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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SONOMA**

10
11 Sonoma County Advocates for a Liveable
Environment (SCALE), a California
12 unincorporated association; and Sonoma
County Tomorrow, a California non-profit
13 organization,

14 Petitioners,

15 v.

16 County of Sonoma,

17 Respondent.

Case No. SCV-272539

**RESPONDENT COUNTY OF
SONOMA'S PRELIMINARY RETURN
TO PEREMPTORY WRIT OF
MANDAMUS**

Assigned for All Purposes to the
Hon. Bradford DeMeo, Dept. 17

Action Filed: January 18, 2023

[Exempt from filing fees pursuant to Govt. Code § 6103]

18
19 California Department of General Services
and Does 1 to 10,

20
21 Real Parties in Interest.
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1 **TO THE SUPERIOR COURT OF THE COUNTY OF SONOMA, AND THE**
2 **HONORABLE BRADFORD DeMEO (DEPARTMENT 17), JUDGE PRESIDING:**

3 Respondent County of Sonoma (“County”) hereby make the following Preliminary
4 Return to the Peremptory Writ of Mandamus (“Writ”) issued on October 22, 2024, and
5 served on the County on November 21, 2024.

6 In compliance with Paragraph 2 of the Writ, on December 3, 2024, the Board of
7 Supervisors of the County adopted Resolution No. 24-0501. Resolution No. 24-0501
8 repealed Resolution 22-0555 and decertified the environmental impact report (“EIR”) for
9 the Sonoma Developmental Center (“SDC”) Specific Plan. Resolution No. 24-0501 also
10 repealed Resolution No. 22-0556 and set aside the County’s approvals of the SDC Specific
11 Plan and related General Plan and zoning amendments. A true and correct copy of
12 Resolution No. 24-0501 is attached as Exhibit A.

13 Also on December 3, 2024, the Board of Supervisors of the County adopted
14 Ordinance No. 6499. Ordinance No. 6499 repealed Ordinance 6400, which had amended
15 portions of the Sonoma County Zoning Code related to the SDC Specific Plan. A true and
16 correct copy of Ordinance No. 6499 is attached as Exhibit B.

17 As a result of the Board of Supervisors’ December 3, 2024 adoption of Resolution
18 No. 24-0501 and Ordinance No. 6499, the County has fully complied with Paragraph 2 of
19 the Writ by setting aside and repealing Resolution Nos. 22-0555 and 22-0556, and
20 Ordinance No. 6400, within 90 days of being served with the Writ.

21 This Preliminary Return is being submitted within 105 days of service of the Writ,
22 and “describ[es] actions taken by that date to comply with the Writ.” (Writ, Paragraph 3.)
23 The Preliminary Return thus complies with and satisfies Paragraph 3 of the Writ.

24 Dated: December 17, 2024

RICHARDS, WATSON & GERSHON
A Professional Corporation


25
26 By: 
27 GINETTA L. GIOVINCO
28 Attorneys for Respondent
COUNTY OF SONOMA

EXHIBIT A



County of Sonoma
State of California

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL ON
FILE IN THIS OFFICE

ATTEST: December 3, 2024
M. CHRISTINA RIVERA, Clerk/Secretary
BY *Noelle Francis*

Date: December 3, 2024

Item Number: 52

Resolution Number: 24-0501

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Decertifying the Sonoma Developmental Center Specific Plan Environmental Impact Report
and Setting Aside the Sonoma Developmental Center Specific Plan and Associated General
Plan and Zoning Code Amendments**

Whereas, the Sonoma Developmental Center site (the Property) consists of a developed campus covering approximately 180 acres and approximately 765 acres of agriculture, recreation, and ecologically valuable natural areas adjacent to the Sonoma Valley Regional Park and the Jack London State Historic Park; and

Whereas, in 2018, the State of California officially closed the Sonoma Developmental Center facility. Thereafter, in 2019, the California State Legislature enacted Government Code Section 14670.10.5 (SDC special legislation), outlining the State’s goals and objectives for the ultimate disposition of the Property and authorizing the Director of the State Department of General Services (DGS) to enter into an agreement with Sonoma County to lead an environmental review and planning process, resulting in the preparation of an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) and the development of the proposed Sonoma Developmental Center Specific Plan (SDC Specific Plan) as well as corresponding amendments to the County’s General Plan and zoning ordinance (collectively, the Project); and

Whereas, the Planning Commission held a public hearing on the Project on October 27, 2022, and continued deliberations on November 3rd, 4th, and 7th, 2022, and on November 7, 2022, adopted Resolutions Nos. 20-06 and 20-08 recommending that the Board of Supervisors certify the EIR and approve the Project; and

Whereas, the Board of Supervisors held a public hearing on December 16, 2022, after which the Board of Supervisors adopted Resolution No. 22-0555 certifying the Final EIR and adopting findings pursuant to CEQA and statements of overriding consideration, Resolution No. 22-0556 amending the General Plan, adopting the SDC Specific Plan, and approving zoning code and map amendments, and Ordinance No. 6400 amending the zoning code; and

Whereas, on January 18, 2023, a lawsuit challenging the Project and EIR was filed against the County and DGS as real party in interest alleging noncompliance with CEQA (*Sonoma Community Advocates for a Livable Environment (SCALE) v. County of Sonoma*, Case No. SCV-272539); and

Whereas, following briefing on the merits and after a hearing and argument of counsel on April 26, 2024, the Court confirmed its tentative ruling that the County did not comply with CEQA. The court issued its final judgment, notice of which was served on the County on October 23, 2024, and issued a writ of mandamus on October 22, 2024; and

Whereas, the writ requires the County to void certification of the EIR and set aside all related project approvals within 90 days of service of the writ; and

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma as follows:

1. Resolution No. 22-0555 is hereby repealed and the EIR is decertified.
2. Resolution No. 22-0556 is hereby repealed and approvals of the SDC Specific Plan and related General Plan and zoning amendments are set aside.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin: Aye Coursey: Aye Gore: Aye Hopkins: Aye Rabbitt: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

So Ordered.

EXHIBIT B

ORDINANCE NO. 6499

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, REPEALING ORDINANCE NO. 6400 RELATED TO THE SONOMA DEVELOPMENTAL CENTER SPECIFIC PLAN

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Findings. The findings in Board of Supervisors Resolution No. 24-0501 are incorporated and made a part of this Ordinance.

Section II. Rescission. Ordinance No. 6400 is hereby repealed.

Section III. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and adopted this 3rd day of December 2024, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Coursey: Aye Gore: Aye Hopkins: Aye Rabbitt: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

ATTEST:

M. Christina Rivera
M. Christina Rivera
M. Christina Rivera,
Clerk of the Board of Supervisors

PROOF OF SERVICE

Sonoma Community Advocates for Liveable Environment v. County of Sonoma
Sonoma County Superior Court Case No. SCV-272539

I, Pamela Foley, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within action. My business address is 350 South Grand Avenue, 37th Floor, Los Angeles, California 90071. On December 17, 2024, I served the within document(s) described as:

RESPONDENT COUNTY OF SONOMA'S PRELIMINARY RETURN TO PEREMPTORY WRIT OF MANDAMUS

on the interested parties in this action as stated below:

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California Department of General Services

(BY ELECTRONIC SERVICE) By submitting an electronic version of the document(s) to One Legal, LLC through their user interface at www.onelegal.com. [CCP § 1010.6(a)(C)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 17, 2024, at Los Angeles, California.



Pamela Foley
(pfoley@rwglaw.com)