



filed via e-mail

December 13, 2022

Board of Supervisors
County of Sonoma

Re: Sonoma Developmental Center--Specific Plan and FEIR

Dear Chair Gore and Supervisors,

The Valley of the Moon Alliance (VOTMA) adds its name to the growing list of Sonoma Valley neighbors who are frustrated and discouraged with both the process and the proposed recommendation for future revitalization of the Sonoma Developmental Center (SDC). The Proposed Plan (PP) calendared for your consideration on December 16th embraces a Specific Plan (SP) outcome that will rip the heart out of the Sonoma Valley and the special history of the SDC. It would transplant it with an out-of-scale market-rate housing plan and a 120 unit hotel, at the cost of the soul of Sonoma Valley.

The Board should take the time to fashion a SP that embraces the special past role that SDC played in providing shelter and care for people in need, envisions a scale of development that the broader community supports, provides meaningful affordable housing opportunities, protects the unique wildlife corridor, and does not make a future evacuation of Valley residents in the event of fire a more dangerous problem. The Historic Preservation Alternative most closely matches that outcome. VOTMA supports that SP option.

The rushed Final EIR (FEIR) seriously understates and inadequately assesses the significant adverse environmental impacts associated with the tendered PP, as modified by the Planning Commission recommendations (which are not fully incorporated). ***VOTMA urges the Board to reject the PP and not certify the associated FEIR***, and to take the time needed (i.e., through multiple meetings) to fashion a plan for the future of the lands and buildings of the SDC that honors its past and approaches its future with a smaller scale and a more sustainable orientation that more extensively reuses buildings, fits more comfortably with the space, provides a greater percentage of affordable housing, and secures the wildlife corridor so essential to retain the magic of that beautiful spot in the valley.

1. The Board should recognize that DGS's out-of-time posture is artificial.

Permit Sonoma (PS) has rushed to fashion a PP that gets to the finish line in time to meet DGS' artificially created required Board decision end point of 12/31/2022. DGS' timing posture seems to suggest that if the County does not deliver a SP by the end of the year DGS will pick up its marbles and develop a plan that leases the SDC core area property for uses that maximize value to the State. The DEIR captured this strategy in its explanation of the no project alternative in the FEIR with a remarkably candid dismissive view of the County's land use prerogatives:

"the State has already released a developer request for proposal for development of the site pointing to the Proposed Plan underway, and can enter into long-term ground leases with private developers--cited as a mechanism for the site in the Government Code for SDC redevelopment--so that the State retains planning control over the campus unfettered by local regulations to achieve these land use objectives, should the County be unwilling to plan and zone for these uses." DEIR at pg. 529.

The threat that DGS would take an alternative path overlooks a couple of important points. First, without a certified FEIR to provide a bootstrap, the State will need to undertake its own CEQA review in order to lease the properties. Presumably, the County would be a participant in that proceeding, as would all of Sonoma Valley, and the DGS would have a substantial challenge in this regard.

Second, and equally important, if not more so, sovereign immunity exercised by the State over local land use regulations will only apply where the lessee's use of the land serves a primarily public purpose. It is difficult to see how the lease to a for-profit developer to build 750+ market rate units plus a 120 room hotel would qualify as "primarily a public purpose" that must be established to legally justify overriding local land use regulations.

This gap in logic also renders the definition of the "no project" alternative, required to be included in all EIRs, of either 1) a 750 unit (least use alt) or 2) a 1000+ unit build (most use alt) a fatal compliance defect in the FEIR. The FEIR has not included a traditional no project non-build option, and its replacement "no project" project of primarily market rate units cannot be built without complying with Sonoma County land use regulations. DGS can of course sell the land, but any purchaser would have to go through Sonoma County for land use permitting.

Given that, VOTMA suggests that the County fashion an SP that is what it (and Sonoma Valley residents) want to see.

2. Permit Sonoma and the Planning Commission have ignored or chosen not to discuss in detail the costs to the County and its citizens to implement the infrastructure and public facility responsibilities assigned to it under the SP.

There are always two sides to a coin, and there is no free lunch. This mashed together statement of common reality often gets lost when land use planning occurs. That is not supposed to be the case -- in theory the DEIR/FEIR should outline in adequate detail what costs and responsibilities will be visited on the County when it makes a land use decision of the sort represented by a specific plan. Although the DEIR does acknowledge that if the SP is adopted the County will be responsible for constructing a community center, a gym, a fire station, parks, a SDC museum, and an emergency operations center, among other facilities, there are no cost estimates of the funding needed to establish and operate those public facilities. Nor is there any assurance that those facilities would be approved by the relevant voters. The question of how schools for the children in those 1000+ units fit into the SP was raised by the community, but not addressed by PS.

The same sort of pregnant cost and operational responsibility issues are outstanding with respect to water and waste water systems, stormwater systems, solid waste, and water supply. (see Chapter 6 of DEIR) It is fair to ask you, the Board, how you see these costs and responsibilities being approved and allocated, and whether you are comfortable adopting the PP without some clear answers to those important issues. Why would you adopt a SP for the benefit of DGS with those local issues unresolved? Will the relevant agencies (and their ratepayers) be willing or able to deliver on those infrastructure requirements?

It is also important to note that the community proposal submitted to DGS, and under current discussion with DGS, envisions less development and thus less additional infrastructure costs than the full scale options left open in the DEIR.

3. How does the Board reconcile its commitment to equity and low-income housing as a priority with adoption of a SP that allows 72% of the housing units to be market rate housing?

The question speaks for itself.

Also, please take note of the fact that the definition of “affordable housing” in Glen Ellen that private developers are likely to use may not allow targeted populations – like teachers, fire fighters, EMT professionals – to afford what could be built. The Glen Ellen Historical Society’s (GEHS) community proposal addresses this issue in a far more effective manner.

4. Wildfire and other natural disaster evacuation risk is a matter of highest priority to the citizens of Sonoma Valley, particularly given its immediate and repetitive history. The DEIR/FEIR “discussion and analysis” in Section 16.1.3.4 ignores the recent past evacuation history and recent State recommended guidelines. The evacuation time estimates with the project as shown on Table 3.16-1 are not credible.

In determining that “implementation of the Proposed Plan would not impair an emergency response or emergency evacuation plan and impacts would be less than significant”, the entire credibility of the DEIR/FEIR is undermined. The following statement from the DEIR is simply not credible:

“Evacuation traffic added by the Proposed Plan would increase travel times to areas beyond the evacuation areas by up to 1.2 minutes and by up to five percent, although the average increase will be 0.2 minutes (less than 15 seconds) and one percent....Thus implementation of the Proposed Plan would not impair emergency response or emergency evacuation plan and impacts would be less than significant.” DEIR p. 516-517

Whoever wrote that and whoever approved that as an appropriate conclusion most certainly did not live in Sonoma Valley during the recent 2017 and 2020 wildfires. The failure to incorporate that recent on-the-ground history would constitute a significant shortcoming as to whether substantial evidence exists to support a less than significant finding.

The safety of the citizens who will shoulder the actual wild fire and evacuation risk that this understatement of theoretical risk demands more from this Board as it assesses the heightened evacuation risk that adopting the PP will produce. The Board should at a minimum require PS to respond whether the DEIR/FEIR analysis in the wildfire/evacuation area fully complies with the “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act” issued by Attorney General Bonta on October 10, 2022.

5. The DEIR/FEIR’s decision to bypass an analytical measurement of the GHG impacts of the Proposed Project in favor of a “Qualitative” Assessment should not be accepted by the Board.

We are well down the road to understanding and measuring the expected GHG impacts of projects, including as here a Specific Plan of tethered facilities, to demand and expect that a CEQA analysis must include an effort to quantify whether the GHG load will be significant. Here there is planned demolition of a large number of facilities, construction of many new facilities, as well as significant infrastructure additions and renovations. The added supply chain, VMT and traffic congestion-related increased emissions, the recreation and tourism-related emissions (including hotel-related national and international travel) are all capable of being estimated. They have not been, either by individual and peak year or on a cumulative basis. This shortcoming can be fatal to an EIR improperly certified, as this Board knows.

We also note that the GEHS community proposal before DGS would result in much less GHG emissions during both demolition, construction, and operation of the property.

6. The multiple shortcomings in the traffic/transportation portion of the DEIR/FEIR together present little comfort for this Board to rely upon for land

use planning policy or to Certify the FEIR.

A. It is hard to choose where to start with on the transportation analysis shortcomings. But since the SP is fundamentally an exercise in general land use planning, it may be helpful to start with the traffic impacts. Most everyone living in Sonoma Valley and even those just commuting through daily on Highway 12 and along Arnold Drive will feel those first and foremost, and then daily into the future.

The selection of WTrans to undertake that LOS analysis is a curious one. Long the go-to choice for the wine industry and project developers, this Board has seen their work for a while now. PS could have chosen GHD, who did the Sonoma Valley Traffic Study for the Winery Event Ordinance, or could have chosen Omni-Means, which has done peer review of other traffic studies on projects (including on WTrans studies), but for reasons not entirely clear, it did not.

The result is a traffic study that appears to use as an existing conditions scenario one day of traffic count data collected (Wednesday, April 6, 2022) to support its intersections assessment. The scale of the traffic study assumes that the Sonoma Valley essentially ends at its upper northwest boundary at the intersection of Highway 12 and Warm Springs Road and at its southeast boundary at SR 116 (Stage Gulch Road)/Arnold Drive. It is unclear how the study assessed the traffic patterns expected from the project in light of the fact that there is no pharmacy or CVS-like optionality in the immediate Eldridge area, that affordable groceries outlets for lower income residents will likely send those housing units to Sonoma or Santa Rosa. The WTrans study's conclusion that "while future additional development occurring through implementation of the SCD Specific Plan can be expected to increase traffic volumes and delays in most of the study segments, the projected roadway Levels of Service would generally be the same [note: including LOS levels as low as Level F] as those encountered without the project." Huh? So adding 1000+ housing units and closer to 3000+ people plus day worker traffic would essentially have no effect on Highway 12 or Arnold Drive LOS? To compound things, W-Trans didn't seem to get around to doing a cumulative impact analysis (e.g., Hanna Boys Center entrance area anticipated project, etc.) either.

The result is that ***for land use planning purposes (as opposed to CEQA purposes)***, the Board should be wrestling with whether this scale and scope of development, at this mid-point in the Sonoma Valley, and with this sort of LOS intersection and road segment impacts, is good public land use policy. Just imagine the summer months.

B. As if W-Trans' contribution was not problematic enough, the VMT "analysis" is flawed. For starters, Section 3.14 of the DEIR does not reference any separate technical report. As such, specific trip generation factors that were employed are not revealed, making it difficult to assess the validity of the reported outcomes. The Griffin Cove Transportation Consulting September 26, 2022 review (SDC FEIR Compiled.pdf at p324 of 2518) of the VMT analysis tries to sort through the DEIR presentation with that disadvantage. The FEIR response to Griffin Cove essentially boils down to trusting the SCTM19 travel demand model and its algorithms.

This argument is essentially that a “big data” based approach that accesses real-world data on how residents, employees, and visitors currently travel within and beyond Sonoma County is the most appropriate approach to analyzing the impacts of a complex multi-decade build-out programmatic Specific Plan with multiple uses proposed to be located in a quiet park-like site that was self-contained and used as a resident center for developmental disabled persons for more than 100 years. There are no known patterns to apply here to create the big data picture for the uses and travel patterns that will evolve as this site is transformed. For all SCTM19 can do, it cannot predict the future operational effects of a proposed transformation of this magnitude that has not yet occurred. To project that 25% of projected trips will be “captured within the campus itself” or to project which direction and how far the other 75% of the trips will have to travel (or from where those staying at the hotel will have arrived from) in this changed and changing world is to assign credibility to imaginary data that does not exist.

What we do know is that located where it is, the residents of this new undertaking (whether it be 2400 persons or 3000 persons or more) will initially have few local options for services, and will likely have to travel a considerable distance for basics like medical services, affordable food, and pharmacy and home goods. To say with any degree of confidence that the Planning Area Baseline Average of 20.0 will drop to 15.2 with the PP (DEIR Table 3.14-4) likely only reflects the combination of an overestimate of the campus capture and an underestimate of how much additional driving (i.e., beyond the current 20.0) the new residents will have to do to search for services and supplies, find work, or to get their kids to school and related events.

The bottom line point here is that some transportation effects have been identified as significant, and so the Board will have to make a finding of overriding considerations. But how does the Board make a realistic finding that the overriding considerations (as yet unarticulated) overcome the significant adverse effects, where the effects have been understated and/or assessed in a vacuum? How much more of an adverse effect must there be before you cannot say that the overriding considerations are still strong enough to justify an overriding approval?

7. Whichever proposal or modified proposal is adopted as the SP for SDC should incorporate a phasing structure that conditions any development rights or plan on a reservation of the Board’s right to pause, adjust and/or curtail further development based on, or in the face of, unanticipated, different, or more severe impacts than could realistically be evaluated at this time.

This SP anticipates a buildout likely to stretch over several decades. It comes at a time when we are widely acknowledging uncertainly as to the global climate crisis unfolding that will stress and alter water, weather, wildlife, fire, demographic, economic, equity and political factors here and everywhere. Much as any entity seeking to implement a vision that fits within the SP to be adopted in this proceeding would like certainty of entitlement and execution, this Board should not grant that

dispensation from the risk and changed circumstance uncertainty we face together. This SP badly needs a ripcord that can be pulled in the case of emergency in order to save the Sonoma Valley.

Whether that conditioning comes in the form of a broad-based explicit reservation, a specific milestone phasing that requires a pause and subsequent review at designated points, or in the form of a mandatory project-based series of reviews for each specific element of the SP proposed to move to implementation, is a decision that the Board should carefully weigh. Much like the consternation that those of us in the Sonoma Valley have felt when a project that was permitted a decade before, but has sat quiet in the many years following, now comes alive with the developer's demand that its "vested rights" trump any and all effort to review the viability of that project in the light in intervening changes in circumstances, this SP when adopted will hang as a sort of Sword of Damocles over the residents of Sonoma Valley for years to come. In this world of the future nothing should be vested indefinitely. That principle should be codified in any authorization adopted in this proceeding. The future of Sonoma Valley as a special beautiful place depends on that.

Thank you for the opportunity to provide these comments. VOTMA hopes the Board will do the right thing with them in mind.

Kathy Pons

Kathy Pons
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Valley of the Moon Alliance