor
4 San Francisco, California 94111-4109
Telephone: 415.434.9100
5 Facsimile: 415.434.3947
E mail: afriedman@sheppardmullin.com
6 amerritt@sheppardmullin.com

7 Attorneys for Defendants
CITY OF SAUSALITO, JILL JAMES
8 HOFFMAN, JOHN ROHRBACHER,
MARCIA RAINES, KENT BASSO
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 SAUSALITO/MARIN COUNTY CHAPTER
OF THE CALIFORNIA HOMELESS UNION,
14 on behalf of itself and those it represents;
ROBBIE POWELSON; SHERI I. RILEY;
15 ARTHUR BRUCE; MELANIE MUASOU;
SUNNY JEAN YOW; NAOMI
16 MONTEMAYOR; MARK JEFF; MIKE
17 NORTH; JACKIE CUTLER and MICHAEL
ARNOLD on behalf of themselves and
18 similarly situated homeless persons,

19 Plaintiffs,

20 v.

21 CITY OF SAUSALITO; MAYOR JILL
22 JAMES HOFFMAN; POLICE CHIEF JOHN
ROHRBACHER; CITY MANAGER
23 MARCIA RAINES; DEPT. OF PUBLIC
WORKS SUPERVISOR KENT BASSO,
24 individually and in their respective official
25 capacities,

26 Defendants.
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CASE NO. 3:21-cv-01143-LB

**DECLARATION OF KEVIN MCGOWAN IN
SUPPORT OF DEFENDANTS' OPPOSITION
TO *EX PARTE* APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Date: T.B.D.
Time: T.B.D.
Courtroom: T.B.D.

Action Filed: February 16, 2021
Trial Date: T.B.D.
Judge: Magistrate Judge Laurel Beeler

1 6. The Encampment site extends immediately adjacent to Richardson’s Bay and
2 within the jurisdiction of the San Francisco Bay Conservation and Development Commission
3 (“BCDC”).

4 7. I am also familiar with Marinship Park in Sausalito and the resolution adopted by
5 the Sausalito City Council on February 5, 2021 to transition the Encampment to Marinship Park
6 (attached as Exhibits 2 and 2a [as modified by Exhibit 3] to Defendants’ Index of Exhibits). I
7 have personally made several visits and conducted several walk-throughs of Marinship Park. A
8 true and correct copy of an aerial photo of Marinship Park is attached as Exhibit 5 to Defendants’
9 Index of Exhibits submitted in conjunction herewith.

10 8. Marinship Park is located adjacent to Marina Plaza and adjacent to Marinship Way
11 in Sausalito, approximately 0.6 miles from Dunphy Park, and comprises approximately 116,305
12 square feet of recreational space. In contrast to Dunphy Park, Marinship Park contains permanent
13 bathroom facilities consisting of two toilets in the women’s restroom, and one toilet and one urinal
14 in the men’s restroom. The Marinship restroom is also open 24 hours a day seven days a week.

15 9. Additionally, the Downtown Streets Team, a non-profit organization serving the
16 Bay Area, currently provides a mobile showering program (consisting of two mobile
17 shower/restroom trailers) at Marinship Park approximately two days a week at designated hours.
18 Because of the length of the trucks providing the mobile showers and access to a water hook-up,
19 Marinship Park was determined to be the only logistically feasible location in Sausalito for
20 adequate truck circulation and maneuvering to provide this program.

21 10. On February 8, 2021, I visited Marinship Park. During this visit, I took
22 photographs which accurately depict what I observed that day. A true and accurate copy of those
23 photographs are attached to the Defendants’ Index of Exhibits as Exhibit 6 (a-e). These
24 photographs, as labeled, depict the following:

- 25 a. Exhibit 6a depicts an exterior view of the bathroom facilities at Marinship Park;
- 26 b. Exhibit 6b depicts an interior view of the womens’ restroom facilities at
27 Marinship Park;

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- 1 c. Exhibit 6c depicts depicts an interior view of the mens' restroom facilities at
- 2 Marinship Park;
- 3 d. Exhibit 6d depicts the original proposed encampment area on the grassy field
- 4 Marinship Park that will be utilized when dry; and
- 5 e. Exhibit 6e depicts the concrete area utilized by mobile shower program at
- 6 Marinship Park.

7 11. On February 17, 2021, a member of Public Works Staff visited Marinship Park to
8 observe the mobile showering program. During this visit, I took a photograph which accurately
9 depicts the mobile showering program I observed that day. A true and accurate copy of that
10 photograph is attached to the Defendants' Index of Exhibits as Exhibit 7.

11 12. Prior to the noticed clean and clear of the encampment of Dunphy Park on
12 February 16, 2021, six storage units (with two separate enclosed storage lockers per unit, for 12
13 storage lockers total) were placed in Marinship Park for the daytime storage of personal
14 belongings necessary for overnight camping for individuals who choose to camp overnight at
15 Marinship Park. The ventilated steel storage units are manufactured by Hallowell (Mfr. Model
16 No. BSL363690-R-2S-PL) and each storage locker measures approximately 36 in. (width) x 36 in.
17 (depth) x 45 in. (height) each, can hold approximately 500 lbs of weight per locker, and were
18 selected for their size, durability, ventilation, and security. The storage units have been placed up
19 against the exterior walls of the bathrooms at Marinship Park underneath a partial awning so that
20 they are easily accessible and reasonably protected from the elements. Moreover, the ventilated
21 lockers provide *more* protection from inclement weather than would otherwise be afforded to
22 personal belongings left outside.

23 13. On February 17, 2021, a member of Public Works Staff visited Marinship Park.
24 During this visit, they took photographs which accurately depict the conditions as I have observed
25 them. A true and accurate copy of those photographs are attached to the Defendants' Index of
26 Exhibits as Exhibit 8 (a-f). These photographs, as labeled, depict the following:

- 27 a. Exhibits 8a-8c depict the proposed temporary encampment site at Marinship
- 28 Park (to be utilized after rainy periods); and

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b. Exhibits 8d-8f depict the storage lockers installed at Marinship Park.

14. Based on my knowledge and experience in my current role and approximately 31 years of experience working as a civil engineer in the public sector, as well as my familiarity with both Dunphy Park and Marinship Park, Marinship Park is a safer and preferable location for the temporary Encampment while the City continues its efforts to locate housing for the persons living in the Encampment. First, unlike Dunphy Park, Marinship Park offers permanent toilets and sinks that are open to the public 24 hours a day, 7 days a week, regularly maintained and cleaned by the City, in close proximity to the proposed replacement encampment location. The current residents of the Dunphy Park encampment acknowledge that Dunphy's Park's bathrooms are not conveniently located for night use and thus obtained an unauthorized portable toilet at the encampment site. Second, Marinship has long been the location for Downtown Street's mobile shower program that visits the site twice weekly, staffed by social service workers. Third, unlike Dunphy Park, the location identified for the Marinship encampment site is not immediately adjacent to Richardson's Bay or located within BCDC's jurisdictional territory. Finally, as a condition precedent to the City Council's February 5, 2021 Resolution to transfer the Encampment to Marinship Park, the City has installed lockers at Marinship Park to enable the persons sleeping at the Marinship encampment site to store their personal belongings necessary for sleeping during daytime hours.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 16 day of February, 2021 in Sausalito, California.

DocuSigned by:
Kevin McGowan
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Kevin McGowan