

Community activists win lawsuit challenging redevelopment plan for SDC

Court rejects environmental study for lack of compliance with CEQA

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By Tracy Salcedo

Prefacing his decision by paraphrasing the “wisdom” of baseball great Yogi Berra — “If we didn’t need CEQA, we wouldn’t have it” — Sonoma County Superior Court Judge Bradford DeMeo rejected the environmental impact report (EIR) for the SDC Specific Plan at the conclusion of an April 26 court hearing on a legal challenge brought against the County of Sonoma by a coalition of community advocacy groups.

The ruling essentially nullifies the SDC Specific Plan and accompanying EIR, which were intended to guide redevelopment of the 180-acre campus of the former Sonoma Developmental Center. Redevelopment of the Glen Ellen site cannot proceed until the county brings the plan and EIR into compliance with the law.



The environmental impact report for the Sonoma Developmental Center (SDC) Specific Plan, approved by the Board of Supervisors in December 2022, was rejected by a Sonoma County court on April 26, sending redevelopment of the campus, back to the drawing board. This campus vista shows industrial buildings, including the old steam power plant, which backs up to wildlands at the base of Orchard Road on the SDC campus. Photo by Tracy Salcedo

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The decision affirms a tentative ruling issued by Judge DeMeo the day before the hearing, calling out a number of provisions in the EIR and Specific Plan as being out of compliance with the California Environmental Quality Act (CEQA).

The “ultimate mandate” of CEQA, the tentative writ explains, is to ensure both the public and governmental entities have “detailed information” accurately describing the environmental impacts of a proposed development project and can make informed decisions that “minimize those effects and choose possible alternatives.” The judge determined the county’s plan fell short of those legal benchmarks on a number of scores. For redevelopment of the site to proceed, county planners must rectify those shortcomings to the satisfaction of the court.

Background in brief

The SDC Specific Plan and EIR were adopted by the Board of Supervisors in December 2022 and permitted construction of 410,000 square feet of commercial space, a resort hotel, and 620 residential units on the campus, with additional housing units allowed under the state’s “density bonus” provisions and via construction of accessory dwelling units (ADUs).

The lawsuit was filed by Sonoma County Tomorrow and Sonoma Community Advocates for a Liveable Environment (SCALE), a coalition of Sonoma Mountain Preservation, Eldridge for All, the Glen Ellen Historical Society, and the Valley of the Moon Alliance, in January 2023, following that approval.

The Specific Plan and EIR were developed under the auspices of legislation enabling a “communitydriven” planning process to proceed in tandem with the state of California’s sale of the surplus property, which encompasses about 945 acres of developed campus and surrounding open space. About 650 acres of that open space was transferred to California State Parks in January. Rogal & Partners and the Grupe Company, known as Eldridge Renewal, were chosen by California’s Department of General Services (DGS), in April 2023, to acquire and redevelop the 180-acre campus.

Eldridge Renewal submitted a redevelopment plan in February, under the auspices of legislation commonly

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to present arguments and answer questions. Those arguments, primarily offered in defense of the county plan by attorney Ginetta Giovinco, centered on the “project description” and the exact number of houses that could ultimately be built on the site; how environmental mitigations protecting wildlife corridors, biological resources, and historic resources would be measured and enforced; consideration of cumulative impacts, such as the Hanna Center development; and reasons why the less-dense Historic Preservation Alternative, identified in county planning documents as the most environmentally sound, was deemed not feasible.

The project description

In briefs, SCALE and SCT maintained the Specific Plan doesn’t provide an accurate “project description,” including “a clear and established project description regarding the number of housing units” that can ultimately be built. Without a firm project description, the petitioners contended the EIR couldn’t reliably determine or mitigate environmental impacts.

Giovinco, in oral arguments, explained that because the Specific Plan is not a “discreet project,” the EIR is intended to serve as an “envelope,” or “framework document.” Though the EIR analyzed impacts of 1,000 dwelling units on the site, Giovinco noted that ultimately, the Board of Supervisors “winnowed” that down to 620 units, not inclusive of density bonuses or ADUs.

In his writ, Judge DeMeo notes that the Specific Plan “essentially states that the housing total is flexible and not set, and at the very least may result in up to 1,210 units.” The county “essentially makes the Petitioner’s point for them” by claiming “the Plan and EIR impose no specific cap on housing units, include only a range of possible buildout numbers, and have no cap or limit.” Without a “clear and established project description,” the county fails to comply with CEQA requirements.

Mitigation measures

To ensure policies intended to protect against environmental impacts, such as protections for the Sonoma Valley Wildlife Corridor, can be enforced, CEQA requires both clear and enforceable mitigations and a mitigation monitoring and reporting program

referred to as “builder’s remedy,” calling for construction of 930 housing units on the campus, as well as commercial development including a resort hotel and a climate innovation center. That plan was subsequently returned by the county’s planning agency, Permit Sonoma, which directed Eldridge Renewal to bring its plan into compliance with the countyapproved Specific Plan.

A day in court

During the April 26 hearing, attorneys for SCALE and SCT, Sonoma County, and the state of California appeared before the court

(MMRP), critical elements that SCALE and SCT maintained were missing from the county’s plan.

While “self-mitigating” plans, which the county developed for the SDC, are possible, Judge DeMeo determined this plan to be out of compliance with the law. “In general, the vast majority of [goals and policies included in the Specific Plan] are vague, open-ended, and devoid of any clear mandatory requirements or performance standards, as CEQA

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continued from page 6 requires for mitigation measures,” the tentative writ states.

With regard to the MMRP, Giovinco argued that the Specific Plan requires a developer adhere to a “checklist” that essentially functions as an equivalent device. The “labeling is different,” Giovinco explained, but the function is the same and “goes beyond CEQA” in certain respects.

Though he did not directly respond to the county’s argument in court beyond asking a clarifying question, in his writ Judge DeMeo held that the lack of a “sufficient MMRP” is in violation of CEQA. “[T]he Plan relies primarily on its own policies as mitigation measures to avoid significant impacts, yet most of these ... are toothless, vague, and lacking in performance standards or an MMRP to ensure implementation,” the judge wrote.

Cumulative impacts

Another point of contention raised by SCALE and SCT concerned the cumulative environmental impacts of developments on both the SDC property and at the Hanna Center, located 2 miles south along Arnold Drive. By neglecting to take into account the pending Hanna project, the petitioners contended that significant environmental impacts on wildfire evacuation, traffic, water, and sewer were inadequately considered in the EIR.

In her remarks, Giovinco said the Hanna project only came to the attention of the Board of Supervisors a month before the December 2022 SDC hearing. While

economic, environmental, social, and technological factors.” He noted that “no data, analysis, fiscal comparisons, or other data [in] the finding on the Preservation Alternative ... is sufficient to show that it is infeasible, and the discussion includes assumptions or assertions which on their face appear arbitrary, groundless, and even in conflict with the evidence in the record.”

He also cited the county’s determination that, despite the cost, the historic Main Building on the campus is identified for rehabilitation and preservation. “Given that this building will be rehabilitated, and that Respondent found it feasible to do so, evidence of its expense cannot be substantial evidence, or even evidence, of the infeasibility of the Preservation Alternative.”

Wildfire evacuation

SCALE and SCT raised a number of concerns about the EIR’s adequacy in the analysis of wildfire impacts, and the judge concurred. For example, while the court couldn’t specifically rule on the validity of the county’s assertion that the addition of up to 3,000 new vehicles in an evacuation scenario would only increase evacuation times by 1.2 minutes, Judge DeMeo wrote that the Specific Plan and EIR contain “no information or explanation as to the basis for the travel times provided, or how the analysis calculated the travel times. ... [I]t is not possible for the court, the public, or, most importantly, [county] decisionmakers to understand how the travel-time numbers were in fact reached. The EIR therefore fails as an informative document.”

the Hanna project “might have been anticipated,” it was “not cooked enough or developed enough” to be considered in an analysis of cumulative impacts, she said.

Brandt-Hawley pushed back on the timing, noting that the Hanna project “didn’t just appear” in November 2022, but that, as part of the county’s state-mandated housing element, was a known entity and had been in process for some time. “It’s a very compelling and important issue that should have been addressed,” she said.

The judge was not swayed by the county’s argument, noting in the tentative writ, “The court finds that the EIR should have considered the cumulative impacts related to the Hanna Project.”

The Historical Preservation Alternative

In the process of developing the EIR, the county was required by law to analyze the environmental impacts of three alternative development plans. One of those plans, dubbed the Historical Preservation Alternative, called for less dense development, including a reduction in the number of housing units to 450.

While the county identified the Historical Preservation Alternative as environmentally preferable, it deemed the plan infeasible based primarily on economics.

“Feasible,” the judge noted in the tentative writ, citing the California Public Resources code, “means able to be ‘accomplished in a successful manner within a reasonable period ... taking into account

The court also called out the lack of analysis of a wildfire approaching the SDC campus from the west, over Sonoma Mountain. Judge DeMeo notes that while the county contends such a wildfire scenario is “less likely” than a fire approaching from the east, nothing in the record “indicates that it could possibly be valid to avoid analyzing a scenario solely because it might not be as likely ... Once again, the EIR fails as an informative document in this regard.”

Moving forward

Because the ruling essentially voids the existing EIR and Specific Plan, a new EIR and plan that satisfy the requirements of CEQA must be developed by the county, approved by the Board of Supervisors, and then certified by the court before redevelopment of the SDC can proceed.

The county can also appeal Judge DeMeo’s decision. Because the ruling was handed down so close to deadline, the Kenwood Press was unable to gather comment from the county, the DGS, the potential developer, or the community on what it means specifically for the redevelopment of the former SDC campus.

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