



tel: 916.455.7300 • fax: 916.244.7300
510 8th Street • Sacramento, CA 95814

September 29, 2025

SENT VIA EMAIL

(sdc@sonomacounty.gov)

Wil Lyons, Planner III
County of Sonoma
2550 Ventura Avenue
Santa Rosa, California 95403

**RE: Comments on Notice of Preparation for the Sonoma Developmental
Center Campus Specific Plan and Eldridge Renewal Project**

Dear Mr. Lyons:

This letter provides comments on behalf of Sonoma Valley Next 100 and SDC Next 100 regarding the Notice of Preparation (“NOP”) published by the County of Sonoma (“County”) pursuant to the California Environmental Quality Act (“CEQA”)¹ for the Sonoma Developmental Center (“SDC”) Specific Plan (“Specific Plan”) and Eldridge Renewal Project,² which was submitted as a SB 330 application to the County in August 2023 (“Eldridge Renewal application”).³

Sonoma Valley Next 100 and SDC Next 100 have challenged the Department of General Services’ (“DGS”) selection of Eldridge Renewal on the basis that a Specific Plan was required to be prepared prior to selecting a developer for the SDC site.⁴ The complaint filed by Sonoma Valley Next 100 and SDC Next 100 alleges that DGS violated Government Code section 14670.10.5 (“Enabling Legislation”) by submitting the 2023 Eldridge Renewal application (and subsequent submittals) referenced in the NOP. As explained herein, the alternatives considered in the CEQA review process cannot be constrained by the content of the Eldridge Renewal application. The specific statute of the Enabling Legislation and its policy goals of open space and resource

¹ Pub. Resources Code, § 21000 et seq.

² Available at:
<https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/Sonoma%20Developmental%20Center/SIGNED-SDC-Eldridge-NOP-20250826.pdf>.

³ Gov. Code, § 65589.5, subd. (d).

⁴ *Sonoma Valley Next 100 and SDC Next 100 v. California Department of General Services*, Case No. 25CV00322 (filed January 14, 2025).

preservation take precedence over Government Code section 65589.5, subdivision (d), and the County must develop and consider a range of alternatives in the Draft Environmental Impact Report (“Draft EIR”) that reduces the project’s potentially significant impacts on historical resources, open space and other resources.

I. The Eldridge Renewal Application Cannot Constrain Consideration of Project Alternatives in the Draft EIR

The overarching purpose of CEQA is to reduce the environmental damage caused by projects by identifying the significant effects of proposed projects and the feasible alternatives or mitigation measures that may avoid or substantially lessen such significant effects. (Pub. Resources Code, § 21002; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 403 [purpose of alternatives analysis is to reduce significant impacts].) Alternatives must offer substantial environmental advantages over the project proposal. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566 [*Citizens of Goleta*].)

To the extent that the County intends (as indicated in the NOP) for the Eldridge Renewal application to shape, curtail, or limit the project design and the alternatives that will be considered, that would violate the requirements of CEQA to develop and consider alternatives to reduce the environmental consequences of the project under review. CEQA requires inclusion of a reasonable range of alternatives in the Draft EIR, notwithstanding Government Code section 65589.5. (Cal. Code Regs., tit. 14, § 15000 et seq. [“CEQA Guidelines”], § 15126.6.) This range includes alternatives compliant with the Enabling Legislation, including those with lower densities that may have a reduced footprint, and alternatives that preserve a higher proportion of historical resources and open space than the Eldridge Renewal application.

The NOP indicates that the County may be improperly constraining alternatives based upon the density and development scheme imposed by the applicant, including consideration of alternatives that could reduce impacts on historical resources and open space, among other resources. To the extent that the provisions of Government Code section 65589.5 provide expedited or different timelines than the Enabling Legislation and standard CEQA review, the Enabling Legislation takes precedence over Government Code section 65589.5 because of the specificity of the Enabling Legislation and the rules of statutory construction discussed below.

II. CEQA Requires Lead Agencies to Develop Alternatives That Reduce Significant Effects

CEQA requires that lead agencies consider alternatives at two stages in the EIR process. First, a draft EIR must analyze a range of reasonable alternatives to the project. (CEQA Guidelines, § 15126.6.) Later, when the agency considers whether to approve or carry out the project as proposed, it cannot do so if a feasible alternative would substantially reduce significant effects. (CEQA Guidelines, § 15092, subd. (b)(2)(A).)

To explore ways for a project to meet as many goals as possible while protecting the environment, EIRs thus must evaluate alternatives that accomplish “most,” but not necessarily all, basic objectives. (CEQA Guidelines, § 15126.6, subd. (a); *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353-54.) Alternatives warrant study in the EIR process if they can reduce or avoid impacts and are “potentially feasible.” (CEQA Guidelines, § 15126.6, subds. (a), (c), (f); *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087 [*Watsonville Pilots*].) As to whether an EIR has analyzed an adequate range of reasonable alternatives, “[e]ach case must be evaluated on its facts . . . in light of the statutory purpose.” (*Id.* at 1086, citing *Citizens of Goleta, supra*, 52 Cal.3d at 566.) The nature and scope of the alternatives to be studied are governed by the rule of reason. (CEQA Guidelines, § 15126.6, subd. (a); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1163.)

CEQA defines feasible as: “capable of being accomplished in a successful manner within a reasonable . . . time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code, § 21061.) Feasible alternatives are allowed to “impede to some degree the attainment of the project objectives, or . . . be more costly.” (CEQA Guidelines, § 15126.6, subd. (b).) Finally, an “alternative that is potentially feasible should not be excluded from an EIR simply because it may not further all of the agency’s policy objectives.” (*Watsonville Pilots, supra*, 183 Cal.App.4th at 1087.) Thus, at this early stage in environmental review, it would not be appropriate to constrain consideration of alternatives to those preferred by the applicant. This is especially important because the SDC site itself is a public asset.

III. The Eldridge Renewal Application Would Result in Significant Impacts to Historical Resources and Open Space

The most recent application, consisting of the 4th resubmittal of materials dated February 5, 2025, contains a Historic Preservation Plan and narrative and graphics depicting the overall proposed density of development and preservation approach within

the historic district.⁵ Attached as Exhibit 1 is a screenshot from the Historic Preservation Plan, which depicts a development scheme where **only four existing structures on the SDC site would be adaptively reused**. The narrative for the application states that the project would include 990 residential units, 130,000 square feet of commercial uses, a 150-room and 120,000 square foot hotel, and only 67 acres of parks or open space.⁶

Projects that cause adverse changes to historical resources via demolition result in significant impacts under CEQA. (CEQA Guidelines, § 15064.5, subd. (b)(1).) The proposed demolition of most of the historical resources that contribute to the district and the paucity of open space preservation thus highlights the need to develop and consider CEQA alternatives that would reduce environmental effects, while achieving most of the basic project objectives. (CEQA Guidelines, §§ 15126.6, subds. (a), (c), (f); *Watsonville Pilots, supra*, 183 Cal.App.4th at 1087.)

IV. The Enabling Legislation Specific to the SDC Site Takes Precedence Over Government Code Section 65589.5

The SDC site is subject to special legislation provided in the Enabling Legislation and requires a specific plan to further the statutory goals of natural and historical resources protection. (Gov. Code, § 14670.10.5, subd. (c).) The Enabling Legislation states that “[t]he planning process shall facilitate the disposition of the property by amending the general plan of the county. . .” (Gov. Code, § 14670.10.5, subd. (c)(1).) The Enabling Legislation also states that “[t]he disposition of the property or property interests shall provide for the permanent protection of the open space and natural resources as a public resource to the greatest extent feasible. . .” (Gov. Code, § 14670.10.5, subd. (c)(3).) Additionally, “[i]t is the intent of the Legislature that the lands outside the core developed campus and its related infrastructure be preserved as public parkland and open space.” (Gov. Code, § 14670.10.5, subd. (a)(9).)

The ability of local agencies to disapprove or shape development applications that provide affordable housing is limited under Government Code section 65589.5, subdivision (d) when an application is submitted for development and a valid housing

⁵ County of Sonoma. December 16, 2022. Sonoma Developmental Center Specific Plan, p. 1-4 [the previous but now invalid version of the Specific Plan documented that the SDC site contains a National Register of Historic Places and California Register of Historical Resources eligible district].

⁶ February 4, 2025. Eldridge Renewal Project Description, pp. 2-3. Available at: <https://aca-prod.accela.com/SONOMACO/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=24PLN&capID2=00000&capID3=00203&agencyCode=SONOMACO>.

element is not in effect. This section states that the local agency may only require the applicant to comply with standards, conditions, and policies that would have applied to the project *had the project been proposed on a site with a general plan and zoning classification that allow the density and unit types proposed by the applicant.* (Gov. Code, § 65589.5, subd. (f)(6)(A), italics added.) This section also states that the project shall not be required to apply for, or receive approval of a general plan amendment, specific plan amendment, rezoning, or other legislative approval. (Gov. Code, § 65589.5, subd. (f)(6)(D).) These broad limitations on the ability of local governments to shape qualifying projects are inconsistent with the specific statutory requirements of the Enabling Legislation, which includes policies and goals of natural and historical resource protection. (Gov. Code, § 14670.10.5, subd. (c)(2); Gov. Code, § 65589.5, subd. (f)(6)(A); Gov. Code, § 65589.5, subd. (f)(6)(D).)

Where a specific statute, such as the Enabling Legislation, conflicts with a general statute, the specific statute prevails. (*Lopez v. Sony Electronics, Inc.* (2018) 5 Cal.5th 627, 771-772.) In addition, the more specific statute prevails over later enactments. (*State Dept. of Public Health v. Superior Court* (2015) 60 Cal.4th 940, 960-961 [*State Dept.*] citing *People v. Gilbert* (1969) 1 Cal.3d 475, 479.) *State Dept.* is consistent with and echoes the Maxim of Jurisprudence that “particular expressions qualify those which are general.” (Civ. Code, § 3534.) Accordingly, the Enabling Legislation takes precedence over Government Code section 65899.5, including any recent amendments, because the Enabling Legislation dictates a specific policy and planning process for the SDC site and this conflicts with the limitations placed on local governments to shape applications submitted pursuant to Government Code section 65589.5, subdivision (d).

The NOP explicitly states that “[u]nder State law, the County is restricted in its ability to deny, reduce, or render infeasible the density of the project, even if it conflicts with the General Plan, Specific Plan, or zoning ordinance. However, the project is still subject to the requirements of the California Environmental Quality Act.” (NOP, p. 2.) In addition to CEQA, this statement fails to consider the applicability of the Enabling Legislation, irrespective of the submittal of the SB 330 application.

Allowing the Eldridge Renewal application to determine the nature of future development at the SDC site is unlawful because a specific statute (the Enabling Legislation) takes legal precedence over the limitations in Government Code section 65899.5. The Legislature is assumed to be aware of existing laws and judicial decisions in effect at the time legislation is enacted and to have legislated considering those authorities. (*People v. Overstreet* (1986) 42 Cal.3d 891, 897.) Thus, the Legislature adopted the specific provisions of the Enabling Legislation with an awareness of the general rules in Government Code section 65899.5, and the intent that the Enabling Legislation take precedence over section 65899.5.

The Enabling Legislation governing the SDC contemplates a stepwise planning process whereby DGS and the County *first* prepare a Specific Plan to implement the broad and ambitious policy goals of the Enabling Legislation before considering any development application. (See Gov. Code, § 14670.10.5, subd. (c)(3) [the disposition following the planning process “shall provide for the permanent protection of the open space and natural resources as a public resource to the greatest extent feasible”]; see also Gov. Code, § 14670.10.5, subd. (a)(9) [“[i]t is the intent of the Legislature that the lands outside the core developed campus and its related infrastructure be preserved as public parkland and open space”].) Because the Enabling Legislation takes precedence over Government Code section 65589.5, the County must not allow section 65589.5 or the Eldridge Renewal application to improperly constrain development, public review, and consideration of alternatives.

V. Conclusion

The County should develop a Specific Plan for the SDC site that is not constrained by the Eldridge Renewal application submitted pursuant to Government Code section 65589.5, subdivision (d). Moreover, a reasonable range of alternatives must be considered in the Draft EIR, irrespective of the SB 330 application. The range of alternatives in the Draft EIR must reduce environmental effects, including effects on open space and historical resources. Should you have questions, please do not hesitate to contact my office. Thank you for your attention to this matter.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

Attachment: Exhibit 1, Buildings Proposed to be Adaptively Reused

EXHIBIT 1

BUILDINGS PROPOSED TO BE ADAPTIVELY REUSED

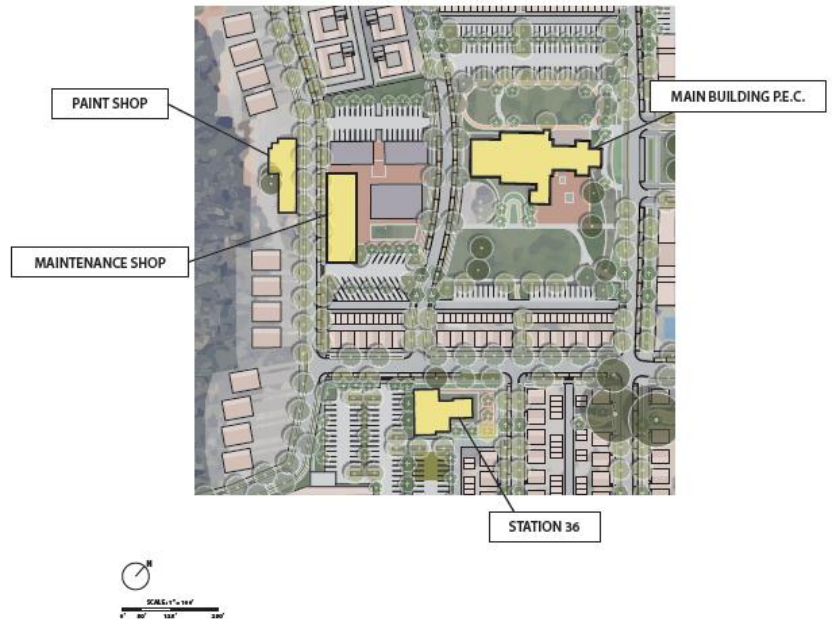
HISTORIC PRESERVATION PLAN

Proposed uses outlined in the "Center for Climate Action + Innovation Business Plan" (02/01/2024)

- Agriculture Resiliency Research Center
- Biodiversity-focused Biotechnology Research Center
- Farm Incubator Education & Events Center
- Biodiversity Research & Education Center
- Wildfire Education & Research Center
- Local Food Hub & Farmers Market
- Farm-to-table Restaurant

Additional Possible Uses

- Maker Space
- Art Studios
- Music Studios
- Co Working
- Classroom/Seminar Spaces
- Professional Offices
- Boutique Retail



Source: Eldridge Renewal. 2025. *Sonoma Developmental Center Historic Preservation Plan*