



SONOMA GROUP OF THE  
REDWOOD CHAPTER  
P.O. Box 466  
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[sierraclub.org/redwood/sonoma](http://sierraclub.org/redwood/sonoma)

December 14, 2022

Sonoma County Board of Supervisors  
575 Administration Drive  
Santa Rosa, CA 95401

Via Email

**SUBJECT: Sonoma Developmental Center Final Environmental Impact Report is Inadequate –  
Revise Plan to Analyze All Impacts of the Historic Preservation Alternative, Identify  
Adequately Specific and Enforceable Mitigations, and Recirculate DEIR**

Dear Supervisors:

The Sierra Club Sonoma Group (Sierra Club) provides these comments relating to proposed amendments to the County of Sonoma's ("County's") General Plan 2020 (General Plan), and a pending Final Environmental Impact Report ("FEIR") for an as yet unfinalized draft of the Sonoma Developmental Center Specific Plan ("Specific Plan" or "Project"). We make these comments under the California Environmental Quality Act (Pub. Resources Code §21000 et seq., or "CEQA") and CEQA's implementing Guidelines (Cal. Code Regs., tit. 14, §15000 et seq., or "Guidelines"), concerning the transfer and disposition of the Sonoma Developmental Center ("SDC") property under Government ("Gov't") Code §14670.10.5.

The governing statute recognizes that the SDC property is "composed of a developed campus covering approximately 180 acres and approximately 700 acres of open space adjacent to the Sonoma Valley Regional Park and the Jack London State Historic Park," that the property includes "exceptional open-space, natural resources, and wildlife habitat," and expressly provides that "[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't Code §14670.10.5(a)(1), (7) & (9). The statute further provides that the "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 and shall be upon terms and conditions the director deems to be in the best interests of the state," and expressly recognizes "the need for conservation of water resources to preserve or enhance habitat, fish and wildlife resources" in evaluating proposed uses of the property. Gov't Code §14670.10.5(c)(3) & (5).

With this in mind, and as set forth below, the Sierra Club requests that you NOT adopt the Specific Plan in its current and widely unpopular form. Instead we urge you to select the far more politically feasible – and thereby legally, financially, and cumulatively feasible – Historic Preservation Alternative, subsequent to the recirculation of a revised DEIR that contains sufficiently specific and enforceable mitigations for all its potentially significant environmental impacts. If you do this, we are prepared to support you in this effort to welcome one or more new development partners to SDC, and reunite the Sonoma Valley community behind a more workable and reasonably scaled development plan.



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However, we are very concerned that the size and scope of the Sonoma Developmental Center Specific Plan, as drafted is inconsistent with longstanding county land use policies for city-center growth and protection of rural and open space lands. Alongside our many community partners and technical experts, we urge you to:

1. Significantly scale back the size and scope of the proposed Sonoma Developmental Center Specific Plan to fewer than 450 residential units by adopting the Historic Preservation Alternative, removing the hotel, and reducing or eliminating the commercial elements – while requiring phasing of the development.
2. Incorporate specific timelines and actions into the Specific Plan and FEIR to provide for the immediate and permanent protection of the 745 acres of open space and transfer to county open space district and state and regional parks.
3. Revise the Final Environmental Impact Report to include adequate identification, analysis and mitigation of environmental impacts to meet the California Environmental Quality Act – as it is currently inadequate to meet CEQA on multiple issues including wildfire evacuation, biological resources, and climate change (VMTs and GHGs).
4. Require project specific EIRs for all major development projects at SDC, including any proposed new hotel or connector road.
5. Delay action on the associated General Plan Amendment and Zoning changes until 1 through 4 are completed.
6. Commit to developing a Community Benefits Agreement governing any significant commercial development of the SDC historic campus in the Specific Plan.
7. Commit to supporting and helping implement a Special (Community Benefits) District to ensure that the entire SDC lands remain in public hands to fulfill the mandate of Gov't Code §14670.10.5.

We provide these additional specific comments on the proposed General Plan amendments and FEIR below.

### **General Plan Consistency**

Under California Law, specific plans are subordinate to and must remain consistent with a jurisdiction's existing and legally enforceable general plan. However, the document titled, "Sonoma Developmental Center Specific Plan - General Plan Consistency" (Sept 26, 2022) fails to adequately identify any actually completed and publicly accessible documents upon which to rely for this claimed "consistency". At page 2 this document is internally inconsistent on its face. Bullet one uses the present tense to state, erroneously, that the "Proposed Specific Plan goals and policies are consistent with the Sonoma County General Plan"; however Bullet 2 immediately contradicts this statement by changing to the future tense and admitting that "Two General Plan amendments will be needed" to achieve such consistency. At no



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point in time can both of these statements simultaneously be true, regardless in which order the Board of Supervisors may choose to approve any new amendments to its existing land use plans and policies.

This becomes especially problematic when at page 4 the "new Land Use Element policy" (proposed by staff for addition to General Plan 2020) cites a "Sonoma Developmental Center Specific Plan" which, as of this late date, still does not yet exist, and has never before been published in a final format suitable for public review. This is confirmed at page 5 when this document provides the following instruction to the public: "For more details, see draft Specific Plan Chapter 4 (Land Use) and Chapter 5 (Community Design)\*". This confirms that Permit Sonoma staff is acknowledging that no final version of the Specific Plan has yet been published upon which General Plan 2020 can rely to effectuate this new element.

In a published opinion filed October 26, 2022, the Second District Court of Appeal (Div. 6) appears to have significantly expanded the reach of both the Brown Act and the procedural requirements of CEQA *G.I. Industries v. City of Thousand Oaks, et al (Arakelian Enterprises, Inc., Real Party In Interest) (2022)* Cal.App.5th.

Under the Brown Act, unless the SDC Specific Plan has been completed in its final form and adequately noticed, the Board of Supervisors cannot legally add an element into General Plan 2020 that references a document that does not in fact exist. This indicates that General Plan consistency has in fact not been taken seriously by County staff throughout this long process, despite repeated efforts by members of the public to draw attention to this crucial legal requirement.

### **Inadequate Building Fire Code**

We concur with the concerns of the Sonoma Valley Fire District (FEIR comment A2-6) that the default building and fire codes the County intends to require are inadequate to protect the lives and property of SDC and surrounding Sonoma Valley residents. Therefore we urge you to adopt SVFD's request to enhance fire codes at SDC:

"SVFD recommends that all new construction including the retrofitting of existing structures utilize construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including but not limited to the following: California Building Code, Chapter 7A, California Residential Code, Section R337, California Referenced Standards Code, Chapter 12-7A. In addition to the modifications to the construction standards the SVFD recommends requiring Fire Protection Plans in compliance with the Sonoma County Fire Code Section 13-59.5 for all development located within the SDC Specific Plan area."

In particular, recent building code exemptions (e.g., for agricultural and other buildings) approved countywide should not be authorized for any buildings to be constructed under the SDC Specific Plan.



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### **Inadequate VMT Analysis and Mitigation of Significant VMT Impacts**

At page 2-15, the FEIR states:

"Policies in the Specific Plan are designed to reduce VMT in the Planning Area through required TDM reductions, establishment of a TMA to oversee VMT reduction strategies and programs, multi-modal transportation improvements, and parking-related demand management strategies." However, this purportedly "self-mitigating" Specific Plan fails to make any of these common sense mitigation measures sufficiently detailed and binding. As a result, the FEIR admits (p. 2-15) "... their effectiveness cannot be accurately estimated since performance would vary... [and] The effectiveness of the required 15 percent reduction in development project VMT also cannot be guaranteed".

Again at page 2-15, the FEIR states: "There are no other feasible mitigation measures available at this time. Impacts would be significant and unavoidable."

At page 2-17, the FEIR states that the connector road to Highway 12 "is estimated to result in 2.6 million additional VMT per year, or approximately 7,120 daily VMT". Yet the FEIR makes no attempt to claim that the elimination of this element of the plan is infeasible, stating that if it is "not constructed, the induced VMT impacts of the Project would be reduced". Therefore, the FEIR is inadequate in that it has failed to demonstrate why elimination or closure of this new road should not be treated as any other feasible mitigation alternative. The Board of Supervisors should direct that the Specific Plan be revised to state clearly that if the TMA fails to implement TDM strategies sufficient to reduce VMT by 15%, this connector road will be closed to regular vehicular traffic (except in the event of a declared emergency evacuation).

Because the traffic analysis claimed to be relied upon for the VMT analysis ("W-Trans, August 2022") was never provided in the DEIR (as highlighted in multiple direct requests to Mr. Oh in public forums) we did not have the opportunity to review the assumptions it contained prior to the expiration of the DEIR comment period. For this reason, we request that the DEIR be revised and recirculated to the public allowing sufficient time to consider the actual technical methods and conclusions the County has relied upon to reach its VMT-related findings.

We concur with the observations of Griffin Cove Transportation Consulting (GCTC, at page 329, comment B11-247) which performed an independent analysis of the Proposed Project's potential to generate vehicle trips and VMT, and concluded that "the number of vehicle trips is 2.14 – 2.49 times greater than the value considered in the DEIR". GCTC further states, "Although the DEIR has already concluded that the Project's VMT impact will be significant and unavoidable, it has failed to accurately portray the magnitude of that impact. This is a serious deficiency in the DEIR, which suggests a need to reevaluate the Project's impact and recirculate the DEIR for further public review." Again, we concur.

Because the FEIR leaves so much uncertainty regarding the implementation of the Specific Plan's VMT reduction measures, this simultaneously raises and yet fails to resolve controversies that must be expected to occur in the future. The lack of information in the record to support the FEIR's factual conclusion that the Specific Plan will "conservatively" not achieve the stated reduction targets is an



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urgent concern that must be resolved before the Board of Supervisors can, without abusing their discretion, certify a programmatic EIR.

When a Lead Agency fails to exercise its discretion to produce a programmatic EIR that can support its intended streamlining function, then under CEQA the matter is ripe for a court's consideration. If the adoption of the Specific Plan and certification of the FEIR are allowed to proceed with current lack of specificity provided, there will be no opportunity in the future for further legal controversy. Future projects will have the right to streamline their VMT impacts in excess of the goal of a 22% reduction in Vehicle Miles Traveled by 2030 for the County of Sonoma and by 2045 for the State of California (and significant GHG emissions) by simply relying on the cursory analysis provided in the current Specific Plan and EIR. No party will have the right to challenge the informational inadequacies of the Plan's VMT reduction measures at that time. The issue is therefore ripe now.

Numerous instances of conditional language (e.g., "consider") included throughout the Specific Plan VMT reduction policies are non-binding in their effects and therefore do not constitute "feasible" mitigation as required under CEQA. Therefore in its draft form, the Specific Plan fails accomplish its primary task to provide streamlining for future development.

To remedy these failures, the Specific Plan should be revised and recirculated to fully analyze and require the following mitigation measures which have been deemed by other third-parties to be entirely feasible, and should be therefore presumed to be feasible, unless and until substantial evidence has been published in an EIR to demonstrate their specific infeasibility at SDC:

- Restricted Private Vehicle Ownership (e.g., in all "agrihood" dwellings east of Arnold Drive). The Specific Plan already restricts the rights of gardeners to use certain "pesticides, rodenticides, and poisons" (p.1-4). A similar restriction on private vehicle ownership (accompanied by a robust car sharing service) is entirely feasible, as described and recommended by the World Economic Forum (July 3, 2022): <https://www.weforum.org/agenda/2022/07/3-circular-approaches-to-reduce-demand-for-critical-minerals/>
- Other feasible mitigations to reduce private car usage are described in a recent meta-analysis by Kuss, P. and K. Nicholas 2022: <https://www.sciencedirect.com/science/article/pii/S2213624X22000281>
- Streets serving the SDC Community shall be designed for speeds of 15 MPH or less, with sidewalks and bike-lanes that invite people to engage in healthy, active transportation.
- Arnold Drive shall be re-constructed to accommodate speeds of less than 30 MPH between Glen Ellen and the City of Sonoma, together with Class 4 bike lanes, and there shall be a 30 MPH speed limit.
- Sonoma Transit shall provide shuttle bus service between the City of Sonoma, Eldridge, and Glen Ellen, with 5-minute headways during peak hours, and 10-minute headways at other times. The transit vehicles shall accommodate all riders with bikes, scooters, etc.



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- Each group of approximately 20 living units at SDC shall be designed to accommodate the following modes of transportation:
  - Approximately 20 electric golf-cart-size vehicles with a range of about 10-miles per recharge.
  - 20 to 40 electric-cycles, scooters, skate-boards, etc., with a range of 5 to 15-miles per recharge.
  - Two shared, standard electric vehicles or vans, with ranges up to 300 miles.
  - There shall be no more than five parking places for private motor vehicles, and they shall be leased at prices according to demand.
- Secure and convenient bike-racks shall be provided at every office and commercial area.
- All public parking spaces in the Sonoma Valley shall be metered, and priced at rates that encourage the use of active transportation.

Finally, before reaching the premature conclusion (FEIR 2-15) that, “no other feasible mitigation measures available at this time”, the revised EIR should adequately document and explain why the numerous feasible opportunities for VMT reduction and GHG mitigation contained in the following published plans are found, with substantial evidence, to be specifically infeasible at SDC:

- County’s own Vision Zero Action Plan
- County’s own Comprehensive Transportation Plan
- County’s own Transit Integration and Efficiency Study
- County’s own Climate Mobilization Strategy
- County’s own Climate Emergency Mobilization Strategy Framework
- MTC/ABAG’s Plan Bay Area 2050, including the “more than 80 specific actions” for feasible VMT reduction and GHG mitigation contained therein.

### **Conditions of Approval**

The Conditions of Approval in the Specific Plan fail to protect the lands, environment and community from significant environmental impacts, and most are not requirements and so are unenforceable. Please refer to our comments above and the comments by multiple organizations and individuals in the public record that spell out the many additional problems with the Conditions of Approval and FEIR.



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For these reasons, the Sierra Club Sonoma Group recommends that you vote to NOT certify the Final EIR. Thank you in advance for your votes. Please feel free to contact me if you have any questions, at [sjohnson@sonoma.edu](mailto:sjohnson@sonoma.edu) or 707-206-1138

Sincerely,

Shirley Johnson

For the Sierra Club, Sonoma Group Executive Committee:  
Shirley Johnson (Chair), Tom Conlon, Dan Mayhew and Theresa Ryan

cc:

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