

# SDC lawsuit moves forward

By Tracy Salcedo

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A Sonoma County Superior Court judge has given Sonoma Valley Next 100's complaint against California's Department of General Services (DGS) a green light, denying DGS's attempt to quash the suit and enabling the advocacy group's challenges to the pending sale of the former Sonoma Developmental Center (SDC) campus to proceed.

In his tentative judgement on DGS's demurrer and motion to strike — legal filings that, in essence, asked the court to throw out the Next 100's complaint — Judge Patrick M. Broderick declined, writing, "The court OVERRULES the demurrer in full."

Although the court could have rejected the demurrer without further explanation, given what the judge called its "defective, unclear, and even confusing nature," in his ruling, Judge Broderick addressed the merits of the individual components, or causes of action, in Next 100's challenge.

For example, the judge allowed Next 100's argument that alleges DGS violated the law governing disposition of the SDC property by selecting Eldridge Renewal, a development team composed of Rogal & Partners and the Grupe Company, as the preferred purchaser before the property was offered to local agencies and "nonprofit affordable housing sponsors."

The judge also allowed litigation to proceed on the charge that DGS "violated a requirement" in the enabling legislation that a specific plan for the property be in place before moving ahead with its transfer or sale. The Sonoma County Board of Supervisors approved a Specific Plan for the SDC campus in December 2022, but that plan was jettisoned when its environmental impact report was deemed out of compliance with the California Environmental Quality Act in a separate Superior Court case.

With regard to the protection of historic structures on the site, the judge permitted Next 100's argument that DGS failed to notify the state's Office of Historic Preservation (OHP), as required, of plans to demolish nearly every building on the site, including those with historic status, like Sonoma House. DGS contended it didn't need to give notice to the OHP because Eldridge Renewal plans to demolish the structures, not DGS.

"All of the statutory language discussed above makes it clear that Defendant is involved in the 'planning process' for the SDC, even if the actual project proponents are [Eldridge Renewal's], and therefore Defendant is involved in that very decision-making process," the judge stated in his ruling.

It's Next 100's contention that, per legislation, DGS must provide ongoing maintenance of the property while in transition also passed the judge's muster, as did the contention that transfer of 52 acres of open space east of the campus to CalFire for a new headquarters violates government code.

While a separate section of the code authorizes the relocation of CalFire's Sonoma-Lake-Napa Unit Headquarters and Glen Ellen Fire Station onto the former SDC property, the judge found the language in the code is "express, clear, and mandatory" with regard to "requisite planning" that must take into account conservation, "to the

greatest extent feasible,” of the “Habitat Connectivity Corridor and Community Separator in the Sonoma County General Plan.”

Monica Hassan, deputy director with DGS, noted DGS is “unable to comment on pending litigation.” Sonoma Valley Next 100 also declined to comment.