



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 12/3/2024

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Tennis Wick, (707) 565-1925

Vote Requirement: Majority

Supervisorial District(s): First

Title:

Decertification of the Sonoma Developmental Center Specific Plan Environmental Report and Setting Aside and Abandoning the Sonoma Developmental Center Specific Plan.

Recommended Action:

1. Adopt a Resolution:
 - a. Repealing Resolution No. 22-0555 and decertifying the Sonoma Developmental Center Specific Plan Environmental Impact Report, and
 - b. Repealing Resolution No. 22-0556 and Setting Aside the Sonoma Developmental Center Specific Plan and Associated General Plan and Zoning Code Amendments, and
 - c. Abandoning the Sonoma Developmental Center Specific Plan comprehensive planning initiative.
2. Adopt an Ordinance repealing Ordinance 6400 that amended portions of Chapter 26 of the Sonoma County Code related to the SDC Specific Plan and rezoned lands subject to the SDC Specific Plan.

Executive Summary:

After the Board adopted the Sonoma Developmental Center (SDC) Specific Plan and certified the Environmental Impact Report (EIR) on December 16, 2022, a lawsuit was filed on January 18, 2023, by Sonoma Community Advocates for a Livable Environment (SCALE) against the County and the State Department of General Services (DGS). The lawsuit alleged that the Specific Plan and EIR failed to comply with the California Environmental Quality Act (CEQA). On April 26, 2024, after a briefing and hearing, the Court affirmed its tentative ruling that the County had violated 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.

Separately, in August 2023, a preliminary application was submitted for a major subdivision and housing development project at SDC, followed by a formal development application. Under the State Housing Accountability Act, the County is restricted in its ability to deny, make infeasible, or reduce the density of the development project, even if it is inconsistent with the General Plan, the SDC Specific Plan, or zoning; and the project would not be subject to any new or revised plans or policies adopted after the preliminary application was submitted. The writ requires the County to set aside its actions to certify the EIR and adopt the SDC Specific Plan. In addition, further litigation concerning the SDC Specific Plan and EIR is not in the County's best interest and does not support the policy goals of the SDC special legislation. Therefore, staff recommends decertifying the EIR and setting aside related project approvals as required by the writ and abandoning the County-led SDC Specific Plan and EIR that would avoid potential further litigation regarding a revised EIR and readopted SDC Specific Plan.

Discussion:

The Sonoma Developmental Center (SDC) site, consisting of approximately 180 acres of developed campus and around 765 acres of agricultural, recreational, and ecologically valuable natural areas, is located near the Sonoma Valley Regional Park and Jack London State Historic Park. In 2018, the State of California officially closed the facility, and the following year, the State legislature passed special legislation to outline the goals for the future use of the property. This legislation authorized the Director of the State Department of General Services (DGS) to collaborate with Sonoma County to lead an environmental review and planning process, resulting in an Environmental Impact Report (EIR) and the development of the SDC Specific Plan, as well as amendments to the County's General Plan and zoning ordinance.

In late 2022, the Planning Commission and Board of Supervisors held public hearings on the SDC Specific Plan and EIR. The Planning Commission recommended certifying the EIR and adoption of the SDC Specific Plan, and on December 16, 2022, the Board of Supervisors certified the Final EIR, adopted the SDC Specific Plan, and amended the General Plan and zoning code.

In January 2023, a lawsuit was filed against the County and DGS, alleging noncompliance with the California Environmental Quality Act (CEQA). After a court hearing in April 2024, the court ruled that the County had not complied with CEQA. The court subsequently 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. The writ requires the County to void certification of the EIR and set aside all related SDC Specific Plan approvals within 90 days of service of the writ. Following service of the writ, the County's options are to: (1) appeal the superior court decision and seek reversal from the appellate court; (2) revise the SDC Specific Plan and EIR in accordance with the writ and judgment; or (3) abandon the county-led legislative planning effort meaning it would not revise the SDC Specific Plan or EIR (which would not be in effect and could not be relied on for future approvals) and seek to end the current litigation.

In August 2023, Eldridge Renewal, LLC submitted a preliminary development application under Government Code § 65941.1 (known as Senate Bill 330 or the Housing Crisis Act) for a major subdivision and housing development project within the 180-acre core campus, which vested the project's right to only be subject to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted (Government Code § 65589.5(o)). Because the County did not have a compliant Housing Element at the time that the project's preliminary application was deemed submitted, the project is granted protection from denial based on zoning, specific plan, or general plan inconsistency under Section 65589.5(d) of the State Housing Accountability Act (HAA), a provision known as "the builder's remedy." Under the HAA, the County is restricted in its ability to deny, make infeasible, or reduce the density of the project, even if it conflicts with the General Plan or an adopted Specific Plan. The project would further not be subject to any revisions to the SDC Specific Plan because of the vested rights granted by the preliminary application submittal. Therefore, staff's recommended County actions regarding the SDC Specific Plan are not relevant to processing the development project application.

A goal of the SDC special legislation was for the planning process to "facilitate the disposition of the property by amending the general plan of the county and any appropriate zoning ordinances, completing any environmental review, and addressing the economic feasibility of future development[,] . . . provide for the

expeditious planning of future land uses for the site and an opportunity for community input, with the intent to reduce uncertainty, increase land values, expedite marketing, and maximize interested third-party potential purchasers . . .” and to prioritize housing. (Cal. Gov. Code § 14670.10.5.) The legislation also stated the legislature’s intent that lands outside the core developed campus and its related infrastructure be preserved as parkland and open space. The County underwent a robust planning process, engaged the community, developed economic feasibility reports, underwent environmental review, and prepared a specific plan that would achieve the goals of the legislation. While the legislation was intended to facilitate preparation of a specific plan, it did not compel its adoption, with primary end goal being to facilitate disposition. Further, on January 1, 2024, the transfer of approximately 650 acres of open space to California State Parks was finalized. This new addition to State Parks ensures protection under their mission, with management plans already underway to safeguard and enhance the property.

Even without revising and potentially readopting the SDC Specific Plan, the goals of the legislation have been furthered by the prior community engagement and planning work and will continue through ongoing protection of the open space. In addition, the SDC Specific Plan is not necessary for continued processing of the pending development application because it is not required to rely on or be consistent with the General Plan, specific plan, or zoning amendments. Thus, staff recommends decertifying the EIR and setting aside related project approvals as required by the writ and abandoning the County-led SDC Specific Plan and EIR that would avoid potential further litigation regarding a revised EIR and readopted SDC Specific Plan.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

- April 5, 2019 - the Board authorized the preparation of the Specific Plan effort.
- December 17, 2019 - the Board authorized the contract with DGS to fund the Specific Plan and EIR effort.
- December 16, 2022 - the Board adopted the SDC Specific Plan and EIR.
- July 23, 2024- The Board authorized a return of \$512,100 from the County’s Sonoma Developmental Center Special Revenue Fund to the State Department of General Services.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

There are no fiscal impacts associated with today’s action.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: Draft Resolution of the Board of Supervisors Decertifying EIR, Setting Aside SDC Approvals, and

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Abandoning the SDC Planning Effort

Attachment 2: Draft Ordinance for Sonoma Developmental Center Specific Plan Zoning Amendments

Related Items “On File” with the Clerk of the Board:

N/A