

What's next for development project?

Board vote to nullify environmental review of SDC seen as win for opponents, but concerns remain



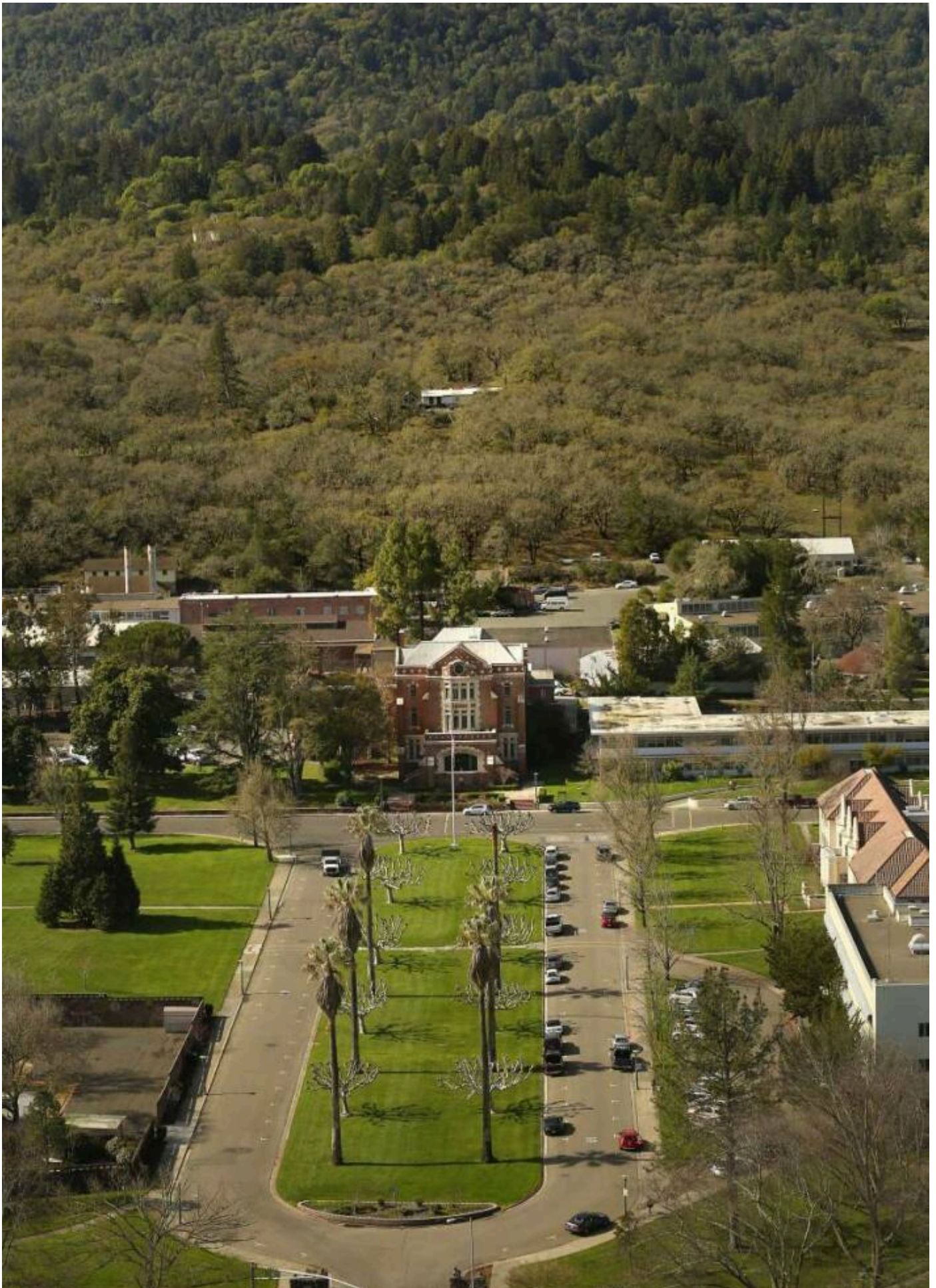
The Press Democrat



Undeveloped land encompasses the hills behind Sonoma Developmental Center in Eldridge. (Alvin Jornada / The Press Democrat file)



Robbi Pengelly / Sonoma Index-Tribune





The Sonoma Developmental Center in Eldridge in 2014. (The Press Democrat file)

BY PHIL BARBER THE PRESS DEMOCRAT

When Susan Gorin decided to run for a third term as the 1st District representative to the Sonoma County Board of Supervisors four years ago, the top item on her agenda was redevelopment of the Sonoma Developmental Center.

The 133-year-old former state health care institution, nestled against the western hills of Sonoma Valley, offered potential for housing, commerce, public gathering space and vocational training, all in a setting that blended historic architecture and natural splendor.

Now, after a vote by the board this week to decertify the environmental impact report and zoning amendments adopted to steer the project, Gorin is facing a cold reality. When she leaves office Jan. 6, the long-awaited renewal of the 180-acre core campus will be nowhere close to breaking ground.

Her disappointment is clear.

“I worked with the community for years on this,” Gorin told The Press Democrat. “To a person, everyone felt their concerns were not addressed, even in the approved plan. They submitted comment after comment, pages long in many cases. And little of it was absorbed.”

The perceived lack of engagement sparked a lawsuit filed by a coalition of frustrated Sonoma Valley community groups. That was followed by an order from Superior Court Judge Bradford DeMeo that all but forced the county to decertify the document, which in turn was followed by the supervisors’ begrudging vote.

The nullification of the environmental review is seen as a victory for the community advocates who had criticized the 2,500-page document since its publication in October 2022, framing it as dismissive of their safety needs, particularly with regard to wildfire evacuations.

But some of those advocates still harbor serious concerns. That is because in addition to its other actions Tuesday, the board of supervisors repealed the “specific plan” that had been crafted to guide the project.

“We wanted them to keep the specific plan,” explained Alice Horowitz, Glen Ellen resident and member of the steering committee for Sonoma Community Advocates for a Livable Environment, one of the groups that filed the lawsuit. “But they hoodwinked us. They decertified the EIR, and they set aside the specific planning document it was based on.”

Most large, government-supported building ventures start with a specific plan — a broad outline of the project’s development policies.

Without that guiding document, Horowitz fears, the county will simply defer to the wishes of Keith Rogal, the Napa-based developer tapped by the state, which still owns the SDC property, to handle its reinvention.

One thing is certain. The decertifications will extend the timeline for creating a shovel-ready project, perhaps by a year or more.

And they call into question the \$1.77 million the county paid Dyett & Bhatia, an Oakland-based urban planning firm, for work that included preparation of the specific plan and environmental impact report, or EIR.

“I’m not a CEQA expert, so I can’t reliably comment on the adequacy of the EIR,” Gorin said, referring to the California Environmental Quality Act, which compels such reviews. “But the comment it used over and over of ‘self-mitigation’ had me really scratching my head.

“There are going to be significant impacts on roads, water, fire evacuations. What does self-mitigating mean?”

Tennis Wick — director of Permit Sonoma, the county’s planning and code enforcement department — insisted the money and effort that went into publishing those documents weren’t wasted.

“It’s important to remind ourselves that all but 180 acres of the property are now under California State Parks or Cal Fire ownership, and are protected,” Wick said. “That is a major success, in and of itself. And there are remaining

lands within the 180 acres that will also be preserved. For example, two streams and their riparian corridors.”

Producing a new EIR that meets legal standards will be “primarily a technical exercise,” Wick said. “We will not be starting the entire process over again.”

The county has \$700,000 to apply to that effort — the remains of a \$3 million grant the state contributed to help produce a development plan.

But there are concerns about that money. Supervisor James Gore told The Press Democrat he talked to a high-level government official last week who told him the state may ask for reimbursement of the other \$2.3 million — funds that have already been spent — based on the county’s failure to hit deadlines. Gore declined to name the source.

Rogal, who is partnering with the Grupe company to redevelop SDC under the banner Eldridge Renewal, agreed that the existing documents need only some reworking. And he said he has no desire to cast aside the county’s specific plan.

That’s one of the big questions moving forward, because of something called “the Builder’s Remedy,” which is part of the 1990 state Housing Accountability Act. It allows developers to skirt or supersede local zoning and planning regulations, and to boost the number of housing units, when a jurisdiction’s housing element is out of compliance with state law.

Housing element refers to a plan required by the state that analyzes a community's housing needs and offers strategies for reaching them.

When Rogal’s team submitted its first proposal for SDC, Sonoma County was out of compliance. “We deserve some brickbats for not moving forward more quickly on our housing element,” Gorin acknowledged.

The county has since moved into compliance. But it came too late to prevent Rogal from invoking the remedy for SDC.

The Builder’s Remedy has been around for nearly 25 years, but it wasn’t used in practice much until the past few years. It is legally untested in many ways. And the community groups advocating for a smaller project at SDC believe it can be challenged here.

The Sierra Club is among those groups.

“We urge the county to reject the Builder’s Remedy as the solution for the historic campus at SDC,” the organization said in a statement after the

supervisors' vote Tuesday. "The Eldridge Renewal proposed project does not meet the requirements for a Builder's Remedy project."

Horowitz, the Glen Ellen activist, said she believes health and safety concerns could be used to override the remedy based on legal advice she's received.

"At the end of the day, who's in the driver's seat?" she asked. "A developer seeking to maximize profit? Or the board of supervisors, which is obligated to take public safety into account?"

Attorneys in the county counsel's office, led by Deputy County Counsel Sita Kuteira, examined those issues and concluded Rogal likely does qualify for the Builder's Remedy, and therefore the county has no standing to insist he follow its specific plan at SDC.

The developers will still need a valid environmental impact report to proceed. But Horowitz, citing the county's acquiescence in Rogal's plan, isn't convinced it will be a useful tool for slow-growth proponents.

"Even if the revised EIR finds all these impacts, will anybody enforce it and actually say, 'You can't do this?'" Horowitz said.

Rogal agreed that the remedy gives him power to ignore the specific plan, but emphasized that he has no intent to abandon the outline of the document.

"The goal is to create a project that's a point of pride," Rogal said. "And to serve the larger community. But there's a framework in which this was done. To the extent there are updates, I think they'll be very modest."

He didn't sound overly concerned with the delay.

"It's affected the timing, I suppose," Rogal said. "But there's always something that affects timing in this business."

In this case, it isn't just the upending of the environmental study. The builder has yet to submit an approved development plan.

On Nov. 7, Permit Sonoma sent a letter to Rogal informing him that his application was incomplete. It was the second version he had submitted.

Among other items, the county asked for updated breakdowns of affordability levels applied to specific types of housing; a comprehensive design booklet including architectural diagrams, landscaping and exterior lighting; and an explanation of which water and sewage services will be used.

Gorin characterized the absence of an approved application as “disappointing.” But Rogal and Wick both described the back-and-forth as typical. Rogal called it “a customary process” for large projects.

He has until Feb. 7 to submit his third attempt.

If and when Permit Sonoma accepts an application, Rogal said, he will engage with the community on the development plan — something Gorin chastised him for failing to do up until now.

Rogal’s preferred proposal calls for around 1,000 units of housing, with 20% of the dwellings sold for below market rate, and a mix of single- and multifamily structures. His critics had originally hoped for a project of fewer than 500 units and had largely come to accept an early county-accepted plan for 620.

They still believe evacuation routes out of the SDC campus haven’t been properly studied. In fact, led by the Valley of the Moon Alliance, community members raised money for a detailed evacuation study. That study, prepared by KLD Associates — a transportation safety consulting firm that did a similar report for the Oakmont community — was turned in, but is currently undergoing revisions.

Horowitz expects it to be published in January.

Wick acknowledged the complexity of the site, as reflected in DeMeo’s ruling

“I think it has laid bare the challenge of balancing density with site cost,” Wick said. “That’s the tension going on here. To get a clean site will be over \$100 million (in mitigations). It’s how to find the right balance of appropriate density that can carry that cost, and yet not impose the evacuation challenges and mobility challenges that we struggled with in the plan, and are struggling with in Mr. Rogal’s application.”

Despite Judge DeMeo’s skepticism over the 1,000-unit plan in his ruling on the EIR, Rogal has no plans to downsize.

“Mitigations will be identified. But it’s not our intention to reduce the unit count,” he said. “I understand why that’s of interest to some people. But to others who don’t have housing, or want to upgrade their housing, they’d like to see more. And I think the State of California feels pretty strongly about it.”

They do.

As this drama plays out locally, Sacramento is the looming silent partner. The Department of General Services received \$43.7 million in fiscal year 2019-20 to maintain the SDC campus for three years, and is now feeling urgency to sell the property. After reviewing several applications, the state selected Rogal's team as the developer.

"As the county was delayed in the execution of the Specific Plan, and now the need to subsequently revise that Plan, we have had to be very efficient with the funding," Fallon Okwuosa, assistant deputy director for the California Department of General Services, said in an email. "It costs approximately \$610,000/month over 65 months to maintain the campus and for decommissioning."

Still, asked whether the recent legal setback threatens Sonoma County's ability to partner in forming a plan for the site, she said, "Not at all."

If the recent decisions by the board of supervisors were sparked by a lawsuit, it might not be the last one aimed at SDC redevelopment. At the Tuesday meeting, board chair David Rabbitt talked about future legal fights as almost an inevitability.

Horowitz feels similarly.

"The community is saying we know what we're talking about. We're willing to work with you. Let's come up a plan people we can live with," she said. "There just doesn't appear to be any willingness on their part to do that. So it's looking like people will have to challenge things all over again."

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