From: H Narula
To: City Clerk (Public)
Subject: Public comment
Date: Friday, March 6, 2026 4:09:21 PM

Hi,
Please forward the comments to City councilmembers.

New Agenda item

City Council should reevaluate recent new construction projects in the city and examine why many developments are being labeled as **"Single-Family Homes"** when they function more like **detached townhomes or detached condominiums**. The current classifications often do not reflect the actual density and design of these projects.

The City should establish clearer parameters to prevent such mislabeling. For example, some homes advertise **two-car garages**, yet two common full-size vehicles cannot realistically fit—especially when homeowners must also store three municipal trash bins with no designated storage area. Many of these homes also **lack driveways**, leaving delivery or service vehicles with nowhere to briefly stop.

In addition, the **building envelopes are extremely close together**, making it questionable to describe these properties as true detached single-family homes.

Clearer standards are needed so projects are **accurately labeled and marketed**. Proper classification also matters for financing, as buyers may unknowingly obtain **single-family home mortgages on properties that function more like townhomes or condominiums**, which could create legal or compliance issues.

Ultimately, this is about **preserving neighborhood quality of life and protecting the long-term value of buyers' investments** by ensuring transparency and appropriate housing classifications.

2026 - 035

I oppose levying another charge on homeowners on a **per-parcel basis**. If a new tax is deemed necessary, it should be applied **equally to all residents**, rather than targeting homeowners specifically. More importantly, I oppose the creation of any new taxes or charges until **issues of fiscal management at the city, county, district, and state levels are addressed**.

I would also like to remind the Council that this is a **non-partisan position**. I do not support advancing the agenda of any single political party or engaging only with members of one party when making decisions that affect the entire community.

Additionally, **any new tax initiative should be put to a vote of the residents**. If this proposal is important to the City Council, it should be presented to the voters so the community can decide directly.

2026-036

I believe sufficient due diligence may not have been conducted in selecting the software vendor, **Catalis Public Works & Citizen Engagement, LLC**, and the quoted cost appears to be quite high. Given the current budget constraints, this decision should be **re-analyzed carefully** before moving forward.

For example, one of our fast-growing neighboring cities uses a widely adopted civic engagement platform from **CivicPlus**, commonly branded as **SeeClickFix**. A preliminary review suggests that its pricing may be **significantly lower—potentially less than half** of what is being proposed by Catalis.

Based on personal experience using **SeeClickFix** in **Dublin**, the platform is modern, user-friendly, and effective for reporting and tracking city service requests.

Given these factors, it would be prudent to **pause this decision and explore alternative vendors** to ensure the City is selecting a cost-effective and modern solution.

Thanks,

Himanshu Narula

City of San Ramon
City Council Meeting

March 10, 2026

FY 2026-27

Master Fee Schedule

Background:

- Establishing fees: State of CA GC Sections 65104, 65909.5, and 66014
- Purpose of fees: Offset cost of providing services
- Purpose of annual review: Review reasonable basis to calculate cost of providing services
- Timing: In conjunction with Budget Development

Background - Continued:

- **General Factors for Fee Adjustments:**
  - Consumer Price Index (CPI) of 2.82%,
  - Construction Cost Index (CCI) of 0.6%.
  - Actual Labor Rate/Market Rate, and/or
  - Nexus Fee Study
- **Development Impact Fees (DIF): The Mitigation Fee Acct AB 1600**
  - Conduct periodic Nexus Fee Study: Previous Nexus Fee study - March 2017
  - AB 602: New basis for DIF calculation
  - FY 2026-27 DIF Nexus Study by David Taussig and Associates (DTA)

Master Fee Schedule Overview

- Total Fees: 1,008
  - Unchanged Fees: 484
  - Adjusted Fees: 517
    - 424 Adjusted by CPI of 2.82%
    - 30 Adjusted by CCI
    - 63 Adjusted based on actual labor cost, to reflect market rate, and for consistency across location
  - New FY 2026-27: 10, Parks and Community Services

CDD Impact Fee Categories

- Fees in David Taussig and Associates (DTA) Nexus Fee Study
- Non-Development Impact Fees
  - General Plan Recovery, Zoning Ordinance Recovery Fees -
    Offsets the costs of updating construction-related plans and programs
  - Technology Fees – Address actual costs of technology programs used by the City
- Development Impact Fees
  - School Age Child Care Fees -
    Supports school age childcare on school sites owned by SRVUSD
  - Parkland Dedication Fees -
    Supports new parkland development to meet the desired Park Standard and satisfy the demand

CDD Impact Fee Categories - continued

- Park & Recreation Facility Impact Fee -

  Designed to support recreation facilities to enhancing the community's appeal and quality of life.

- Open Space Development Impact Fee -

  Designed to provide resources for preserving Open Spaces Land areas for the befits of the San Ramon residents

- Public Art Fee -

  Designed to generate funds for public art and projects within the City

- Affordable Housing Linkage Fee Non-Residential -

  Establishes the connection between new non-residential land uses and the introduction of new workers employed at these land uses

- Residential Affordable Housing In-Lieu Fee -

  Intended to provide an alternative to construction of affordable units when appropriate and consistent with the City's Inclusionary Housing Ordinance requirements

Financial Impact

- Current methodology of the Master Fee Schedule is designed to fully recover costs of providing services, unless the fees were exempted per April 2024 study.
- Specific financial impact depends on the type of fee and demand for service
- Most of the impact deriving from the Nexus Fee Study will be in the Special Revenue funds, not the City's General Fund.

CITY OF SAN RAMON

COMMUNITY DEVELOPMENT

PLANNING SERVICES APPEAL FEE STRUCTURE

CITY COUNCIL
MARCH 10, 2026

PLANNING APPEAL FEES FOR DEVELOPMENT APPLICATIONS

Current Deposit Structure:

- Appeal from Zoning Administrator's Decision for Residential Property: $4,000 Deposit
- Appeal from Zoning Administrator's Decision for Non- Residential Property: $4,500 Deposit
- Appeal from Planning Commission Decision for Residential Property: $4,500 Deposit
- Appeal from Planning Commission Decision for Non- Residential Property: $4,500 Deposit

RECAP TO DATE

San Ramon
CALIFORNIA

On July 16, 2025, the Policy Committee discussed the current appeal fee process.

On November 25, 2025, the City Council discussed the status of the Appeal fee structure and explored options for consideration. Council requested that additional information be provided at the City Council retreat

At the City Council Retreat on January 31, 2026, the Council asked for additional information:

- The Planning Division's billable rate established by the Matrix Fee Study;
- Examples of the percentage-based approach used by the City of Lafayette as highlighted in prior discussion of comparable cities;
- An outline for a tiered approach with flat fees for less complex projects and a deposit for more complex projects.

PLANNING'S BILLABLE RATE

San Ramon
CALIFORNIA

The Matrix Fee Study established a fully burdened rate of $330 for Planning staff costs which is billed to deposit-based projects. The following is a breakdown of the billable rate:

Blended Direct Cost for staff	$121.86
Divisional Overhead	$8.01
Citywide Overhead	$71.73
Administrative Overhead	$117.96
Total	$319.56
CPI adjust for FY 25/26=3.53%	$11.28
Adopted Rate	**$330.00 (Rounded)**

CITY OF LAFAYETTE EXAMPLE

San Ramon
CALIFORNIA

The Council asked for examples from the City of Lafayette which has an appeal fee structure which is based on 75% of the application fee:

- Design Review: Major: $5,700 Application Fee **($4,275 Appeal Fee)**.
- Design Review: Minor: $3,800 Application Fee **($2,850 Appeal Fee**.)
- Land Use Permit (new building or structure): $5,700 Application Fee **($4,275 Appeal fee)**.
- Land Use Permit (existing building or structure): $3,800- Application Fee **($2,850 Appeal fee).**
- Zoning Administrator Hearing: $2,250 Application Fee **($1,688-Appeal Fee).**

TIERED APPROACH

The following is a tiered-based approach as discussed at the City Council retreat; however, Council would need to provide specific direction on the specific fee levels for both flat fees and deposits:

- Zoning Administrator Decision Appeal (Residential or Non-Residential): $XXXX (Flat Fee)
- Planning Commission Decision Appeal (Land Use Only): $ XXXX (Flat Fee)
- Planning Commission Appeal (Residential/Non-Residential/Mixed use) $ XXXX (Deposit)
- Option to refund for successful appeal

NEXT STEPS

Staff is looking for Council direction on:

1. The specific modifications and dollar amounts for the appeal fees
2. Successful appeal refund provisions.

If no action is taken at this time, the appeal fee deposits will remain as previously approved. No increases to the existing deposits are proposed as part of the current Master Fee Schedule update.

Recommendations:

- Set Public hearing on March 24, 2026 for the adoption of the FY2026-27 Master Fee Schedule
- Approve the Nexus Fee Study
- Provide direction on the appeal fee as outlined on the previous slide

Questions?

From:	Brian Swanson
To:	City Clerk (Public); City Council
Cc:	planningcommission; Planning Services (public)
Subject:	Public Comment: Agenda Item 9.1 - Appeal Fees and Successful Appeal Refund Provisions (specifically) - City Council Meeting - March 10, 2026
Date:	Tuesday, March 10, 2026 1:39:33 PM
Attachments:	01.31.2026 - Public Comment Agenda Item 2.1 Continued Discussion of the City"s Appeal Fee Structure and Agenda Item 2.2 Development of Goals for Fiscal Year 2026 2027 - City Council Special Wo.pdf 11.25.2025 - BSwanson PublicComment AgendaItem9.2-DiscussionoftheCity'sAppealFeeStructure-CityCouncilMeeting.pdf 04.22.2025 - BSwanson PublicComment AgendaItem8.1–AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFYear2025 26-City Council Meeting.pdf

City Council:

I submit the following public comments regarding the **appeal fee** and **successful appeal refund** portions of Agenda Item 9.1.

This comment incorporates by reference my prior public comments dated April 22, 2025, November 25, 2025, and January 31, 2026 (attached). Those prior comments already established that San Ramon's appeal-fee structure favors developers over residents, that residents were already absorbing the added burden of Measure N, that the City had not disclosed a full category-specific cost basis for appeal fees, that the current structure operates as a barrier to meaningful oversight, and that the appeal process itself must be codified and explained in plain language. The March 10, 2026 Agenda Item 9.1 packet still does not cure those defects.

The comments below explain why:

A. The staff report still does not present a concrete, reviewable appeal-fee proposal.
B. The City still has not published the action-specific cost basis necessary to defend any appeal fee.
C. The staff report does not meaningfully summarize the January 31, 2026 workshop or the prior public meetings on appeal fees.
D. Lafayette is being used as a selective and unsupported comparator.
E. The current structure remains a deposit-based barrier that advantages dominant repeat players and disadvantages residents.
F. Full cost recovery may be claimed as lawful in the abstract, but it is not an ethical or equitable safe harbor.
G. The entire appeal process must be codified in the Municipal Code/Zoning Ordinance.
H. The appeal process must also be fair and impartial to all parties; some level of separation is required between staff advocacy and the body hearing the appeal.
I. The proposed refund rule is too narrow and discourages meritorious appeals.
J. Appeal-fee policymaking is being buried inside an omnibus fee item and supported by an incomplete administrative record.
K. Delay has not been neutral; it has preserved developer advantage and, in practical effect, benefited Sunset Development specifically.
L. Residents already carry added fiscal burdens, including Measure N, and this fee structure compounds that inequity.
M. Financial hardship is not the answer because an equitable baseline fee should not

require residents to prove hardship to access discounted appeal fees.
N. The current structure remains legally and procedurally vulnerable.

Transparency, Access, and the Administrative Record

Any materials related to Agenda Item 9.1, and any prior materials related to appeal-fee and process discussions that staff or the City Council relied upon in developing this item, whether provided now or in the future, must be permanently posted on the City's website in HTML and searchable PDF formats, directly adjacent to the agenda item. This includes staff reports, consultant analyses, presentations, workshop materials, retreat materials, comparable-city analyses, and public comments, when available. Public comments must not be fragmented across multiple pages or buried behind excessive navigation. Link integrity must be actively maintained so the administrative record remains accessible in perpetuity. Any materials distributed at or shortly before the meeting must be posted online immediately and made available to the public at the same time they are provided to the City Council. All documents, emails, and materials considered by the City Council or staff must be included in the administrative record. These requirements apply regardless of whether the City has chosen to provide background materials for this particular agenda item.

A. This is still not a real appeal-fee proposal.

The March 10, 2026 Agenda Item 9.1 packet keeps the existing planning appeal deposits at $4,000 and $4,500, states that those deposits remain in place if City Council takes no action, and then offers a supposed "tiered" alternative that consists of literal "$XXXX" placeholders rather than actual proposed amounts. The packet also confirms that at least one major appeal category would remain a **deposit**, not a fixed fee. That is not a completed proposal. It is not a transparent recommendation. It is not a meaningful public process. It is policymaking by placeholder.

B. The City still has not published the action-specific cost basis.

The Agenda Item 9.1 staff report gives the City Council a generic Planning Services billable rate. However, it still does not disclose what the public actually needs to test the legality, fairness, or reasonableness of these fees: the staff positions involved for each appeal type, the hours assumed, the legal-review assumptions, the noticing assumptions, the hearing-preparation assumptions, the overhead assumptions, and the total cost derivation by specific category.

That omission matters because if the City establishes fees to support the work of the planning agency, those fees may not exceed the reasonable cost of providing the service and must be imposed pursuant to Government Code section 66016. See Government Code section 65104: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65104. Planning-related service fees also may not exceed the estimated reasonable cost of providing the service for which the fee is charged. See Government Code section 66014:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=66014. And before a new fee or fee increase is considered, the City must hold an open public meeting and make available in advance the data showing the amount of cost, or estimated cost, required to provide the service and the anticipated revenue sources, including General Fund revenues. See Government Code section 66016:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?

lawCode=GOV&sectionNum=66016.

The City still has not produced that level of appeal-by-appeal cost support.

C. The staff report does not meaningfully summarize the January 31, 2026 workshop or the prior public meetings on appeal fees.

The March 10, 2026 Agenda Item 9.1 staff report gives the public almost no substantive summary of the January 31, 2026 workshop or the prior public meetings on appeal fees. At most, it provides a skeletal chronology and a few topic labels. It does not meaningfully summarize what staff presented, what alternatives were actually discussed, what concerns were raised by City Council, what objections were raised by the public, what methodological criticisms were made, what equity concerns were discussed, what refund approaches were considered, or what conclusions, if any, emerged from those earlier proceedings.

That omission matters because the appeal-fee discussion in Agenda Item 9.1 is buried inside a sweeping omnibus fee item, and the appeal-fee section itself is near zero in substance. As presented, the public is left with only a bare context. It is effectively required to search back through prior agendas, videos, workshop materials, and public comments to reconstruct what the City is actually doing. That is not a meaningful notice. That is not a transparent process. And it does not support a usable administrative record.

If the City intends to rely on the July 16, 2025 Policy Committee discussion, the November 25, 2025 City Council discussion, and the January 31, 2026 workshop, then the City must summarize those discussions in a way that allows the public to understand, from the face of the current agenda packet, what options were presented, what cost methodologies were discussed, what comparable jurisdictions were considered, what refund alternatives were considered, what hardship concepts were discussed, what objections were raised, what direction was actually given, and what remains unresolved.

Without that summary, the public is not being informed. The public is being told to do its own archival investigation to understand a policy choice that the City Council is being asked to advance tonight.

D. Lafayette is a selective and unsupported comparator.

The City Council asked for examples from Lafayette, and staff returned with Lafayette alone as the highlighted comparator. That is not a real comparative analysis. It is a selective example.

The packet does not explain when, why, or how Lafayette was selected (calling into question its own City Council communications and meetings procedural issues), what other jurisdictions were reviewed, what criteria were used to determine comparability, or whether Lafayette and San Ramon are similarly situated in development intensity, build-out status, downtown land ownership patterns, project scale, entitlement complexity, or market conditions. That silence is particularly troubling because Lafayette's development profile appears materially different from San Ramon's. Lafayette is far more built out, with far less remaining development capacity, and its development context is not remotely comparable to a city still confronting large-scale, high-intensity downtown and Bishop Ranch-area approvals.

Even the staff's own discussion undercuts the present structure by suggesting that Lafayette's less-complex project appeals are materially below San Ramon's current deposits. Yet instead of returning with completed lower tiers and a transparent methodology, staff returned with blanks.

E. The current structure remains a deposit-based barrier that advantages dominant repeat players.

The City continues to present appeal fees as if they were simple numbers. They are not. They are still **deposit-based** charges tied to hourly billing. That means residents are not being offered a clear, intelligible public appeal fee. They are being asked to enter a cost-recovery billing system with a substantial upfront payment and no completed category-specific methodology in place.

The practical effect is predictable. For a dominant repeat player or well-funded applicant, a deposit is a transaction cost. For residents or neighborhood groups, it is a barrier to access.

That inequity is especially serious in San Ramon, where downtown and Bishop Ranch-area land-use outcomes occur amid concentrated private land ownership. Sunset Development's own materials describe Bishop Ranch as a **585-acre** campus in San Ramon and identify Sunset Development as the owner and manager: https://tenants.bishopranch.com/complex/br3/. In practical terms, that means a dominant private landholder like Sunset Development can absorb appeal costs as a routine expense, while residents trying to preserve neighborhood conditions and a rapidly declining quality of life are priced out of the oversight process. That is not neutral. It is structurally skewed.

F. Full cost recovery is not an ethical or equitable safe harbor.

Even if some level of cost recovery may be legally permissible in some circumstances, it is not ethically compelled, and it is certainly not inherently equitable. The relevant question is not merely whether staff time can be attached to a billing rate. The question is whether the City can justify a public appeal structure that suppresses participation, prices residents out, and favors entrenched private power. The answer is no.

That conclusion is inconsistent with the planning profession's own ethics framework. American Planning Association's (APA) **Ethical Principles in Planning** expressly state that they guide certified planners, other practicing planners, appointed and elected officials, and others who participate in the planning process, and they emphasize the public interest, meaningful participation, clear information, access to records, and fair dealing: https://www.planning.org/ethics/ethicalprinciples/. The **AICP Code of Ethics and Professional Conduct** likewise states that its aspirational principles govern service to the public interest and apply to active participants in the planning process, emphasizing integrity, equity, meaningful participation, and fair and independent judgment: https://www.planning.org/ethics/ethicscode/.

A public appeal system that functions as a financial moat against residents is inconsistent with those principles. Full cost recovery may be a legal talking point. It is not an ethical defense.

G. The entire appeal process must be codified in the Municipal Code/Zoning Ordinance.

The City still treats the appeal process as if it can be assembled from fee schedules, staff practice, workshops, retreat direction, and ad hoc agenda discussions. That is unacceptable.
The entire appeal process must be codified in the Municipal Code/Zoning Ordinance and explained in plain language on the City's website and in the appeal instructions. Residents must be able to determine, from one clear and authoritative source, what is and is not appealable, who has standing, how and when an appeal must be filed, what materials are required, what standards of review apply, what notice is required, what hearing timelines govern, whether the charge is a flat fee or a deposit, whether replenishment can be required, what refund standards apply, and what written findings are required.

Without codification, the appeal system remains opaque, discretionary, and inaccessible.

H. The appeal process must also be fair and impartial to all parties.

An appeal is not a public-relations exercise. It is supposed to be a fair review process. That means some level of impartiality is required. At a minimum, the City should not allow the same staff member or the same staff advocacy team that prepared and defended the original recommendation, findings, or staff reports on the appealed item to then re-present the matter to the appellate body as though they were neutrally framing the record. When the same staff voice that shaped the original record is given yet another opportunity to characterize the facts, explain away objections, and defend its prior work, the appeal risks becoming nothing more than a second chance to reinforce the original decision.

That is especially troubling, as the public already believes that staff have repeatedly mischaracterized the same issue over multiple hearings. A fair appeal process cannot function as a loop in which the same position is repackaged and re-argued again and again, while the public is forced to pay thousands of dollars to challenge that framing.

California law recognizes that quasi-adjudicatory proceedings must be fair, that the decision maker must remain impartial, and that advocacy functions and adjudicative or advisory functions cannot be casually commingled in a way that creates an appearance of unfairness or an unacceptable risk of bias. Even if the City believes it can technically reuse the same staff in multiple roles, that does not make the process fair.

The City Council should therefore require a more impartial appeal structure, including separation between staff who recommended or defended the original action and staff who advise the appellate body or present the appeal record. At a minimum, the City should adopt procedures that ensure the appeal body receives a neutral procedural summary and a complete record, rather than another round of advocacy from the same source whose work is being challenged.

I. The proposed refund rule is too narrow.

Staff recommends limiting refunds to appeals that **overturn** the prior decision, while treating modifications to a prior approval as non-refundable unless the City Council makes specific findings supporting a whole or partial refund.

That approach is too narrow and fundamentally unfair.

Many meritorious appeals do not result in total reversal. They result in corrected findings, revised conditions, additional mitigation, narrower approvals, or materially modified entitlements. An appeal that forces substantive correction is not a failure. A refund structure that treats anything short of total reversal as presumptively non-refundable discourages legitimate appeals and rewards the City for defending flawed decisions up to the point of partial concession.

The City should establish a full refund for a complete overturning, a presumptive partial refund when the appeal yields a material modification or substantial relief, and clear written standards governing refund determinations.

J. Appeal-fee policymaking is being buried inside an omnibus fee item and supported by an incomplete record.

Although Agenda Item 9.1 expressly mentions appeal fees, the City is still seeking policy direction on appeal fees within a sweeping omnibus fee item spanning numerous unrelated fee categories, nexus studies, and code matters. At the same time, the City relies on prior discussions while still not publishing the full comparable-city methodology, the full action-specific cost basis, or all workshop and retreat materials adjacent to this item.

That structure frustrates meaningful participation and weakens the administrative record.

The Brown Act requires that, at least 72 hours before a regular meeting, the agenda contain a brief general description of each item of business to be transacted or discussed, and that the agenda be posted online in an open, searchable format and accessible through a prominent direct link on the agency's website. See Government Code section 54954.2: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=54954.2. California law also makes clear that agenda descriptions must give the public fair notice of the business actually under consideration and that agencies must maintain a record sufficient for meaningful review. Appeal-fee policymaking through placeholders, selective comparables, missing workshop context, and incomplete disclosure does not meet that standard.

K. Delay has not been neutral; it has preserved developer advantage.

Delay has not been neutral. It has preserved a structural advantage for dominant repeat players while appeal windows continued to expire.

Lowering or revising fees now does not restore appeal opportunities that have already lapsed. It does not undo the deterrent effect of the prior structure. It does not repair the exclusion already experienced by priced-out residents. In a fast-moving downtown entitlement context, delay in fixing an inequitable appeal system means reform comes too late for many projects.

That prejudice is not theoretical. California's land-use and CEQA statutes impose short limitations periods, including Government Code section 65009: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65009, and Public Resources Code section 21167: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=21167. Those short deadlines are designed to expedite approvals. In practice, that means a delay in the appeal-fee reform's benefits to developers generally and, in San Ramon's downtown/Bishop Ranch context, to Sunset Development specifically.

L. Residents already carry added fiscal burdens, and this fee structure compounds that inequity.

Residents are not challenging projects on an equal financial footing. San Ramon voters already approved Measure N, resulting in a 1% increase in local sales tax effective April 1, 2025. See the City's Measure N page:
https://www.sanramon.ca.gov/news/what_s_new/measure_n_update_april_1_june_30_2025.

Residents are already paying more to support City operations. They also face continuing ballot-year fiscal pressure in 2026 and the possibility of further levies. Against that backdrop, maintaining an appeal system that remains expensive, opaque, and selectively justified is even less equitable.

In other words, residents are being taxed more and heard less.

M. Financial hardship is not the answer.

The City has discussed "financial hardship" as though it were a meaningful cure. It is not.

If the baseline appeal fee were equitable, clearly explained, and properly calibrated to actual appeal categories, residents would not need to prove hardship to access a public appeal. Hardship is, at most, a backstop. It does not cure a structure that is still excessive, under-disclosed, deposit-based, and tilted against ordinary residents.

Hardship would not be needed if the fee were equitable in the first place.

N. The current structure remains legally and procedurally vulnerable.

California law does not give the City a blank check to impose opaque or punitive appeal fees.

The governing statutes require that planning-related fees not exceed reasonable or estimated reasonable costs and that supporting cost data be disclosed in advance through a public process. See Government Code sections 65104, 66014, and 66016:

- https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65104
- https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=66014
- https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=66016

The California Constitution separately provides that a local government bears the burden of proving that a levy, charge, or exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the allocation of those costs bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the activity. That text appears in Article XIII C, section 1 of the California Constitution: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?article=XIII+C&lawCode=CONS&sectionNum=SECTION+1.

California law also recognizes that local agencies may impose only reasonable appeal fees supported by an evidentiary record showing the services covered and a reasonable relationship to cost; that quasi-adjudicatory land-use proceedings require notice and a meaningful opportunity to be heard; that agendas may not leave the public to speculation about what distinct action will be taken; that inadequate notice can defeat later arguments that objections were not preserved; that quasi-adjudicatory proceedings require a fair and impartial tribunal; that advocacy and adjudicative or advisory functions cannot be commingled in a way that creates an appearance of unfairness or an unacceptable risk of bias; and that findings and records must be sufficient for meaningful judicial review.

The City's present approach remains vulnerable under those principles because it combines:

- an under-codified appeal process;
- placeholder-driven fee discussion;
- a near-zero substantive summary of prior appeal-fee discussions;
- selective comparables;
- missing action-specific cost detail;
- an absence of meaningful procedural separation on appeal; and
- a structure that burdens residents far more than dominant repeat players.

Requested Action

While the Agenda Item 9.1 packet makes clear that a public hearing and adoption are set for March 24, 2026, the City Council should **not** provide substantive endorsement of a revised appeal-fee structure tonight.

Instead, the City Council should direct staff to return with a **separate, clearly titled appeal-fee agenda item** that includes:

1. actual proposed fee amounts, not placeholders;
2. a complete action-by-action breakdown of appeal categories;
3. the full cost basis for each category;
4. the complete list of cities reviewed and the criteria used to determine comparability;
5. the full Matrix materials, raw data, spreadsheets, allocation assumptions, and supporting methodologies relied upon;
6. a substantive summary of all prior appeal-fee discussions, including the July 16, 2025 Policy Committee discussion, the November 25, 2025 City Council discussion, and the January 31, 2026 workshop, so the public is not forced to reconstruct the record from scattered prior materials;
7. a Municipal Code/Zoning Ordinance amendment codifying the entire appeal process;
8. a fair-hearing protocol that provides meaningful separation between staff advocacy on the underlying item and staff presentation or advisory functions on appeal;
9. a refund framework that includes partial-success scenarios;
10. plain-language appeal instructions for the public;
11. a structure that differentiates between resident/community appeals and developer or applicant-initiated appeals; and
12. consideration of heightened procedural safeguards for major repeat-player discretionary approvals in the downtown/Bishop Ranch context.

The City Council should also direct that the current deposit structure **not** remain in place merely by default because staff failed to return with a completed proposal. An interim reduction for resident and community appeals would be far more defensible than simply continuing the existing barrier.

Conclusion

The March 10, 2026 packet does not solve the problem.

It does not present a real proposal.

It does not publish a real methodology.

It does not disclose a real action-specific cost basis.

It does not meaningfully summarize the prior appeal-fee discussions it relies upon.

It does not codify a real appeal process.

It does not provide adequate safeguards for impartiality on appeal.

It does not create a fair refund structure.

And it does not repair the practical prejudice already caused by delay.

Instead, the City continues to rely on opaque cost-recovery language, selective comparables, incomplete disclosure, skeletal workshop context, and placeholder policymaking. At the same time, residents are expected to finance access to a process that remains politically constrained, economically prohibitive, and functionally ineffective.

That is not transparent.

That is not equitable.

That is not ethically defensible planning.

That is not a fair appeal system.

And it is not an adequate administrative record for appeal-fee policy.

This comment incorporates by reference my prior public comments dated April 22, 2025, November 25, 2025, and January 31, 2026 (again, attached). Nothing in this submission waives any procedural, substantive, record-related, Brown Act, due process, CEQA, fee-validity, or other objections.

Respectfully submitted,

Brian C. Swanson, AICP
San Ramon Voter, Taxpayer, and Resident

On Fri, Mar 6, 2026 at 3:36 PM City of San Ramon <casramon@service.govdelivery.com> wrote:

The **City Council meeting** will begin at 7**:00 p.m**. on **Tuesday, March 10, 2026.**

The meeting agenda is now available at,
https://sanramonca.portal.civicclerk.com/event/9/files/agenda/1170

HOW TO VIEW OR PARTICIPATE IN THE MEETING:
The public is invited to participate in the meeting using any of the following methods:

IN-PERSON
Members of the public can provide in-person comments at the meeting. To make a request for disability-related accommodation to participate
in the meeting, please contact the City Clerk’s Office 48 hours in advance of the meeting.

WRITTEN COMMUNICATION BY EMAIL

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online at https://www.sanramon.ca.gov/public_comment.

Written comments received after the cut-off time will be provided to the City Council the day following the meeting.

Please include "Public Comment" in the subject line. In the body of the email please include your name and the item you wish to comment
on. Written public comment will not be read aloud during the meeting.

TO VIEW OR LISTEN ONLY

As a courtesy and technology permitting, the public will have the opportunity to view the meeting via one-way feed by the options below.
However, the City cannot guarantee that the public's remote access to any meeting will be uninterrupted, and technical difficulties may occur
from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue. Members of the
public desiring to provide comments as a part of the meeting are encouraged to either submit written comments prior to the meeting or to
attend the meeting in person.

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The City's YouTube Channel: sanramon.ca.gov/YouTube

Regular City Council meetings are broadcast on Contra Costa Television (CCTV) (Channel 27) on Wednesdays at 7:00 p.m. and Thursdays at
1:00 p.m. immediately following the meeting. Regular City Council meetings are also broadcast on AT&T U-Verse (Channel 99).

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your Subscriber Preferences Page. You will need to use your email address to log in.

If you have questions or problems with the subscription service, please contact webmanager@sanramon.ca.gov or visit subscriberhelp.govdelivery.com.

This service includes a Public Alert System for San Ramon. Subscribers will receive real-time Public Safety and Emergency Alerts both via email and wirelessly. In order to receive these time-sensitive emergency notifications, you **MUST** subscribe to the service. To subscribe, please click here. For wireless alerts, text message and data rates may apply. This service is provided to you at no charge by City of San Ramon.

Gmail

Brian Swanson <[redacted]

Public Comment: Agenda Item 2.1: Continued Discussion of the City's Appeal Fee Structure and Agenda Item 2.2: Development of Goals for Fiscal Year 2026/2027 - City Council Special Workshop - Saturday, January 31, 2026, beginning at 9:00 a.m.

1 message

Brian Swanson [redacted] Fri, Jan 30, 2026 at 4:07 PM
To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>, planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>, Jennifer Wakeman <jwakeman@sanramon.ca.gov>
Bcc: [redacted]

City Council:

This public comment pertains to Agenda Item 2.1, Continued Discussion of the City's Appeal Fee Structure, and Agenda Item 2.2, Development of Goals for Fiscal Year 2026/2027. It addresses (1) the City's inadequate and potentially non-compliant notice for this Special Meeting; (2) the absence of any staff report or background materials; (3) the continuing deficiencies in the City's appeal fee methodology, including those documented in my April 22, 2025 and November 25, 2025 public comments; and (4) the need for transparent, measurable, and publicly accountable FY2026/2027 goals. This comment is submitted for inclusion in the administrative record.

Transparency, Access, and the Administrative Record

Any materials related to Agenda Items 2.1 and 2.2, whether provided now or in the future, must be permanently posted on the City's website in HTML and searchable PDF formats, directly adjacent to the agenda item. This includes staff reports, consultant analyses, presentations, and public comments when such materials exist. Public comments must not be fragmented across multiple pages or buried behind excessive navigation. Link integrity must be actively maintained so the administrative record remains accessible in perpetuity. Any materials distributed at or shortly before the meeting must be posted online immediately and made available to the public at the same time they are provided to the Council. All documents, emails, and materials considered by the Council or staff must be included in the administrative record.

These requirements apply regardless of whether the City has chosen to provide background materials for this particular meeting.

Inadequate Notice, Inadequate Description, and Questionable Brown Act Compliance

The agenda for this Special Meeting was posted only 24 hours in advance. For a workshop addressing due-process fees and Citywide goals, this is unacceptable and inconsistent with the City's own mission to:

> *"…provide efficient delivery of quality public services that are essential to those who live and work in San Ramon."*

But the timing is only one part of the problem. The agenda suffers from multiple Brown Act deficiencies.

1. The agenda fails to identify what fees are being discussed.

The description—*"Continued Discussion of the City's Appeal Fee Structure"*—does not inform the public that the City intends to discuss:

- Planning Division appeals.
- Appeals of development applications.
- Appeals of discretionary land-use decisions.
- CEQA-related appeals.
- Zoning Administrator appeals.
- Development Agreement appeals.

A member of the public reading this agenda would have no way to know that the City is revisiting the same controversial Planning Division appeal fees debated on April 22, 2025 and November 25, 2025.

2. The agenda provides no staff report, no background, and no reference to prior Council actions.

A "continued discussion" cannot be lawfully noticed without identifying:

- What discussion is being continued.
- What materials were previously considered.
- What direction the Council previously gave.
- What the public should expect to be discussed now.

The agenda provides none of this.

There is no mention of:

- The April 22, 2025 Master Fee Schedule hearing.
- The November 25, 2025 appeal fee discussion.
- The Matrix Consulting Group materials.
- The extensive public comments submitted.
- The concerns raised about methodology, equity, or developer influence.

This omission deprives the public of essential context and frustrates the purpose of the Brown Act.

3. The description is materially narrower than the scope of the discussion.

The Brown Act requires that the agenda description be sufficiently clear to allow the public to determine whether to participate. Here, the description conceals the actual subject matter.

4. The Americans with Disabilities Act (ADA) contradiction compounds the notice failure.

The agenda states that ADA accommodation requests must be made 48 hours in advance, yet the City provided less than 48 hours' notice of the meeting.

The agenda also repeats the City's standard aspirational statement:

"The City of San Ramon celebrates the diversity of our community, and we strive to be a welcoming and open community for all."

This rhetoric is reckless and harmful when placed on an agenda that provides less than 48 hours' notice while simultaneously requiring that ADA accommodation requests be submitted at least 48 hours in advance. A City cannot claim to be "*welcoming and open to all"* while structuring its meetings in a way that makes it *humanly impossible* for residents with disabilities to request accommodations in time to participate.

A meeting that is inadequately noticed, inadequately described, and inaccessible to residents requiring ADA accommodations cannot be considered compliant with the Brown Act's requirement that meetings be *"open and public."*

Agenda Item 2.1 — Continued Discussion of the City's Appeal Fee Structure

The City's appeal fee structure remains:

- Astronomically high.
- Cost-prohibitive.
- Opaque.
- Selectively justified.
- Procedurally vulnerable.

These deficiencies were documented extensively in my April 22, 2025 and November 25, 2025 public comments, which I am attaching to this comment for the administrative record.

A. Methodological Failures and Withheld Information

The City continues to rely on selective excerpts from the Matrix Consulting Group study while withholding:

- The full report.
- Raw data.
- Spreadsheets.
- Allocation assumptions.
- Comparable selection criteria.
- Staff-time calculations.

Without this information, the fee is not legally defensible.

B. Comparative Analysis Shows San Ramon Is an Outlier

- Danville charges approximately $311 for a similar appeal.
- Pleasanton uses a dual-rate system, charging developers more and residents less.
- Citizens Against Marketplace Apartment Development (CAMPAD) paid $2,500 in 2023—already excessive—and the City has since increased the fee by another $2,000 without justification.

San Ramon's fees are not competitive, not equitable, and not grounded in transparent analysis.

C. Developer Influence and Structural Bias

My November 25 comment documented the pervasive influence of
Sunset Development Company (Sunset):

- Sunset functions as de facto staff. Even documented making direct changes and edits to Zoning Ordinances being amended without any documented staff approval and included in Agenda Item Staff Reports.
- Sunset functions as de facto Planning Commission.
- Sunset functions as de facto City Council.
- Appeal fees function as a financial moat protecting Sunset's projects.

These concerns remain unaddressed and continue to undermine public trust.

D. Delay Is Not Neutral — It Is Harmful

Deferring fee reform until the FY 26/27 Master Fee Schedule:

- Protects ongoing approvals from scrutiny.
- Preserves Sunset's advantage.
- Reduces the public's ability to challenge decisions.
- Magnifies fiscal and civic risk.

Delay is not administrative convenience—it is procedural harm.

E. The Mayor's November 25, 2025 Remarks Demonstrate the Appeal Process Is Politically Driven and Functionally Futile

The City's own record confirms that the appeal process is not designed to provide meaningful relief. During the November 25, 2025 City Council discussion on appeal fees, the Mayor stated—beginning at approximately 3:25:37 of the meeting video—that:

> *"If a resident cannot obtain a councilmember to bring an issue forward, then probably the odds of a successful appeal are not going to be great anyway."*

This statement is extraordinary. It reveals that:

- The City's appeal process is politically contingent.
- Success depends not on the merits of the appeal but on whether a resident can secure political sponsorship.
- The City does not expect appeals to succeed without prior political alignment.
- The high appeal fees operate within a system that is already structurally stacked against residents.

When the presiding officer of the City Council openly states that appeals are unlikely to succeed unless a councilmember is already aligned with the appellant, the City has effectively admitted that:

- The appeal process is not impartial.
- The appeal process is not independent.
- The appeal process is not merit-based.
- The appeal process is not a meaningful check on staff or commission decisions.

Combined with the City's astronomically high fees, this creates a system that is:

- Politically driven.
- Economically prohibitive.
- Functionally incapable of providing meaningful relief.

A fee cannot be defended as "cost recovery" for a process that the City's own Mayor has publicly characterized as largely futile unless a resident already has political support. This is not a legitimate appeal system—it is a barrier to due process.

Required Structural Reforms to Any New Appeal Fee Framework

Any new or revised appeal fee structure must include the following.

1. A clear, plain-language explanation of the detailed appeal process.

This explanation must appear:

- In the Municipal Code/Zoning Ordinance.
- On the City's website.
- On the appeal instructions or forms themselves.

Residents must be able to understand:

- What is appealable.
- How to file an appeal.
- What materials are required.
- What standards apply.
- What the timeline is.

2. Break down appeal fees by specific planning and zoning action.

"Planning Division appeals for development applications" is far too broad. The City must establish separate fees for:

- CEQA determinations.
- Development Agreements.
- Zoning Administrator decisions.
- Design Review decisions.
- Use Permit decisions.
- Subdivision decisions.
- General Plan consistency determinations.
- Specific Plan amendments.
- Variances.
- Planned Development modifications.

- Tree removal decisions.
- Historic resource determinations.

Each category requires its own cost-basis analysis.

“Planning Division appeals for development applications” is far too broad. The City must establish separate fees for:

- CEQA determinations.
- Development Agreements.
- Zoning Administrator decisions.
- Design Review decisions.
- Use Permit decisions.
- Subdivision decisions.
- General Plan consistency determinations.
- Specific Plan amendments.
- Variances.
- Planned Development modifications.
- Tree removal decisions.
- Historic resource determinations.

Each category requires its own cost-basis analysis.

3. Publish the cost basis for each category.

For each appeal type, the City must publish:

- The staff positions involved.
- The number of hours allocated.
- The hourly rates used.
- The overhead assumptions.
- The legal review assumptions.
- The total cost basis.

4. Provide examples and scenarios.

To ensure accessibility and transparency, the City must provide:

- Examples of appealable actions.
- Examples of non-appealable actions.
- Sample timelines.
- Sample appeal statements.

5. Ensure the appeal process is not a barrier to due process.

A fee structure that is unclear, unsupported, or inaccessible is a barrier to due process and exposes the City to legal challenge.

Agenda Item 2.2 — Development of Goals for Fiscal Year 2026/2027

The agenda description for Agenda Item 2.2 does not even identify who is developing the goals for Fiscal Year 2026/2027. The item is not attributed to the City Council, the City Manager, or any department. This omission is not a clerical oversight — it is consistent with the City's long-standing pattern of avoiding clear responsibility for policy direction, management, and operational priorities.

When the City chooses to discuss "Citywide goals" without identifying:

- who is proposing them,
- who is responsible for drafting them,
- who is accountable for implementing them, and
- who will be evaluated against them,

the result is a goal setting process with no ownership, no accountability, and no transparency. This is especially troubling because Citywide goals are, by definition, policy direction. They shape:

- budget priorities,
- staffing allocations,
- operational focus,
- service delivery,
- and the City's long term strategic posture.

Yet the agenda frames this as a generic "development of goals" exercise, detached from the governing body that is legally and ethically responsible for setting policy.

This lack of attribution:

- obscures who is driving the process.
- shields the City Council from accountability for the goals that will ultimately guide City operations.
- allows staff to shape policy direction without transparent Council deliberation.
- prevents the public from understanding who to hold responsible for outcomes.

A credible goal setting process requires:

- clear authorship,
- clear responsibility,
- clear accountability, and
- clear public visibility into who is making decisions.

Instead, the City has presented a goal setting item with no identified sponsor, no staff report, no background, no proposed goals, and no indication of how public input will be incorporated.

A goal-setting process that begins with inadequate notice, anonymity and ends with no accountability cannot credibly claim to reflect community priorities or lawful governance.

Conclusion

The City's decision to provide only 24 hours' notice, with no staff report, no background, no reference to prior actions, and an agenda description that conceals the actual subject matter, is unacceptable and in direct contradiction to the City's often repeated but always hollow mission and values. The contradictions between the City's rhetoric and its accessibility practices must be addressed immediately.

The public deserves a transparent, accountable, and inclusive process, not last minute meetings that limit participation and undermine trust.

Respectfully submitted,

Brian C. Swanson, AICP
San Ramon Voter, Taxpayer, and Resident

On Thu, Jan 29, 2026 at 5:59 PM City of San Ramon <casramon@service.govdelivery.com> wrote:

The **City Council will hold a Special Workshop** at **9:00 a.m**. on **Saturday, January 31, 2026.**

The agenda is now available at, https://cityofsanramon.info/4kbpSqq

HOW TO VIEW OR PARTICIAPTE IN THE MEETING;

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ATTENDEE CONDUCT

There will be zero tolerance for any person addressing the Council making profane, offensive and disruptive remarks, or engaging in loud, boisterous, or other disorderly conduct, that disrupts the orderly conduct of the public meeting. Specifically, it is important for all speakers to adhere to the following guidelines for participation in this meeting:

- No profanity or obscenity.
- Refrain from personal threats or attacks.
- Refrain from hateful epithets and demeaning language based on any person's race, religion, sexual orientation, ethnicity, gender, or disability.
- Respect all people that are present or watching.

At the discretion of the Mayor, a speaker may forfeit speaking time for any of the following reasons:

- Exceeding the allotted time to speak;

- Yelling, screaming, or other behavior that renders this Council unable to continue the meeting;
- Excessive profanity or slander;
- Specific threats or “fighting words” that incite violence; or
- Speech that is outside the subject matter jurisdiction of the Council or the specific agenda item in which you are speaking.

While the City of San Ramon ensures the First Amendment rights of its citizens, we do not accept nor endorse any offensive or hateful comments made during our meetings. The City of San Ramon celebrates the diversity of our community, and we strive to be a welcoming and open community for all.

H

2 attachments

04.22.2025 - BSwanson_PublicComment_AgendaItem8.1–AdoptingtheMasterFeeSchedulefo rVariousMunicipalServicesforFYear2025_26-City Council Meeting.pdf
366K

11.25.2025 - BSwanson_PublicComment_ AgendaItem9.2-DiscussionoftheCity’sAppealFeeStructure-CityCouncilMeeting.pdf
468K

Gmail

Brian Swanson [redacted]

Public Comment: Agenda Item 9.2 - Discussion of the City's Appeal Fee Structure - City Council Meeting - November 25, 2025

1 message

Brian Swanson [redacted] Tue, Nov 25, 2025 at 11:44 AM
To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>
Cc: planningcommission <PlanningCommission@sanramon.ca.gov>, planning@sanramon.ca.gov

[redacted]

Councilmembers:

I submit this public comment under **Agenda Item 9.2 — Discussion of the City's Appeal Fee Structure** (City Council Meeting Agenda Packet, pages 125–129) to document the serious concerns voters, taxpayers, and residents have about San Ramon's astronomically high appeal fees, and how Agenda Item staff reports are being written so narrowly that they force acceptance of inadequate analysis and foreclose meaningful policy-centric discourse by all public bodies in San Ramon. Discussions on this exact same issue were had less than just seven months ago. At that time, Councilmembers acquiesced with very little meaningful discussion, despite many public comments on not only the yearly increases (and the flimsy assumptions and methodology used to justify the increases), but the grand total as well. The astronomically high appeal fees are cost-prohibitive, do not provide a realistic means for public appeal, and continue to expose San Ramon to ongoing legal, fiscal, and ethical risks.

These public comments must be permanently visible and easy to find on the San Ramon website in both **HTML** and **searchable PDF** formats.

Public materials (staff report, attachments, and all submitted public comments) must be posted together and directly adjacent to the specific agenda item on the main meeting webpage, reachable in one or two clicks, not entirely compartmentalized on a different landing page, requiring an additional three or four clicks.

Link integrity and accessibility must be actively maintained so interested parties can locate and verify the administrative record without unnecessary barriers.

The Agenda Item 9.2 Staff Report does not merely omit context and data by accident. It **cherry-picks** from the Matrix Consulting Group User Fee Study and Cost Allocation Plan to narrowly justify astronomically high appeal fees while **withholding the full Matrix analysis** that would enable meaningful public and Policy Committee scrutiny. That selective presentation is framed under City Council Goal #2 — "maintain a secure financial base and explore potential fee adjustments" — and is being used as cover to defend punitive fees rather than to honestly evaluate equity, access, and public accountability.

This engineered narrative protects and accelerates the interests of **the Sunset Development Company (Sunset)**, the monopolistic, dominant downtown landowner and master developer. Sunset's influence has always shaped approvals, timelines, and the practical ability of residents to challenge decisions. In effect, **Sunset is running San Ramon**: acting as de facto City staff, de facto Planning Commission, and de facto City Council or policy maker—while the City's appeal fees function as a *financial moat* protecting Sunset's projects from scrutiny.

How the Staff Report distorts the record

- **Selective extraction from Matrix.** Staff has presented only the slices of the Matrix study that support higher fees while withholding the full report, raw data, and spreadsheets that would reveal allocation choices and assumptions.
- **Methodology hidden.** Comparable selection criteria, cost allocation assumptions, and the exact spreadsheets used to calculate proposed fees are not disclosed. This opacity prevents independent verification and invites the reasonable conclusion that numbers were engineered to justify a predetermined policy that benefits Sunset.
- **Context stripped away.** The report fails to show how San Ramon's market structure, planning staff capacity, or developer concentration compares to the jurisdictions used as comparables. Without that context, benchmarking is meaningless. Fremont's development is incredibly diverse. Its revenue position and budget are in significantly better shape than San Ramon's and it has a substantial and rather capable planning staff.
- **Equity and ethics omitted.** There is no analysis of how high fees disproportionately burden individual residents and community groups while leaving well-capitalized developers like **Sunset** effectively unimpeded. Consideration of the equity and fairness discussion in American Institute of Certified Planners (AICP) Code of Ethics and Professional Standards is entirely absent.
- **Timing used as a shield.** The staff timeline — "provide direction to staff" and defer fee schedule work to the development of the FY 26–27 Master Fee Schedule — functions as a delaying tactic that protects ongoing approvals from immediate scrutiny and preserves Sunset's momentum.

Delay is unacceptable and dangerous

- **Sunset is moving at break-neck speed.** Discretionary approvals for downtown redevelopment are proceeding rapidly. Postponing fee reform until spring approval of the Fiscal Year 26/27 Master Fee Schedule preserves the financial chokehold on appeals while major approvals continue. That delay is not neutral; it materially reduces the public's ability to challenge decisions being finalized now.
- **Delay entrenches developer advantage.** High appeal fees already operate as a barrier to accountability. Waiting months to study and possibly change fees entrenches **Sunset's** advantage and signals that public oversight can be deferred indefinitely.
- **Delay magnifies fiscal and civic risk.** Rapid approvals without independent fiscal scrutiny, combined with punitive appeal fees, shift long-term infrastructure and maintenance liabilities onto residents while insulating Sunset and other well-funded actors from meaningful challenges.
- **Delay undermines trust.** Promising a future study without immediate corrective steps looks like procedural theater designed to deflect criticism, not to fix the problem.

Sunset's role is central and pervasive

- **Sunset as de facto City staff.** Sunset is performing management and operational functions that should be the City's responsibility, reducing the City's independent technical capacity and institutional judgment.
- **Sunset as de facto Planning Commission.** Sunset's projects and preferred urban form are dictating San Ramon's existing, current, and future planning outcomes. When a single private actor controls the downtown land base, planning becomes developer-driven rather than community-driven.
- **Sunset as de facto City Council.** Policy choices—like fee structures and streamlined discretionary processes (removal of most all practical safeguards to minimize political

influence and maintain numerous public involvement opportunities as has been done with the removal of most all references to Measure G in the San Ramon Zoning Ordinance)—are being shaped to protect Sunset's bottom line, even when those choices saddle the City with long-term fiscal liabilities from housing that is a known loss leader for host cities.

- **Fees as Sunset's protective shield.** The practical effect of astronomically high appeal fees is to make it prohibitively expensive for neighbors, community groups, and independent reviewers to challenge approvals that reshape neighborhoods and the City's fiscal future.

Required actions and remedies — immediate and nonnegotiable

1. **Publish the full Matrix study and all supporting spreadsheets now.** Release the complete Matrix Consulting Group User Fee Study and Cost Allocation Plan, including raw data, comparable lists, allocation methodologies, and the exact spreadsheets used to calculate proposed fees. The public must be able to verify staff's claims.
2. **Implement an immediate temporary reduction or waiver of appeal fees** for resident and community group appeals pending completion of an independent comparative and equity study. A temporary waiver is the only credible interim remedy to preserve public access while the study proceeds.
3. **Commission an independent, transparent study immediately.** The study must be publicly scoped and must include national and regional benchmarking, contextual metrics (population, land area, planning staff size, development activity), an equity analysis, and an explicit review of developer concentration and conflicts of interest—with **Sunset's** dominant role as a central focus. Publish the scope, comparables list, data sources, and timeline of the new independent study as soon as possible.
4. **Require heightened procedural safeguards for projects by Sunset.** For any discretionary approvals involving Sunset, require extended public notice, an extended appeal window, mandatory independent fiscal impact review, and additional public hearings before final discretionary approvals proceed.
5. **Adopt an interim tiered fee policy.** Fees must scale by project size, applicant type, and demonstrated ability to pay so that individual residents and community groups are not priced out of appeals. This interim policy must be implemented immediately and remain in effect until the independent study is complete.
6. **Restore full transparency practices.** All future staff reports that rely on consultant studies must include the full consultant report, raw data, and spreadsheets as attachments and must explicitly identify assumptions, alternatives considered, and the rationale for comparable selection.
7. **Initiate a Sunset influence review.** Commission an independent review that documents Sunset's landholding concentration, the pace of its approvals, and the ways in which City processes and fee structures have served to entrench and accommodate Sunset dominant outsized influence in San Ramon. The review must recommend structural reforms to restore independent City oversight.

Accountability now, not later

"Provide direction to staff" and a promise to revisit fees to the approval of the FY 26/27 Master Fee Schedule is not an adequate response to a structural problem that is actively reshaping our downtown and civic life in San Ramon. When staff hides the full Matrix analysis and presents a narrow, engineered narrative, the public cannot meaningfully evaluate tradeoffs or hold decision makers accountable. If the Councilmembers truly value public participation, fiscal prudence, and ethical governance, it will act tonight to:

- **demand full disclosure** of the Matrix study and underlying data,

- **remove the immediate financial chokehold** on appeals with a temporary reduction or waiver, and
- **commission an independent, transparent study now** with **Sunset's** dominant role as a central focus.

Delay is complascense. Allowing Sunset and a complicit process to dictate San Ramon's current and future quality of life without immediate corrective action is unacceptable.

This is serious,

Brian Swanson, AICP
San Ramon resident and taxpayer

On Fri, Nov 21, 2025 at 5:01 PM City of San Ramon <casramon@service.govdelivery.com> wrote:

The **City Council meeting** will begin at **7:00 p.m**. on **Tuesday, November 25, 2025.**

The meeting agenda is now available at, https://cityofsanramon.info/4poSXjo

HOW TO VIEW OR PARTICIPATE IN THE MEETING:
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Zoom: https://cityofsanramon.zoom.us/j/91382842015
Webinar ID: 913 8284 2015

Zoom Phone Numbers: +1 (669) 900 6833
The City's YouTube Channel: sanramon.ca.gov/YouTube

Gmail

Brian Swanson <[redacted]>

Public Comment: Agenda Item #8.1 – Adopting the Master Fee Schedule for Various Municipal Services for Fiscal Year 2025/26 - City Council Meeting - April 22, 2025

1 message

Brian Swanson <[redacted]> Tue, Apr 22, 2025 at 12:34 PM
To: Clerk City <CityClerk@sanramon.ca.gov>
Cc: Council City <CityCouncil@sanramon.ca.gov>, planningcommission <PlanningCommission@sanramon.ca.gov>, "candace.andersen@bos.cccounty.us" <candace.andersen@bos.cccounty.us>, "jen.quallick@bos.cccounty.us" <jen.quallick@bos.cccounty.us>, senator.grayson@senate.ca.gov, michael.sponsler@sen.ca.gov, assemblymember.bauer-kahan@assembly.ca.gov, michelle.henry@asm.ca.gov, DeSaulnier Congressman Mark <Congressman.DeSaulnier@mail.house.gov>, sarah.jackson@mail.house.gov, janessa.oriol@mail.house.gov, abrownstevens@greenbelt.org

Dear Mayor and City Council Members:

I am writing to express my strong objections to Agenda Item #8.1: Resolution No. 2025-036 - Adopting the Master Fee Schedule for Various Municipal Services for Fiscal Year 2025/26, and Repealing Resolution No. 2024-051.

These comments must be visible, easily found, and accessible (limiting the number of "clicks" to access) to all interested parties and the public in perpetuity in HTML (link integrity and functionality must be judiciously maintained, kept current, and/or updated, as needed) and PDF format. They must exist in concert (or compiled together) with other meeting materials, not compartmentalized separately, causing fragmentation in the importance of public comments made during any City meeting.

The dramatic fee increases and the methodology behind setting these fees are flat-out wrong and lack meaningful effort. As currently structured, they favor developers at the expense of resident taxpayers. Resident taxpayers already shoulder a disproportionate load in providing revenue to the City. This overwhelming burden has only increased as of April 1, 2025, with the additional tax paid by residents and visitors within the City due to the passage of Measure N. City Council must reduce the disparity between fees charged to developers and resident taxpayers.

Appeal Fee Concerns and Comparative Analysis: In 2023, Citizens Against the Market Place Apt/Condo Development (CAMPAD) paid $2,500 to file an appeal regarding the Planning Commission's improper approval of a condo project. The proposed Master Fee Schedule now represents a $2,000 increase over that fee, with no accompanying research or sound analysis to justify such a steep hike. When one considers that the Town of Danville charges merely about $311 for a similar appeal and that Pleasanton utilizes a dual-rate system—charging developers a higher fee while offering a dramatically lower fee for citizen appeals—it becomes abundantly clear that San Ramon's proposed fees are not competitive in terms of fairness. The Council must first differentiate the fee structure based on whether an applicant/developer or a citizen initiates an appeal. Moreover, the fee for any change based directly or loosely on development, planning, and zoning should be scaled relative to how long the current regulation has been in effect. The older and more established the current planning and zoning framework, the lower the fee should be, rewarding stability, while recent, developer-led changes should incur a higher fee to discourage disruptive modifications.

Traffic Impact Mitigation and Local Construction Cost Realities: Additionally, I am deeply troubled by the methodology used to determine the twenty-eight Public Works Traffic Impact Mitigation Fees, which rely on the San Francisco Bay Area Construction Cost Index (CCI) for 2024, currently showing a decrease of 0.7%. Anyone familiar with the current construction markets can attest that our region's transportation inflation, especially for city-level streets, has exceeded 10% annually in recent years. Relying solely on a negative adjustment based on a metric more suited to highway projects (where economies of scale often drive costs down) is wholly inappropriate for urban street paving. While Caltrans may provide a reliable index for major highways, it fails to capture the realities of local, city-level construction costs. For example, the Metropolitan Transportation Commission's StreetSaver tool offers more accurate local data, yet it appears underutilized here. The result is a fee calculation that underestimates the burden on public infrastructure and indirectly subsidizes developer interests through artificially low fees.

Influence of Developer/Construction Lobby and Internal Bias: It is particularly disconcerting that this fee structure is being influenced so strongly by developer and construction industry interests. With the City Manager and some staff members steeped in this industry, a clear and present bias skews the fee schedule to be pro-developer and anti-resident. Even if citizen voting were to bring about change in the Council, such staff influences could still perpetuate unfavorable outcomes. The current approach—favoring a one-size-fits-all increase based solely on CPI and an anomalous CCI drop—fails to account for the local economic realities and places an undue financial burden on ordinary taxpayers while reducing costs for developers.

Conclusion and Recommendations: The City Council must reconsider and significantly revise Resolution No. 2025-036. At a minimum, a new fee schedule must:

> **Differentiation by Initiator:** Establish a two-tier appeal fee system—one for citizen-led appeals and a significantly higher fee for developer or applicant-initiated appeals.
>
> **Sliding Scale Based on Plan Tenure:** Incorporate a sliding scale that reduces fees for changes to the General Plan designation and Zoning Ordinances when the current rules have been in effect for longer.
>
> **Utilization of Accurate Local Data:** Replace the current reliance on the negative CCI adjustment with a locally applicable, well-researched construction cost index—one that may include data from tools like StreetSaver—to capture the real-world inflation impacting city streets accurately. The City should have its own experience to rely on, providing more cost-relevant information. The City tries to implement a Capital Development Program continuously.
>
> **Greater Transparency and Accountability:** Ensure that the fee-setting process remains independent of developer/construction lobbying pressures so that the interests of resident taxpayers are not compromised.

Using outdated or generalized metrics—and ignoring proven examples such as Danville's minimal fee and Pleasanton's tiered fee approach—fails to recognize local cost realities and perpetuates a system that burdens taxpayers while privileging developers.

The City Council must take these recommendations seriously to safeguard fiscal fairness and community stability.

I also recommend that the upcoming budget workshops include a detailed explanation, illustration, and diagram of how these proposed fees, even though they need massive revision, help fund the City's budget and detail the exact linkage rather than only discussing rolled-up numbers that provide no practical meaning. Unfortunately, despite lip service from the new finance director during meetings and workshops, community views regarding this year's City budget have only been explicitly solicited via email this morning.

Thank you for considering responsible good governance and a real-world perspective.

Sincerely,

Brian Swanson, AICP
San Ramon, California

On Fri, Apr 18, 2025 at 4:51 PM City of San Ramon <casramon@service.govdelivery.com> wrote:

> The **City Council meeting** will begin at 7**:00 p.m**. on **Tuesday, April 22, 2025.**
>
> The meeting agenda is now available at, https://cityofsanramon.info/3EuIxwT
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online at https://www.sanramon.ca.gov/public_comment.

Written comments received after the cut-off time will be provided to the City Council the day following the meeting.

Please include "Public Comment" in the subject line. In the body of the email please include your name and the item you wish to comment
on. Written public comment will not be read aloud during the meeting.

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public desiring to provide comments as a part of the meeting are encouraged to either submit written comments prior to the meeting or to
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CITY OF SAN RAMON

COMMUNITY DEVELOPMENT

INTRODUCTION OF ORDINANCE – AMENDING SAN RAMON MUNICIPAL CODE (SRMC) FOR VARIOUS DEVELOPMENT IMPACT FEE CHANGES

CITY COUNCIL PUBLIC HEARING
MARCH 10, 2026

BACKGROUND

San Ramon
CALIFORNIA

- **2018:** Based on a 2017 Nexus Fee Study, the City adopted revisions/additions to various Development Impact Fees (DIFs) established in the SRMC
- **2019:** City adopted a new Affordable Housing Fee for residential and commercial development in the SRMC
- **State Law Changes:** Recent changes to the State Mitigation Fee Act (AB 1600) requires, among other things:
  - DIFs be based on square footage, as opposed to units
  - Nexus Fee Studies be updated at least every 8 years

NEXUS FEE STUDY UPDATE

- **Consultant prepared an updated Nexus Fee Study:**
  - Child Care Fees
  - Parkland Impact Fee
  - Park and Recreation Facility Impact Fee
  - Public Art Impact Fee
  - Open Space Development Impact Fee
  - Affordable Housing In-lieu Fee (Residential Development)
  - Affordable Housing Commercial Linkage Fee (Commercial Development)
- Results incorporated into the Master Fee Schedule update for FY 26/27
- Proposed fees for various Development Impact Fees require SRMC amendments, prior to the effective date of the Master Fee Schedule update

SRMC DIVISION C4 (LAND DEVELOPMENT) AMENDMENTS

San Ramon
CALIFORNIA

- Replace 2017 Nexus Fee Study references with a general Nexus Fee Study reference and other minor clarifying edits for:
  - Child Care Fees
  - Park and Recreation Facility Impact Fee
  - Public Art Impact Fee
  - Open Space Development Impact Fee
  - Affordable Housing In-lieu Fee (Residential Development)
  - Affordable Housing Commercial Linkage Fee (Commercial Development)

- Eliminates need for future SRMC amendments when the Nexus Fee Study is updated within the 8-year period, consistent with AB 1600

SRMC PARKLAND IMPACT FEE AMENDMENTS

San Ramon
CALIFORNIA

- Creates a standard Parkland Impact Fee applicable to all new residential development projects, not just residential subdivision projects
  - Ensures that all housing types, such as apartments, that add population and demand for parkland in the City pay a Parkland Impact Fee
- Adds a new SRMC Division C4 (Land Development), Chapter XIV for the Parkland Impact Fee
- Amends SRMC Division C5 (Subdivision Procedures), Chapter X (Parkland Dedication):
  - Reflects shift to a square footage standard
  - Eliminates the land appraisal requirement process (streamlines staff review)
  - References the new Parkland Impact Fee (Division C4, Chapter XIV) when approved as an alternative to dedication of parkland

RECOMMENDATION

San Ramon
CALIFORNIA

- Introduce the Ordinance, Waive the Reading and Read by Title Only, Open the Public Hearing, Take Public Testimony, Close the Public Hearing, and Set the Ordinance for Adoption at the March 24, 2026, City Council Meeting

San Ramon
CALIFORNIA

CITY OF SAN RAMON

COMMUNITY DEVELOPMENT

INTRODUCTION OF ORDINANCE – AMENDING SAN RAMON MUNICIPAL CODE (SRMC) FOR VARIOUS DEVELOPMENT IMPACT FEE CHANGES

CITY COUNCIL PUBLIC HEARING
MARCH 10, 2026

From:	Brian Swanson
To:	City Clerk (Public); City Council
Cc:	planningcommission; Planning Services (public)
Subject:	Public Comment: Agenda Item 9.2 - parkland dedication, parkland impact fee, park and recreation facility impact fee, and open space development impact fee (specifically) - City Council Meeting - March 10, 2026
Date:	Tuesday, March 10, 2026 3:47:15 PM

City Council:

I submit the following public comments regarding the **parkland dedication**, **parkland impact fee**, **park and recreation facility impact fee**, and **open space development impact fee** portions of Agenda Item 9.2.

This comment also incorporates by reference my prior comments concerning development fees, transparency, public access, and the administrative record.

While Agenda Item 9.2 does impose meaningful park-related fees on new residential development, the real question is whether the **parkland and open space methodology is truly resident-serving, quality-of-life-serving, and structured to secure the park and open-space outcomes existing San Ramon residents need**? The answer is a **resounding no.**

In the most consequential respects, this is a **growth-accommodation and administrative-convenience ordinance**, not a resident-centered quality-of-life ordinance. The City is replacing parcel-specific fair market valuation with a citywide standardized nexus-fee formula, limiting major park and open-space burdens to residential growth even though San Ramon is also planning substantial non-residential growth; relying on formulas that expressly do not address existing unmet needs or quality-of-life deficits; and reducing code-level transparency by substituting generic future nexus-study references for specific adopted methodologies.

The comments below explain why:

A. Agenda Item 9.2 is not merely "internal consistency" or housekeeping; it makes substantive policy choices.
B. The park and open-space methodology is not truly resident-serving because it is expressly not designed to correct existing deficits or declining quality of life.
C. The ordinance and fee study shift major park and open-space burdens onto residential growth while largely excusing non-residential growth.
D. Replacing project-specific fair market valuation with a citywide standardized nexus fee is more development-serving than resident-serving.
E. The cost assumptions themselves are not clearly aligned with accessible, neighborhood-serving, high-quality park acquisition in the areas where growth is occurring.
F. The City has not adequately explained the gap between the General Plan's broader parkland aspiration and the lower operative fee/dedication standard.

G. The ordinance reduces code-level transparency and makes future substantive changes easier to bury.
H. The proposal raises significant legal and methodological concerns under California fee law.
I. The proposal is inconsistent with the planning profession's public-interest, fairness, and transparency principles.
J. The Council should continue this matter and require a more complete, resident-centered record before adoption.

Transparency, Access, and the Administrative Record

Any materials related to Agenda Item 9.2, whether provided now or in the future, must be permanently posted on the City's website in HTML and searchable PDF formats, directly adjacent to the agenda item. This includes staff reports, consultant analysis, David Taussig and Associates studies, comparable land inventories, CoStar land-sale inputs, spreadsheets, assumptions tables, presentations, errata, and public comments when such materials exist. Public comments must not be fragmented across multiple pages or buried behind excessive navigation. Link integrity must be actively maintained so the administrative record remains accessible in perpetuity. Any materials distributed at or shortly before the meeting must be posted online immediately and made available to the public at the same time they are provided to the Council. All documents, emails, spreadsheets, working papers, land comps, and materials considered by the Council or staff must be included in the administrative record.

These requirements apply regardless of whether the City has chosen to provide background materials for this item.

A. Agenda Item 9.2 is not mere housekeeping.

The staff report repeatedly frames this item as an internal-consistency exercise tied to the current nexus fee study and master fee schedule. That characterization is incomplete and misleading.

This item does not simply clean up wording. It does at least four substantive things:

First, it adds a new **Parkland Impact Fee** chapter applicable to all new residential projects, not just subdivisions.

Second, it rewrites the **Parkland Dedication** chapter so that in-lieu fees are no longer calculated through a parcel-specific fair-market-value process.

Third, it replaces older code language tied to a specific adopted study with generic references to whatever the "applicable Nexus Fee Study" may be in the future.

Fourth, it standardizes multiple fee chapters around a square-footage-based framework while eliminating a more site-sensitive land valuation process.

Those are policy choices, not clerical edits.

B. The park and open-space methodology is not truly resident-serving because it is expressly not designed to fix existing deficits.

The David Taussig and Associates analysis expressly states that **100 percent** of the parkland, park development, and open space costs are allocated to new development, and that those calculations do not reflect unmet needs or deficiencies in **existing development**.

That may be a legally familiar impact-fee approach, but it is not the same as a resident-serving quality-of-life approach.

The City is effectively telling residents that this ordinance is not intended to remedy existing park shortages, open-space access problems, trail crowding, uneven neighborhood park distribution, or any broader decline in quality of life caused by prior growth. It is designed only to allocate future growth impacts according to the City's chosen methodology.

That is an important distinction. A fee structure can be legally framed as mitigation and still fail to be meaningfully pro-resident.

Indeed, California law itself reflects that distinction. Government Code section 66001 requires the City to establish a reasonable relationship between the fee, its use, and the development on which it is imposed, and subsection (g) states that a fee may not include costs attributable to existing deficiencies in public facilities. However, it may include costs needed to maintain the existing level of service or achieve an adopted level of service consistent with the General Plan. That means this methodology may be legally familiar, but it also confirms the policy problem: **it is not designed to restore what existing residents believe has already been lost**.

C. The ordinance and fee study shift major park and open-space burdens onto residential growth while largely excusing non-residential growth.

This is where the ordinance is most vulnerable to criticism as pro-developer and not pro-resident.

The fee study expressly states that **non-residential development is not included** in the park-facilities calculation and is also **not included** in the open-space calculation. Yet the City's own 2040 buildout assumptions include substantial non-residential growth, including office, retail, institutional uses, and hotel rooms.

That means the City is choosing to treat parks, trails, and open-space demand as overwhelmingly or exclusively a residential issue, even in a city where workers, shoppers, hotel guests, and other non-residential users plainly consume public realm, trail, and park-adjacent amenities.
That choice is not compelled by the record before the Council.

In fact, the ordinance itself underscores the inconsistency. The Park and Recreation Facility Impact Fee chapter states that the Mitigation Fee Act allows fees to be charged to **all new development that increases the need for capital facilities, including infill projects**. The same chapter defines park facilities broadly enough to include impacts caused by additional persons **residing or employed** on the property due to new development. Yet the actual fee-imposition provisions apply only to residential development.

That is a local policy choice.

The same ordinance also updates other chapters that impose non-residential burdens where the City believes non-residential development creates impacts, including the commercial linkage fee and the public art fee structure. In other words, the City clearly knows how to allocate non-residential impacts when it wants to. It simply chose not to do so here for parkland and open space.

That is not neutral. That shifts more of the burden to residential growth while relieving office, retail, hotel, and other commercial or employment-generating development of a more proportionate share of park and open-space responsibility.

D. Replacing project-specific fair market valuation with a citywide standardized nexus fee is more development-serving than resident-serving.

The old Parkland Dedication chapter tied in-lieu fees to the **fair market value of buildable land** and required a written appraisal prepared immediately before final map filing. That valuation process expressly considered approval conditions, the General Plan, zoning, **property location**, off-site improvements, and site characteristics. It also allowed an appeal of the fair-market-value determination to the City Council before final map approval.

That system has now been replaced with a standardized, cross-referenced nexus-fee approach.

Staff expressly says the Parkland Dedication chapter was modified to:

1. reflect the shift to a square-footage standard,
2. eliminate the land-appraisal requirement process, and
3. reference back to the Parkland Impact Fee chapter when an in-lieu payment is used instead of dedication.

That shift may be administratively easier. But easier for administration is not the same thing as fair to residents.

A parcel-specific appraisal is messy, slower, and more contested. It is also **location-sensitive**. It reflects what land actually costs in the area where the project is being approved.

The replacement system instead uses a citywide standardized assumption derived from a consultant-selected inventory of undeveloped properties sold between 2019 and 2023, producing an average land acquisition cost. The obvious resident concern is that a citywide average can undercapture what parkland actually costs in the highest-value growth areas, precisely where acquiring meaningful neighborhood-serving park space is hardest and most important.

That is why this change is fairly characterized as more development-serving than resident-serving. It reduces friction, reduces site-specific scrutiny, and reduces the risk that in-lieu fees in high-value growth areas will track the actual market cost of acquiring replacement park land there.

E. The cost assumptions themselves are not clearly aligned with resident-serving park acquisition in growth areas.

The problem is not only that the City is moving to a standardized fee. It is that the underlying assumptions themselves are not clearly aligned with residents' real-world needs.

The parkland acquisition analysis uses a citywide average of sales of undeveloped property. The open-space analysis uses an average cost per acre tied to preserved open-space acreage. The park development analysis uses an average development cost per acre calculated as the current value of existing buildings, equipment, and vehicles divided by the existing park acreage.

Those may be convenient consultant methodologies. But they are not obviously the same thing as the real cost of securing accessible, neighborhood-serving, urban or semi-urban park and trail resources in the areas where new growth is actually occurring.

The open-space assumptions are particularly telling. A methodology tied to preserved acreage and very low average open-space land cost does not read as a methodology designed to deliver accessible neighborhood-serving open space in the city's most intensely developing areas. It reads as a methodology designed to preserve a generalized citywide ratio.

That may satisfy a consultant model. It is not the same as serving the actual resident quality of life in the neighborhoods absorbing growth.

The record also contains at least one obvious red flag that warrants caution rather than immediate adoption: the park development inventory summary appears to contain an unexplained reference to the **City of Santa Maria** as the source note in a San Ramon study section (Section VI, Calculation of Fees, Report Page 35). Even if that is ultimately a copy-and-paste error, it further undermines confidence in the care, project-specific accuracy, and quality control of the underlying consultant work.

F. The City has not adequately explained the gap between the General Plan aspiration and the lower operative standard.

The rewritten Parkland Dedication chapter states that the San Ramon 2040 General Plan establishes a guideline of **6.5 acres of functional public parkland per 1,000 residents** at General Plan buildout. But the actual dedication and in-lieu-fee formula is based on **4.91**

acres per 1,000 persons.

Part of that gap is legally understandable. The City is operating within the framework of the Quimby Act, now codified at [Government Code section 66477](), which limits dedication and in-lieu requirements unless certain thresholds are satisfied. That statute also requires that the amount and location of land or fees bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

But acknowledging the Quimby framework does not solve the policy problem.

If the City's broader planning aspiration is 6.5 acres per 1,000 residents, yet the operative ordinance is structured around 4.91, then the City should clearly and publicly explain how that gap is supposed to be closed. The ordinance does not do that. The study does not do that. The staff report does not do that.

So while the ordinance may help sustain a lower operative standard, it does not explain how the City will actually achieve the broader quality-of-life standard it claims to want.

That is not a resident-centered approach.

G. The ordinance reduces code-level transparency and makes future substantive changes easier to bury.

The ordinance deliberately removes specific code references to the 2017 Keyser Marston study. It replaces them with generic references to the "applicable Nexus Fee Study" as later approved and incorporated into the Master Fee Schedule.

Staff explicitly states that this is intended to eliminate the need for future code amendments as the City updates nexus fee studies.

That may be convenient for staff. It is not transparent to the public.

A specific code reference forces the City to be clear about which study, methodology, and adopted assumptions are actually embedded in the ordinance. A generic future reference makes it easier for substantive methodology changes to move through fee-study updates and fee schedules without a clean, readable code amendment showing exactly what changed.

That matters in a city where development-fee methodology has direct consequences for land acquisition, park access, neighborhood burden, and quality of life.

It also matters because the staff report itself provides little meaningful narrative explanation of these parkland and open-space changes. The public is therefore forced to reconstruct the ordinance's actual effect by cross-reading redlines, consultant tables, appendices, and fee schedules.

That is not resident-friendly governance.

H. The proposal raises significant legal and methodological concerns under California fee law.

California law does not prohibit standardized impact fees. But it does require a record and a rational methodology.

Government Code section 66001 requires the City to identify the purpose of the fee, identify the use to which the fee is to be put, determine the reasonable relationship between the fee's use and the type of development on which it is imposed, determine the reasonable relationship between the need for the public facility and the type of development on which the fee is imposed, and determine the reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development.

Government Code section 66016 requires an open public meeting before levying a new fee or increasing an existing one. It requires the City to make the cost data and revenue sources supporting the fee available in advance.

For housing development projects, Government Code section 66016.5 requires nexus studies adopted after July 1, 2022 to calculate fees proportionately to the square footage of the proposed units unless the City makes specific findings supporting another metric. That same statute also expressly states that it **does not prohibit** an agency from establishing different fees for different types of development, and it requires public-hearing procedures and study updates.

That is important here. State law may support moving to a square-footage-based housing fee. But state law does **not** require the City to abandon location-sensitive valuation without explanation, nor does it require the City to use a single undifferentiated citywide land-cost assumption if different types or locations of development warrant different treatment.

The Constitution also matters. Article XIII C, section 1 of the California Constitution places the burden on the local government to prove that a charge imposed as a condition of property development is no more than necessary to cover reasonable costs and that the manner in which those costs are allocated bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

That legal framework is why the City's methodology choices matter so much. The problem is not that square footage is unlawful. The problem is that the City is using square footage, citywide averaging, residential-only burden allocation, and generic future-study references in ways that have not been adequately shown to be fair, transparent, or genuinely resident-serving.

I. The proposal is inconsistent with the planning profession's public-interest, fairness, and transparency principles.

The planning profession's ethical framework is not limited to narrow disciplinary rules for certified planners. It also sets out broader public-interest principles for all who participate in planning, as advisors, advocates, and decision-makers.

The **AICP Code of Ethics and Professional Conduct** states that its aspirational principles define standards for all who participate in the planning process, whether as planners, advisory bodies, or decision-makers, and emphasize service to the public interest, clear information, equity, fair dealing, and independent judgment: https://www.planning.org/ethics/ethicscode/.

The APA's **Ethical Principles in Planning** likewise state that they guide all who participate in planning as advisors, advocates, and decision makers, and emphasize that planning exists to serve the public interest, that citizens are entitled to full, clear, and accurate information, and that issues with large private interests at stake require the highest standards of fairness and honesty: https://www.planning.org/ethics/ethicalprinciples/.

Agenda Item 9.2 does not meet those principles.

A resident-centered ordinance would have clearly explained why non-residential growth is not carrying more park and open-space burden, why fair-market-value appraisal is being abandoned, how the City will bridge the gap between its General Plan aspiration and its operative standard, how quality-of-life deficits already felt by residents will be addressed, and how future methodology changes will remain transparent at the code level.

This ordinance does not do that. It is administratively streamlined, but not ethically or transparently resident-centered.

J. Requested Action

The Council should **continue this public hearing** and direct staff to return with a more complete and resident-centered record before any adoption of Agenda Item 9.2.

At a minimum, the return item should include:

1. a clear explanation of why major park and open-space burdens are being placed almost entirely on residential growth, while non-residential growth is largely excluded from these calculations;
2. a full explanation of the internal inconsistency between the broad impact language in the Park and Recreation Facility chapter and the actual residential-only imposition structure;
3. the complete land-sales inventory, comparable-property inputs, CoStar data, assumptions tables, and any sensitivity analysis showing whether a single citywide land-acquisition average is adequate in high-value growth areas;
4. a full explanation of why eliminating the parcel-specific fair-market-value appraisal process is substantively fair to residents and not merely administratively easier for the City and developers;
5. a more location-sensitive or hybrid in-lieu fee methodology for high-value growth areas, or at a minimum, a formal analysis of whether subarea adjustments are necessary;

6. a full explanation of how the City intends to bridge the gap between the General Plan's 6.5-acre guideline and the ordinance's 4.91-acre operative standard;
7. a full explanation of how these fees will produce parkland, trails, and open-space improvements that are actually accessible and quality-of-life-serving for the neighborhoods where growth is occurring;
8. correction of any consultant errors, inconsistencies, or unexplained references in the fee studies, including the apparent City of Santa Maria source reference in the San Ramon park development section;
9. permanent online posting, directly adjacent to Agenda Item 9.2, of all nexus studies, appendices, land comps, spreadsheets, inventories, memoranda, and errata; and
10. a clear statement on the record that the City has complied with all applicable procedural and substantive requirements of Government Code sections 66001, 66016, 66016.5, and 66477.

The Council should not adopt the ordinance on the current record.

Conclusion

Agenda Item 9.2 is not simply technical code cleanup.

It changes how parkland obligations are calculated.

It replaces parcel-specific fair-market-value land appraisal with a citywide standardized nexus fee.

It shifts major park and open-space burdens onto residential growth while largely excluding non-residential growth.

It expressly does not address existing resident deficits.

It reduces code-level transparency.

And it does not explain how the City will achieve the broader parkland quality-of-life standard reflected in the General Plan.

So while this item is not a pure fee giveaway, it is still **more development-serving than resident-serving in the places that matter most**.

It is growth-accommodation, not quality-of-life restoration.

It is administrative convenience, not transparent resident protection.

And it is not a sufficiently complete record for adoption in its current form.

Respectfully submitted,

Brian C. Swanson, AICP
San Ramon Voter, Taxpayer, and Resident

On Fri, Mar 6, 2026 at 3:36 PM City of San Ramon <casramon@service.govdelivery.com> wrote:

> The **City Council meeting** will begin at 7**:00 p.m**. on **Tuesday, March 10, 2026.**
>
> The meeting agenda is now available at, https://sanramonca.portal.civicclerk.com/event/9/files/agenda/1170

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scheduled start time of the meeting will be distributed to the City Council via e-mail, provided at the meeting in the red binder, and posted
online at https://www.sanramon.ca.gov/public_comment.

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Please include "Public Comment" in the subject line. In the body of the email please include your name and the item you wish to comment
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from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue. Members of the
public desiring to provide comments as a part of the meeting are encouraged to either submit written comments prior to the meeting or to
attend the meeting in person.

Zoom: https://cityofsanramon.zoom.us/j/98326324899
Webinar ID: 986 2632 4899
Zoom Phone Numbers: +1 (669) 900-6833
The City's YouTube Channel: sanramon.ca.gov/YouTube

Regular City Council meetings are broadcast on Contra Costa Television (CCTV) (Channel 27) on Wednesdays at 7:00 p.m. and Thursdays at
1:00 p.m. immediately following the meeting. Regular City Council meetings are also broadcast on AT&T

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