

From: [Brian Swanson](#)
To: [City Clerk \(Public\)](#); [City Council](#)
Cc: [planningcommission](#); [Planning Services \(public\)](#)
Subject: Public Comment: Request to Pull Agenda Item 5.2 - Minute Order No. 2026-005 - 2025 General Plan Annual Report from the Consent Calendar and Formal Comment - City Council Meeting - March 24, 2026
Date: Tuesday, March 24, 2026 3:43:21 PM
Attachments: [03.25.2025 - City Council - Public Comment Item 5.3 2024 General Plan Annual Report AND Item 9.1 Innovate 680 - Bollinger Canyon Road SMH.pdf](#)
[Exhibit II - BSwanson PublicCommentSanRamCityCouncilMtg11122024.pdf](#)
[Exhibit GG - BSwanson SanRamon PublicComments PublicReviewDraftCAPandExhibitA 05192025.pdf](#)
[04.22.2025 - BSwanson PublicComment AgendaItem8.1- AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFY2025 26-City Council Meeting.pdf](#)
[01.31.2026 - City Council Special Workshop - Public Comment Agenda Item 2.1 Appeal Fee Structure and Agenda Item 2.2 Development of Goals for Fiscal Year.pdf](#)
[03.10.2026 - BSwanson -Public Comment CityCouncilMtg - Agenda Item 9.1 - Appeal Fees and Successful Appeal Refund Provisions \(specifically\).pdf](#)
[11.25.2025 - BSwanson PublicComment AgendaItem9.2-DiscussionoftheCity'sAppealFeeStructure- CityCouncilMeeting.pdf](#)
[03.10.2026 - BSwanson-Public Comment-CityCouncilMtg - Agenda Item 9.2 - Ordinance 537 - parkland fees et al..pdf](#)
[03.24.2026 - BSwanson - Public Comment - CityCouncilMtg -Request to Pull Agenda Item 5.11 - Ordinance 537 from the Consent Calendar and Formal Comment.pdf](#)
[12.16.2025 - BSwanson PublicComment-Agenda Item 9.2 - Public Hearing Orchards Development Project - Planning Commission Meeting.pdf](#)
[02.03.2026 - BSwanson - Public Comment Script - Agenda Item8.1-OrchardsDevelopmentProject - Planning Commission.pdf](#)
[02.03.2026 - BSwanson PublicComment-Agenda Item 8.1 - Public Hearing Orchards Development Project - Planning Commission Meeting.pdf](#)
[01.20.2026 - BSwanson PublicComment-AgendaItem 8.1 - Public Hearing Orchards Development Project - Planning Commission Meeting.pdf](#)
[03.24.2026 - BSwanson - Public Comment - CityCouncilMtg - Agenda Item 8.1 - Continue the FY27 Master Fee Schedule Adoption and Repeal of Resolution No. 2025-036.pdf](#)
[03.03.2026 - BSwanson - Public Comment - PlanningComm - Agenda Item 8.1 - Overview of 2026 CA Housing Legislation and Agenda Item 5.2 - 2025 General Plan Annual Report.pdf](#)
[05.08.2025 - BSwanson - Public Questions and Comment - ARBMtg - PublicCommentProcesses ADACompliance Item5 MtgActionMins Item6 - Orchards \(including BCR Fiber Optic Signal Coord Project a CDB.pdf](#)

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City Council:

I submit this written public comment regarding Agenda Item 5.2, the 2025 General Plan Annual Report. I respectfully request that the City Council remove Agenda Item 5.2 from the Consent Calendar and hear it as a full discussion item.

This is not a routine housekeeping matter. Government Code section 65400 requires that the housing-element portion of the annual report be considered at an annual public meeting before the legislative body, at which members of the public may provide oral testimony and written comments. The City's own March 4, 2026, State of the City messaging also emphasized thoughtful, balanced growth and living within the City's means. Agenda Item 5.2 should therefore be heard as a real discussion item, not processed as a consent-calendar formality.

I also submit this comment considering the City Council's adopted Goals, Objectives, and Norms. The City Council has committed itself to maintaining a secure financial base, providing cost-effective and responsive services, building, and maintaining

high-quality infrastructure, enhancing engagement and communication, and balancing land-use planning for housing, retail, jobs, and open space. The City Council's Norms commit it to acting in the community's best interest, listening carefully, being prepared, and conducting effective meetings. Agenda Item 5.2 directly implicates all those commitments. A report of this significance should not be buried on consent.

I expressly incorporate by reference, and attach to this public comment, my prior written comments and submissions on related matters, including but not limited to: my comments on the 2024 General Plan Annual Report; my comments on Innovate 680 and the Bollinger Canyon Road Shared Mobility Hub; my comments on the Master Fee Schedule, including appeal fees; my comments on successful appeal refund provisions; my comments on Ordinance 537; my comments on parkland dedication, parkland impact fees, park and recreation facility impact fees, public art impact fees, open-space development impact fees, and commercial linkage fees; my comments on the Updated Climate Action Plan and CEQA GHG Thresholds and Guidance Report; and my Orchards public comments, including my repeated request for a downtown/Bishop Ranch programmatic fiscal analysis, an absorption and market-feasibility schedule, and sensitivity testing under weaker market scenarios.

Those prior comments are not separate from Agenda Item 5.2. They are part of the same record and address the same continuing defects now present again here: fragmented public access to materials; selective staff framing; missing or under-explained methodology; punitive appeal deposits and incomplete appeal procedures; sweeping fee and code changes advanced through unstable and fragmented records; weak fiscal accountability; a lack of cumulative fiscal and absorption analysis; and a continuing pattern in which applicant-driven approvals are later described as City implementation success.

I. Transparency, Access, and the Administrative Record

Any materials related to Agenda Item 5.2, 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, ordinance drafts, redlines, consultant analyses, nexus studies, appendices, land-sale data, spreadsheets, inflation-index assumptions, cost-escalation assumptions, presentations, memoranda, workshop materials, retreat materials, fee tables, comparable-city analyses, raw data, cost-allocation assumptions, 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 City Council. All documents, emails, spreadsheets, working papers, presentations, and materials considered by the City Council or staff must be included in the administrative record.

I have made this same transparency request repeatedly because the City continues to compartmentalize comments and supporting materials in ways that make meaningful public review harder than it should be. That approach is inconsistent with the City Council's own goals regarding website improvement, engagement, and responsive governance.

II. The Core Problem: the City Is Still Recasting a Reactive, Applicant-Driven Redevelopment Sequence as City "Implementation"

The central problem with Agenda Item 5.2 is that the City continues to portray a rapid, applicant-driven Bishop Ranch redevelopment sequence as though it were the product of a coherent, independently authored City implementation strategy. **It is not.** The packet shows a continuing pattern of reacting to, processing, amending, reallocating, and ratifying Sunset Development Company (Sunset) proposals, while using those same approvals and reallocations as proof of "implementation."

In substance, what the City now calls implementation still reads like a reactive adaptation of Sunset's redevelopment program rather than a genuinely independent City strategy for San Ramon's future. The City's current planning and housing framework for Bishop Ranch reads far less like a distinct City-authored strategy than as a compilation and ratification of Sunset's plans, later updated through the City's ongoing response to Sunset's fast-moving applications.

That pattern is evident in the continuing sequence of approvals and amendments involving Bishop Ranch 1A, Bishop Ranch 3A, Bishop Ranch 7, Bishop Ranch 8, Bishop Ranch 11, Bishop Ranch 12, the Bishop Ranch Affordable Housing/Service Center site, Eden Camino Ramon, Woodside Canyon, Orchards, and related transfers of affordable-housing obligations among those projects. The City is not just describing implementation. It repeatedly uses private approvals, private amendments, parking reductions, affordable-housing obligation transfers, and shifts in receiver-site arrangements as though they collectively constitute City-led planning success.

That is difficult to reconcile with the City's own rhetoric about thoughtful, balanced growth. If the City is genuinely thinking through growth, it should be able to present its own analysis of what is best for San Ramon, rather than recount how quickly major private applications were filed, amended, and approved.

III. The Annual Report Overstates Progress and Understates What Is Missing

The Annual Progress Report (APR) numbers themselves undercut the packet's tone. The City foregrounds entitlements, but the relevant benchmark for progress in Regional Housing Needs Allocation (RHNA) is the issuance of building permits, not paper entitlements alone. The problem is not that entitlements are irrelevant. The

problem is that the City is attempting to use paper approvals, parking reductions, and affordable-housing obligation transfers as a substitute for actual delivery and measurable implementation.

The same problem exists with naming and tracking the projects themselves. References to Camino Ramon Apartments, Eden Camino Ramon Apartments, the Bishop Ranch Service Center, and the Bishop Ranch Affordable Housing site, combined with repeated source-project transfers from BR 1A, BR 3A, BR 7, and BR 11, make it unnecessarily difficult for the public to determine what is being counted as implementation, which site is the receiver site, and which projects are the source of the transferred obligations. Whether intentional or not, the inconsistent nomenclature obscures the public record and should be corrected.

The report also continues to avoid the real fiscal questions. What is missing is not one more generic statement that an individual project can later be annexed to a Community Facility District (CFD) or be required to fund a project-specific mechanism. What is missing is a city-driven, cumulative, downtown/Bishop Ranch fiscal analysis quantifying capital, operating, maintenance, service, and revenue consequences across the concentrated wave of approvals already granted or in process. What is also missing is an absorption and market-feasibility schedule with realistic phasing and occupancy assumptions, as well as sensitivity testing under weaker market conditions.

Except for Orchards, where at least a project-specific fiscal and economic condition appears in the approval record, the broader downtown/Bishop Ranch redevelopment sequence is still being advanced without the comprehensive fiscal and absorption analysis that should have been prepared long ago. To the extent the City suggests that fiscal analysis is being conducted "with each proposed residential development," that is materially misleading when projects are advancing through exemption, prior-EIR reliance, or narrower approval pathways that do not produce a meaningful updated project fiscal analysis, much less a cumulative one.

The report also still treats the GP 2040 EIR like a static blanket of legal comfort while the City continues to change the operative baseline underneath it. Later project records already show how post-certification changes affecting Transportation Demand Management (TDM) responsibilities, downtown strategy, vehicle miles traveled (VMT) assumptions, floor-area ratio (FAR) standards, parking standards, climate implementation, and phased buildout complicate any attempt to use the December 2023 program Environmental Impact Report (EIR) as all-purpose clearance for everything that followed.

IV. Economic Development and Climate Implementation Are Ongoing Commitments, Not One-Time Talking Points

Two themes recur throughout the Annual Report and the City's recent public messaging: economic development and climate action. Both are presented as

ongoing commitments in the City's governing documents. **Neither must not be turned off.**

Economic development cannot be allowed to atrophy.

The Annual Report mischaracterizes economic development as a background condition rather than an ongoing municipal responsibility. Economic development efforts are especially important now, when the City's fiscal condition is sagging and in need of new recurring revenue sources. The City cannot underinvest in economic development, fail to implement it meaningfully, and then claim to be serious about fiscal sustainability.

The problem is not simply that the City uses the phrase "economic development." The problem is that it invokes economic development without identifying concrete outputs, such as office absorption, measurable vacancy reduction, business retention gains, employer growth, retail performance, or new recurring revenue sources.

This concern is compounded by the City Council's November 12, 2024 dissolution of the Economic Development Advisory Committee, Housing Advisory Committee, Innovation and Technology Advisory Committee, and Transportation Demand Management Advisory Committee. That was a material change in governance, and it should be disclosed candidly in the Annual Report. The City should not continue to discuss economic development, housing, innovation, and TDM in implementation terms while omitting the fact that the former advisory framework no longer exists. The Transportation Advisory Committee is not the same body as the dissolved TDM Advisory Committee, and those structures should not be treated as interchangeable.

If the City Council is serious about its own goal of completing a comprehensive assessment of the San Ramon economy, the Annual Report should reflect that seriousness through actual results and accountability, not generic activity descriptions.

Climate implementation did not end in June 2025

The same problem exists with climate change. On June 10, 2025, the City adopted an Updated Climate Action Plan (CAP) and a California Environmental Quality Act (CEQA) Greenhouse Gas (GHG) Thresholds and Guidance Report, intended to provide a framework for plans and projects within San Ramon. **That should have marked the beginning of a continuing implementation obligation, not the end of the matter.**

Yet the Annual Report cites the adoption of that framework as implementation progress, without identifying any subsequent approval in which the City applied that framework through a disclosed project-level CAP-consistency or GHG-threshold analysis. Since June 2025, the City has continued to approve projects through exemptions, prior-EIR reliance, tiering, section 15183 consistency theories, and

similar pathways without transparently showing how the new climate framework governs those decisions.

Adoption is not implementation. More bluntly, the City appears to have approved a new climate framework in June 2025 and then effectively turned it off in actual project processing. That is not acceptable. Climate implementation is not optional. It is a continuing obligation.

This also mirrors a deeper contradiction: the City's updated CAP and GHG framework depends on land-use, transportation, TDM, and VMT assumptions that subsequent changes in development intensity, parking, staffing, governance, and implementation capacity have undermined. The Annual Report's celebratory reference to CAP/GHG adoption does not cure that problem.

V. The Master Fee Schedule, Appeal Fees, and Ordinance 537 Are Part of the Same Pattern

Agenda Item 5.2 cannot be understood in isolation from the City's recent Master Fee Schedule proceedings, appeal-fee discussions, and Ordinance 537. Those items are part of the same larger pattern: selective implementation narratives, under-explained methodology, fragmented records, and procedures that favor development throughput while burdening public oversight.

Appeal fees remain a barrier to oversight.

The City's appeal-fee structure is not a side issue. It is part of the same structure that allows rapid approvals to proceed with limited meaningful challenge. As noted in my prior comments, San Ramon's appeal fees are extremely high, methodologically weak, unfair relative to nearby jurisdictions, and structured to burden residents while preserving developer advantage.

Citizens Against Marketplace Apartment Development (CAMPAD) paid \$2,500 in 2023 to appeal the Marketplace apartment/condominium approval. The City later proposed increasing that figure by another \$2,000 without meaningful supporting analysis. Danville charges far less for a similar appeal. Pleasanton uses a dual-rate structure that treats citizen appeals more favorably than developer appeals. I have repeatedly recommended that San Ramon adopt a two-tier structure differentiating resident/community appeals from applicant/developer appeals, as well as a sliding scale based on the tenure of the plan or zoning rule being challenged.

My fee comments also objected to the City's use of under-explained or selectively favorable cost assumptions, including a regional construction-cost index that understated the actual inflation in local transportation construction on city streets. That matters here because the Annual Report keeps invoking transportation implementation, while the underlying fee and cost assumptions remain selective and insufficiently explained.

The City also continues to rely on selective excerpts from the Matrix Consulting Group study while withholding the full report, raw data, spreadsheets, allocation assumptions, staff-time calculations, comparable selection criteria, and full action-specific cost basis. It still has not codified the full appeal process in plain language. It still has not adopted meaningful safeguards for impartiality in appeal proceedings. It still has not adopted a fair, successful-appeal refund framework that includes partial-success scenarios. And it still uses a deposit structure that burdens residents far more than dominant repeat players.

Delay in fixing these problems has not been neutral. It has preserved a structural advantage for repeat players while appeal windows continued to expire. In a fast-moving downtown entitlement context, delayed reform is often functionally no reform at all.

Ordinance 537 is not ministerial cleanup.

Ordinance 537 also belongs in this discussion. It is not ministerial cleanup. It repeals and replaces multiple fee chapters, including those governing childcare fees, park and recreation facility impact fees, public art impact fees, open-space development impact fees, inclusionary housing, affordable housing commercial linkage fees, and parkland dedication, while adding a new Parkland Impact Fee chapter.

It replaces more specific code-level language with repeated generic references to the "applicable Nexus Fee Study." **That is a substantive policy choice. It reduces transparency at the code level and makes future methodological changes easier and less visible.**

The same is true of the parkland and open-space provisions. The revised methodology does not fix existing deficits, shifts major burdens onto residential growth while largely excluding non-residential growth, and relies on generalized citywide formulas rather than parcel-specific fair-market-value analysis. The City should not invoke parks, trails, walkability, and quality of life in the Annual Report while hardening a lower operative parkland standard into the fee/code structure and appearing increasingly willing to accept smaller project-serving spaces in the areas absorbing growth.

The public-art and commercial-linkage provisions point in the same direction. The City continues to speak about placemaking, walking, identity, and quality of life, yet is simultaneously adjusting the fee structure to accommodate development *competitiveness* and throughput. Those are policy choices. They should be acknowledged as such, not buried inside generic implementation language.

Most importantly, neither Ordinance 537 nor the updated nexus studies proves that the City is fully capturing development costs. They do not substitute for a cumulative downtown/Bishop Ranch fiscal analysis, and the Annual Report

should not imply otherwise.

VI. Appendix A: General Plan Policy Implementation Status Still Needs Major Correction

My comments on last year's Annual Report still apply because the same basic defects remain in this year's Appendix A: the "Implementation Status Update" cells are still one-sided, still emphasize progress, and still omit setbacks, delays, governance changes, and a lack of implementation capacity.

A. TDM, transit, and mobility

The Annual Report should not characterize TDM as meaningful implementation progress while omitting that the City's institutional TDM framework has materially weakened. The dedicated TDM analyst retired and was not meaningfully backfilled. The TDM Advisory Committee was dissolved. No successor public-facing structure is clearly identified for evaluating, tracking, and enforcing trip-reduction programs. At the same time, later project approvals continue to rely on broad, generalized TDM conditions such as distributing information, coordinating with transit providers, and implementing a "Community-Based Travel Plan," without a demonstrated monitoring or enforcement framework that matches the weight the City places on TDM in its planning and climate documents.

The same one-sided presentation persists for transportation more broadly. The CityWalk Master Plan EIR used "transit hubs," not "Shared Mobility Hubs." The City has never provided sufficient public-facing detail concerning the actual location, scope, and relationship of the proposed BCR SMH to the existing San Ramon Transit Center, the Bishop Ranch 3 transit center, or the Caltrans I-680/Bollinger Canyon Road park-and-ride lot.

The transit-center narrative also remains problematic. The CityWalk Master Plan EIR discussed three new transit hubs and depicted five transit hubs in Exhibit 3.14-9, but did not discuss the sale, transfer, or exchange of the San Ramon Transit Center. If the City is simultaneously pursuing any sale, transfer, exchange, or relocation of the existing transit center, then the Annual Report's boast that the Marquee marketing integration at the San Ramon Transit Center was completed in 2023 suggests wasted City effort and funding. Public facility decisions involving the transit center should not be driven in the background by grant opportunities, closed-session maneuvering, or post hoc implementation language. Any real proposal to sell, transfer, exchange, replace, or relocate the San Ramon Transit Center should be preceded by a transparent public outreach process and any required environmental review.

The "express bus operations" language also still needs correction. The CityWalk Master Plan EIR did not use that terminology, and the Annual Report's reference to relocating "Regional Park and Ride Express Bus operations" to Bishop Ranch 3 is misleading. The existing service pattern is better described as private commuter

shuttle or motor-coach activity rather than a mature, clearly defined I-680 public express network. I also continue to object that underdeveloped I-680 express-bus concepts could siphon riders from BART, Amtrak, Capitol Corridor, and ACE without a current and convincing ridership and demand analysis.

Related Innovate 680 concepts raise the same concern. Part-time transit lanes, coordinated adaptive ramp metering, and similar pilots should not be treated as meaningful implementation if they are not grounded in actual ridership, actual congestion conditions, or real-world use. San Ramon does not benefit from "innovative" transportation branding if the programs are weakly used, contradictory, or little more than grant-chasing exercises.

The same is true of micromobility and autonomous shuttle references. Bird's electric scooter pilot exited San Ramon quickly. The existence of a real micromobility market in San Ramon remains questionable. Sunset already operates a separate BRRite Bikes system. Any future SMH concept must confront the likelihood of dysfunctional competition among weakly used modes in an auto-dependent suburban environment. Referring to the Presto autonomous shuttle as "high occupancy" is also grossly inaccurate. Limited-speed, small-capacity shuttle service that is often nowhere near full should not be described with accomplishment language implying robust demand.

B. Bike, walking, and active transportation

The Bike Master Plan Update is years late. San Ramon adopted its Bicycle Master Plan in 2018. Yet the City still describes the update as being in design or pre-design. That is not implementation success. This update is overdue and still awaiting completion. My earlier comments also raised concerns about the lack of transparent documentation concerning the subcommittee and public process around the update.

The Walking District Plan also remains more of a plan than an implementation. The City continues to reference it, but unless the City can identify completed corridors, widened sidewalks, buffers, signage, wayfinding, or other on-the-ground improvements attributable to that plan, the more accurate description is that it remains on the bookshelf.

The Iron Horse Trail Overcrossing at Bollinger Canyon Road is one of the few transportation projects that are clearly completed. Still, even there, the City should distinguish between projects led directly by the City and those that are driven, funded, or delivered by partner agencies such as the Contra Costa Transportation Authority (CCTA). More importantly, completion of the overcrossing does not cure the broader active-transportation problem. The City still has not provided the necessary safe, comfortable, direct connections among Bollinger Canyon Road, the Iron Horse Trail, City Hall, the City Library, Central Park, the Marketplace, and the overcrossing itself. That failure is especially troubling given the enormous amount of outside funding invested in the structure and the City's continued rhetoric about walkability and quality

of life.

My earlier comments also objected that the final overcrossing design and process departed from the earlier public outreach record and that the City/CCTA/MTC process became more expedited and predetermined than it should have been. That context matters because it underscores the broader concern: transportation implementation in San Ramon still too often appears ad hoc, contradictory, and driven by funding opportunities rather than by a coherent, citywide transportation strategy. The City still lacks a true transportation master plan.

C. Broadband and ITS

The broadband references should also be corrected. The Countywide Broadband Strategic Plan and the Regional Broadband Advisory Group should not be presented as though they primarily reflect straightforward expansion of broadband service to genuinely underserved communities. The record instead suggests substantial overlap with the City's Intelligent Transportation System (ITS) and signal-timing ambitions, particularly along Bollinger Canyon Road. The likely effect is to strengthen traffic-flow and signal-coordination objectives rather than meaningfully close a community broadband-access gap. The Annual Report should not count that as a clean implementation win without candidly disclosing that tension.

D. Child care and public safety

The report is incomplete outside the transportation section as well. Under Guiding Policy 7.3-G-1, the Primrose day-care/school project is now open, and the status update should reflect that reality rather than leave the matter at a prior approval or construction stage. At the same time, opening a child-care facility does not erase the compatibility concerns previously raised regarding its siting next to a park-and-ride environment and associated traffic activity, including motor coach traffic, adjacent auto-oriented uses, circulation complexity, and safety concerns for children and families.

Under Guiding Policy 7.7-G-1, the report again reads like an accomplishment list rather than a balanced public-safety update. In July 2025, the San Ramon Target was the site of an ATM bombing that damaged the entrance and interior area, and reports at the time indicated that the store closed temporarily. Whether one treats it as a singular incident or not, it is exactly the kind of real-world event that shows why implementation status updates should not read like a brochure.

VII. Requested Actions

For all these reasons, I request that the City Council do the following tonight:

First, remove Agenda Item 5.2 from the Consent Calendar and hear it as a full discussion item.

Second, expressly acknowledge on the record that my attached prior comments on the 2024 General Plan Annual Report, the Master Fee Schedule, appeal fees, successful appeal refund provisions, Ordinance 537, parkland and open-space fees, the Updated Climate Action Plan and CEQA GHG Thresholds and Guidance Report, and the Orchards Development Project are incorporated by reference into this submission and remain part of the administrative record for Agenda Item 5.2.

Third, direct staff to revise the 2025 General Plan Annual Report so that it clearly distinguishes between City-authored implementation measures and applicant-driven approvals, amendments, affordable-housing obligation transfers, parking reductions, and CEQA reliance on prior EIRs or exemptions.

Fourth, require the report to distinguish between entitlements, permits, and completed units, rather than treating approval counts as a substitute for actual delivery.

Fifth, require consistent project nomenclature so the public can trace source projects, receiver sites, and transferred obligations without confusion.

Sixth, require the report to identify material setbacks and governance changes, including the retirement of the dedicated TDM analyst; the dissolution of the Economic Development, Housing, Innovation and Technology, and TDM Advisory Committees; the delayed Bicycle Master Plan Update; the still largely unimplemented Walking District Plan; and the absence of demonstrated TDM monitoring and enforcement.

Seventh, require staff to correct the Appendix A status updates so that they accurately address the TDM, transit, SMH, transit center, express bus, micromobility, autonomous shuttle, Bike Master Plan, Walking District Plan, broadband/ITS, childcare, and public safety issues discussed above.

Eighth, require staff to identify how the June 10, 2025 Updated CAP and CEQA GHG framework has been applied to plans and projects, rather than merely listing its adoption as an implementation success.

Ninth, acknowledge that economic development and climate implementation are both ongoing City commitments that cannot simply be turned off, and require the Annual Report to identify real economic-development outputs and climate-implementation actions rather than generic activity descriptions and one-time plan adoptions.

Tenth, acknowledge that the City still lacks the city-driven cumulative fiscal, absorption, and sensitivity analysis needed to responsibly evaluate the downtown/Bishop Ranch redevelopment sequence, and direct that such analysis be prepared.

Eleventh, acknowledge that the City's current appeal-fee and Master Fee Schedule structure remain part of the problem, and direct staff to place the full consultant materials, raw data, spreadsheets, comparable-city methodology, action-specific cost basis, staff-time assumptions, and cost-allocation assumptions into the public record; codify the appeal process in plain language; adopt impartial appeal procedures and a refund framework that includes partial-success scenarios; evaluate differentiation between resident/community appeals and developer/applicant appeals; and stop using delay, placeholder policymaking, and incomplete disclosure to preserve the current barrier structure.

Twelfth, acknowledge that Ordinance 537 and the Master Fee Schedule are inseparable from the broader implementation and fiscal issues discussed in this Annual Report, and require staff to explain in writing which recent fee and code changes were legally necessary and which were discretionary policy choices; how the City intends to secure larger resident-serving parks in growth areas rather than defaulting to smaller project-serving spaces and generalized formulas; why the commercial-linkage and public-art choices are not simply pro-developer accommodations; what costs remain unrecovered notwithstanding the new nexus framework; and why the Annual Report should be treated as a reliable implementation document when the City is still making unstable, under-explained changes to the fee and code structure underlying the same redevelopment pattern.

Finally, maintain a complete, durable, and accessible administrative record for this item and all related materials.

The City must not keep telling the public that growth is being thoughtfully considered while presenting an annual report that still reads like a one-sided implementation brochure for a reactive, applicant-driven redevelopment program. The City must not keep invoking fiscal responsibility while approving and celebrating serial redevelopment actions without a cumulative city-centered fiscal and absorption analysis. The City must not keep claiming to implement climate initiatives while failing to show how its newly adopted CAP/GHG framework is being used. And the City must not keep speaking vaguely about economic development while allowing the institutional and substantive work required to support it to atrophy in a period of fiscal stress and revenue need.

At some point, accountability must move from words to record-based action, and the mischaracterization must end.

Respectfully submitted,

Brian Swanson, AICP
San Ramon resident and taxpayer

On Fri, Mar 20, 2026 at 3:31 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The **City Council meeting** will begin at **7:00 p.m.** on **Tuesday, March 24, 2026.**

The meeting agenda is now available at,
<https://sanramonca.portal.civicclerk.com/event/24/files/agenda/1204>

HOW TO VIEW OR PARTICIPATE IN THE MEETING:

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in the meeting, please contact the City Clerk's Office 48 hours in advance of the meeting.

WRITTEN COMMUNICATION BY EMAIL

Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the scheduled start time of the meeting will be distributed to the City Council via e-mail and provided at the meeting.

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.

Zoom: <https://cityofsanramon.zoom.us/j/99217571746>

Webinar ID: 992 1757 1746

Zoom Phone Numbers: +1 (669) 900-6833

The City's YouTube Channel: [sanramon.ca.gov/YouTube](https://www.youtube.com/c/cityofsanramon)

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Brian Swanson <briancswanson@gmail.com>

Public Comment: Item 5.3: Minute Order No. 2025-002 - 2024 General Plan Annual Report *AND* Item 9.1: Innovate 680 – Bollinger Canyon Road Share Mobility Hub Presentation - City Council Meeting - March 25, 2025 - 7:00 p.m.

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Mar 25, 2025 at 4:13 PM

To: CityClerk@sanramon.ca.gov

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City Council:

I understand that **Item 5.3: Minute Order No. 2025-002 - 2024 General Plan Annual Report** is a Consent Calendar Item. However, at least in part, it remains grossly inaccurate. Also, Given **Item 9.1: Innovate 680 - Bollinger Canyon Road (BCR) Share Mobility Hub (SMH) Presentation** and its potential connection to Transportation Demand Management (TDM) issues covered in Item 5.3, these two items, as they relate to my concerns, are tied together. I will address and interwind both below.

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 if both are used.

I will also note that nothing exists in the Meeting Agenda package relative to Item 9.1 as of Friday, March 21, 2025, at 6:45 p.m. While the meeting agenda may have been posted seventy-two hours in advance, more details on the Contra Costa Transportation Authority's (CCTA) BCR SMH Presentation were unavailable on the City's website at the above date and time. Also, the page numbers for the Agenda Packet are mislabeled (Item 5.2 is labeled as 5.3, so the error trickles throughout the remainder of the package) as of the date and time noted above, making meaningful, properly referenced public comments extremely difficult. It may be considered an obfuscation of the public comment process.

I commented similarly on Item 5.3 to the Planning Commission before its March 4, 2025, meeting.

My central concern for Item 5.3 relates to the summary table in Appendix A, the Guiding Policy Numbers 3.4-G-1 and 3.5-G-1, and the discussion of "Transportation Demand Management (TDM) Strategies," specifically in the "Implementation Status Update" cells of the table. ***The comments below are significant and, in addition to these specific City***

Council Meeting Agenda Items, relate to transportation and broadband infrastructure, facilities, and service, as well as land use and housing in the City of San Ramon and the larger regional San Francisco Bay Area context.

The below documents the repeated contradictory and counterproductive funding of programs and projects that lack, at least so far, an essential public outreach process, which means they should not have received public funding. Publicly funded projects must have public outreach BEFORE a funding application is submitted. They must not be thrust on local tax-paying residents in a COMMUNIST CENTRAL PLANNING AGENCY STYLE or cobble together using data whose applicability and freshness are severely lacking.

First, the "Implementation Status Update" cell in the table does not identify the TDM analyst's retirement last year. The analyst's sole full-time responsibility was coordinating TDM issues for the City, the Southwest Area Transportation Committee, and 511 Contra Costa. The City has **failed** to backfill this previous full-time position with a new staff member with transportation-related knowledge, skills, and abilities. However, given the length of the TDM analyst's tenure, it is doubtful that the City can find an acceptable replacement.

Second, the "Implementation Status Update" cell does not mention the City Council's dissolution of the TDM Advisory Committee on November 12, 2024. An "Implementation Status Update" must include both set-backs, non-action, and **"supposed progress,"** more so even when so much of the development, traffic, and circulation mitigation referred to in the General Plan 2024 and the accompanying Environmental Impact Report (EIR), references TDM strategies that no City Staff member is managing full-time, as in the past.

Third, the CityWalk Master Plan EIR never used "Shared Mobility Hub(s)." Specifically, "transit hub(s)" is always used, so my concerns regarding **Item 9.1: Innovate 680 - BCR SMH Presentation** are clear. I currently do not know where CCTA is proposing its BCR SMH. I believe it could be either one of three locations: 1. the Caltrans I-680/BCR Park and Ride Lot; 2. the existing San Ramon Transit Center; or 3. the new San Ramon Transit Center at Bishop Ranch 3—or, possibly, both 1 and 3 above. As noted, no detailed transparent information has been included in the Agenda Package as of March 21, 2024, at 6:45 p.m., or by CCTA previously.

Fourth, Exhibit 3.14-9 (or page 533 of 676) in the CityWalk Master Plan EIR illustrates a total of five proposed transit hubs, while various excerpts of the EIR (on page 3.14-21 or page 469 of 676) read:

"As mentioned previously, the proposed Master Plan would integrate three new transit hubs into the Bishop Ranch campus to serve both the residential neighborhoods and office park community."

"The proposed Master Plan would include one transit hub along Executive Parkway, adjacent to the new parking structure within BR2600 NW, and two hubs along Camino Ramon, one north of Bishop Drive across BR 2600 SE and one south of Bollinger Canyon Road adjacent to BR 1A."

"The primary focus of the transit hubs is to provide a more comfortable and reliable user experience for transit passengers. Each transit hub would provide off street capacity for two buses simultaneous boarding or alighting."

"The San Ramon Transit Center would continue to provide six to eight bays and be the central layover location for bus operator breaks and the most opportunities for coordinated transfers."

Further, the CityWalk Master Plan EIR does not discuss the sale, transfer, or exchange of the San Ramon Transit Center. Again, "three new" are the exact words used on pages 3.14-21, five "proposed transit hubs" are depicted in Exhibit 3.14-9, and the **original** existing San Ramon Transit Center is prominently labeled. Further, most of the text describing transit hubs in the CityWalk Master Plan EIR focuses on pick-up and drop-off by buses and automobiles.

As documented in the CityWalk Master Plan EIR, the City Council should be acutely aware that it did **not** have clearance under the California Environmental Quality Act (CEQA) to discuss the sale, transfer, or exchange of the San Ramon Transit Center in a closed session on February 11, 2025, beginning at 7:00 p.m. The text, its plain meaning, and exhibits of the CityWalk Master Plan EIR are prepared precisely for this reason. Further, the Brown and California Public Records Acts attempt to prevent public agencies, including City Councils, from conducting business in "back rooms" or otherwise undisclosed.

As a public facility, the City must lead a public outreach process and any subsequent required environmental review process detailing all the current and future California Transportation Commission (CTC), Caltrans, Metropolitan Transportation Commission (MTC), Contra Costa Transportation Authority (CCTA), and Sunset Development Company (Sunset) plans for the San Ramon Transit Center **BEFORE** any public funding is requested or used. **Public facility decisions should not be predetermined based on grant funding potential.** The public discourse regarding public transit in San Ramon is even more of a must if any actions or decisions run counter to the existing certified CEQA document covering the facility and its vicinity.

This **ADDITIONAL** public outreach and subsequent environmental review process must occur well before any scheming by Caltrans, MTC, CCTA, and/or the City (including a closed session) regarding the sale, transfer, or exchange of the San Ramon Transit Center. Given Sunset's proposal and the Planning Commission's recent approval to **REDUCE** the floor-to-area ratio in and around the Transit Center, this outreach is even more of a must in this specific case. ***(Let's cut the deceptive, self-serving rhetoric and continued bumbled verbal assertions made during public meetings. Sunset's proposal will reduce the allowable development intensity at its basic level.)*** The Planning Commission, through its recent approval, is allowing Sunset to manipulate the market and reduce the development intensity level when the market is showing signs of weakness, allowing Sunset to respond with a higher potential price. This will most likely draw objections from all state and San Francisco Bay Area housing and transportation agencies and advocates, including State Senator Scott Weiner, who has done yeoman's work to **"strongly"** link development and housing density to public transit stations, something the CCTA and MTC, through their land use planning authority, have been derelict in requiring in the City of San Ramon, and Staff continue to ignore. **Knowing the City is doing its fair share and contributing to the regional efforts is reassuring.** Sunset and Staff should not have been allowed to conduct this San Ramon Transit Center transaction without any public and user outreach.

Fifth, if the sale, transfer, or exchange of the San Ramon Transit Center is complete, the claims made in the "Implementation Status Update" cells that the "full integration of marketing plan utilizing Marquee at San Ramon Transit Center completed in 2023" and marquee itself were a **complete waste** of City funds.

Sixth, because the City Council and Staff have established a pattern of highly subjective interpretation, significantly different from the plain meaning of the legally certified text, nothing in the CityWalk Master Plan EIR details "express bus operations" or "commuter shuttle or motor coach traffic" anywhere in the City of San Ramon, including at the Caltrans I-680/BCR Park and Ride Lot. Also, the "Implementation Status Update" cells for both Guiding Policy Numbers 3.4-G-1 and 3.5-G-1 mention "Relocating Regional Park and Ride Express Bus operations from Bollinger Park and Ride to Multimodal Transit Center at Bishop Ranch 3." Park and Ride Express Bus Service currently involves private commuter shuttle service, mainly from Silicon Valley and the San Francisco Peninsula, and **must not** be construed as anything different, including I-680 public transit express bus service.

Let me be clear: any proposed "express bus operations" along I-680 are likely to siphon Amtrak, the Capitol Corridor, ACE Train, and BART riders from these already reasonably well-connected regional transportation systems and add to the existing congestion on I-680, potentially diluting the public's appetite to approve the upcoming regional transportation measure. Stealing away potential Amtrak and Capitol Corridor riders in Martinez, BART riders at Walnut Creek and Dublin/Pleasanton (along with future ValleyLinkRail riders), and ACERail riders in Pleasanton at this time is a selfish proposal by CCTA that has not been presented publicly with enough detailed information (no recent detailed ridership forecast, relying primarily on a study conducted in 2021 from an agency outside Contra Costa County), especially given BART's dominance as the primary public transportation service provider and the fact that it has not rebounded from the impacts of COVID-19 and the resulting more intense shift to hybrid work schedules by SF Bay Area based employees, and the resulting near constant battle to avoid repeated fiscal cliffs. While BART is a significant concern, other transportation system riders shouldn't be cherry-picked away by CCTA's proposed "express bus operations" either. The fares these transit system riders pay must provide service to the maximum extent possible.

Also, given the **extremely low** historical public transit ridership between San Ramon, its Transit Center, and the Walnut Creek and Dublin/Pleasanton BART stations, significantly more demand analysis of "express bus service operations" along I-680 by CCTA is necessary. A more legitimate first step would be for CCTA to explore how to make stronger connections between Martinez and the North Concord BART Station, potentially boosting BART ridership, before adding "empty unused service" to congested I-680.

I also have significant "actual use" concerns with other Innovate 680 projects, including the **Part-Time Transit Lanes** and **Coordinated Adaptive Ramp Metering**, which continue wasting funds. If there are no riders on the County Connection buses between San Ramon and either the Walnut Creek or Dublin/Pleasanton BART Stations or anywhere else, there is no justifiable need for the **CCTA's Part-Time Transit Lanes** and **Coordinated Adaptive Ramp Metering** on I-680 in San Ramon. ***They are make-believe projects.*** Spend the effort and funding where actual demand, use, and congestion exist. The same goes for another Innovate 680 project, **Pilot 3: Person Mobility Pilot**. To add any meaningful value, the collection of data on City streets and I-680 must occur during congested times, and in general, barring any non-typical incident or congestion, streets and the portion of I-680 within San Ramon, especially BCR (the widening has supported this non-congested state), are very often **not** crowded.

Seventh, nothing in the Staff Report refers to the need for coordination with Caltrans or the existing incompatible land use and approvals of the proposed Primrose School adjacent to the Caltrans I-680/BCR Park and Ride Lot, the City's diner (Clementines), or a large Chevron gas station. I do not consider the mixing toddlers, parents (who both need to walk in the parking lot between a vehicle to the school's entrance), diner and gas station patrons (or the type of other vagabonds these two facilities can attract), electric vehicle chargers nearest proposed Primrose School in its parking lot, and significant park-and-ride lot vehicle and motor coach traffic as compatible. Does the City Council? Was commuter motor coach traffic in the Park and Ride Lot, in the adjacent proposed Primrose School Parking Lot, along San Ramon Valley Boulevard (whether permitted or not) ever considered in approving Primrose Schools' planning, zoning, and construction

applications? How about all the Tesla Superchargers installed in the Primrose parking lot, and how they impact traffic flows for regular vehicles and huge motor coaches? Is this the purpose of "Relocating Regional Park and Ride Express Bus operations from Bollinger Park and Ride to Multimodal Transit Center at Bishop Ranch 3?"

The CityWalk Master Plan EIR also depicts a vital gap in adequate and comfortable active transportation infrastructure along BCR. While beyond the scope of the CityWalk Master Plan, this is even more apparent near the north and south landings of the almost complete BCR Iron Horse Trail (IHT) Overcrossing. [The City Council, the City's Public Works Department, the CCTA, and the MTC (both of whom each provided \$10+ million in funding) all ignored the over two-year public outreach process and the preferred design of the overcrossing. The Public Works Department and City Council (with no Planning Commission involvement) conducted a separate expedited design approval process. After deciding on its preferred design, only notice of an extremely short-duration accessible voluntary electronic survey for residents to "select a preferred overcrossing design" was distributed in the City's weekly News & Info newsletter, even though the City Council had already predetermined the overcrossing's preferred design. No in-person meetings or public discussion of the approved separate City Council design ever occurred.]

Additionally, the City has now had at least four significant construction mobilizations (1. The construction of City Hall. 2. The renovation and upgrade of the City Library. 3. The renovations of the Marketplace for Trader Joe's. 4. The widening of Bollinger Canyon Road.), to close this glaring gap, yet has applied any learning from Greg Knapp's run-over death. This lack of adequate and comfortable active transportation infrastructure connecting BCR, City Hall, the City Library, and the Marketplace to IHT is shameful, especially given the enormous amount of outside funding used to construct the BCR IHT Overcrossing. The City has done nothing but widen BCR under the IHT Overcrossing.

When discussing the importance of the BCR IHT City of San Ramon, **all** public officials **always** mention the vehicle time travel savings associated with removing the traffic signal near the BCR/IHT intersection. The entire purpose of the expensive, mainly outside-funded, perpetually city-defining BCR IHT, which is being constructed to encourage safe and comfortable active transportation along the IHT, **has been completely distorted by all City officials**. The BCR IHT provides an unencumbered link across BCR on the IHT. If IHT did not exist, there would be no need for the expensive Overcrossing. Connecting the community, civic facilities, and its architecturally significant overcrossing should be a **"no-brainer"** for any City public official, especially given the activities and meet-up location the Sports Basement provides to the community. The City of San Ramon officials don't have any pride in this BCR IHT Overcrossing (of course, the City only provided a relatively small portion of the total funding needed) and don't know what it means to support San Ramon-based businesses that serve the community. As such, they have diluted any potential development of civic pride the overcrossing may create for their residents and visitors through their actions, which are often contradictory and counterproductive. Oh wait, this is already apparent, given the continued long-term **lack of economic development** within the City, the need to impose more taxes within the City (which very few SF Bay Area cities do separately, beyond a countywide tax increase), and the unhoused male allowed to camp on City Hall's front porch.

While the primary purpose of the BCR IHT Overcrossing is to reduce active transport conflicts with vehicle traffic on BCR, connections in and around City Hall, the City Library, and the Marketplace to the new IHT Overcrossing are also necessary. The City is not providing anywhere near its fair share to encourage the use of expensive overcrossing or promote active transportation in and around its City Hall and Library. Is Sunset behind this outcome as well?

Nothing related to the recent development of the City or its transportation infrastructure (including CCTA and MTC's decision not to intervene, given their legally defined roles and responsibilities, MTC's Priority Designation Areas, BCR's inclusion in the MTC's Regional Active Transport Network, and Complete Streets policies or efforts) has been procedurally sound, and the legal defensibility is questionable. The City has never prepared a transportation master plan, and due to its inability to fund its transportation infrastructure, it is always looking at arbitrary, ad-hoc funding opportunities that often result in contradictory or counterproductive outcomes.

Please also do not forget the abysmal outcome of CCTA's micromobility (electric scootershare) pilot within the City. Bird, the micromobility operator, quickly and prematurely exited the San Ramon market to limit its financial loss. It did so before filing for bankruptcy, not after. Based on this experience and commute-driven decisions that have not evolved materially since then, whether a micromobility market exists within San Ramon remains highly questionable.

Employees who commute more than thirty-five minutes rarely use micromobility, the more typical commute duration to and from San Ramon. Further, Sunset provides its own separate, competing bikeshare, BRRite Bikes, whose service area extends from Camino Ramon to the Police Station. Indeed, given the proven lack of a micromobility market, the City should not have two competing micromobility service providers (which CCTA and the City wastefully encouraged and allowed in the past). While support infrastructure may vary (e.g., physical docks, electric charging, etc.), "assistive vehicles" provided by micromobility operators must be considered interchangeable.

Eighth, the "Implementation Status Update" cells refer to the Presto autonomous shuttle service as "high occupancy." Again, this is a grossly inaccurate characterization. Fifteen miles per hour service with an eight-

passenger capacity and limited service hours is not high capacity. Further, while the autonomous shuttle may draw some riders, it is rarely half-full. The reality is that San Ramon's autonomous shuttle riders are not connecting to the County Connection service, which connects San Ramon to the Walnut Creek and Dublin/Pleasanton BART stations. Again, these County Connection buses are almost always empty.

Please also realize the market conditions you create with any SMH within San Ramon. When presented with travel options at an SMH, bike and scooter options will compete directly against any local short fixed route or demand-based shuttle options. While more options are usually better in densely urban contexts, this is rarely true in auto-dependent suburbs. This competition is almost always dysfunctional and directly harmful to service and facility operators, property owners, and the underlying jurisdiction. One mode always steals from another.

Further, services that do not generate enough revenues to be at least self-sustaining rarely receive the necessary upkeep and maintenance attention that micromobility services require. Also, the active transport and micromobility infrastructure within "downtown" is unsafe, inadequate, and uncomfortable for users of these modes. Even more concerning is that all micromobility modes that could be offered in the City's "downtown" will directly compete with the purpose of the Walking District Master Plan. An SMH's "white elephant" potential and the contradictory and counterproductive outcomes between SMH's and the purpose of the Walking District Master Plan in San Ramon should not be ignored.

Ninth, the Staff Report also references the preparation of the Bike Master Plan Update. I cannot find any recent information or an update on this effort on the City's website. A simple Google or Bing search for "City of San Ramon Bike Master Plan Update" returns no applicable results. Further, the Bike Master Plan Update Subcommittee is a public body, and its meetings, agenda, and detailed meeting minutes must be documented and available on the City's website. I can not find any documents related to this subcommittee on the City's website. ***Again, it is reassuring that the City is transparently engaging with its residents and actively soliciting their concerns.***

Tenth, the "Implementation Status Update" cell for Guiding Policy Number 3.5-G-1 also refers to CCTA's so-called Countrywide Strategic Broadband Plan by noting membership in the Regional Broadband Advisory Group. San Ramon members disproportionately dominated this group, and it is no coincidence that the real purpose of the plan is to analyze the gaps in CCTA's Intelligent Transportation System infrastructure and set up funding for the City's ITS Master Plan, specifically not providing broadband service to unserved and underserved communities. This point is driven home by the statement in CCTA's plan's project purpose section, which blatantly states, "CCTA will explore leveraging existing and planned fiber infrastructure to facilitate broadband expansion." Specifically, broadband expansion is not its priority.

Serving as a broadband network developer or provider in any capacity, minus an influx of substantial funding or a uniquely constructed business model, is an opportunity whose ship sailed back in 1997. The immense costs of this "proposal" are repeatedly noted in CCTA's broadband plan. Further, CCTA has absolutely no experience in broadband network development or management. Coordination is not CCTA's strong suit. It relies almost solely on consultants and contractors for most things that require technical know-how. That said, CCTA's broadband plan is another example, similar to the City of San Ramon's, of its near-constant and perverse chasing of funding, which results in contradictory and counterproductive programs and projects rather than focusing on meaningful programs and projects that reinforce each other and serve county taxpayers and bring them value. In its broadband plan, CCTA has used a community needs-based opportunity to fund further gap analysis of its Smart Signals Program and the City of San Ramon's ITS Master Plan. Specifically, CCTA has used the California Public Utilities Commission's (CPUC) Local Agency Technical Assistance (LATA) Program grant, whose underlying program implementing legislation mentions nothing related to Intelligent Transportation Systems (ITS) but focuses on expanding broadband service. With its specific consideration paid to tribal entities, the purpose of the CPUC's LATA Program is clear. CCTA and the City are grossly distorting its purpose.

If you overlay the maps depicting each CCTA's Countywide Strategic Broadband Plan and Smart Signals Program and the City's ITS Master Plan "on top of one another," which CCTA, of course, has not produced publicly, you will observe the ***undeniable overlap and correlation***. How relatively short, limited, or specific purpose-only segments (only valuable for CCTA, where no connections to institutions are noted, only generally referred to - very low-value utility to all other parties other than CCTA) dominate CCTA's documented priorities (This is in part a result of the fact that while ITS infrastructure relies heavily on a fiber-optic cable backbone, although wireless technologies can also be used.), not longer community pairs, or entire communities. (CCTA does display other purpose networks that more logically serve a broader community, precisely Caltrans' needs, to confuse its underlying purpose.) While Caltrans facilities are a beneficial base resource, given their wide disturbed or paved rights-of-way, nothing prevents broadband network developers from finding other routes if they are willing to obtain approvals and permits. Even more to the point, in a recent presentation to the CCTA Technical Coordinating Committee, CCTA staff attempted to assert that the purpose of its broadband plan is to provide unserved or underserved communities with broadband service specifically focused on the areas surrounding Mount Diablo. While it's a no-brainer that wireline broadband service may be lacking in the Mount Diablo vicinity, mainly due to adverse terrain and the resulting installation difficulties, it is highly doubtful that property owners in this specific area and in the City, with their high relative disposable income, are going without broadband service. ***To assert such a claim is pure comedy.***

More concerning, however, is the fact that underlying the purpose of CCTA's and the City's ITS Master Plan will likely increase speed and traffic flow along BCR, which again contradicts and is counterproductive to all the MTC designations identified above, the purpose of the expensive, mainly outside-funded IHT BCR Overcrossing, and **harms the economic development potential of the City's "downtown."** City Council should be encouraging the use of BCR IHT Overcrossing by implementing traffic calming measures (specifically not widening and increasing speeds and traffic flow) and providing active transportation infrastructure connections along BCR and in and around its civic facilities, including City Hall, City Community Center, City Library, Central Park, and even City Center Bishop Ranch.

The City, CCTA, and MTC ignored well-established transportation planning and engineering principles, including induced vehicle demand, user safety and well-being, the comfort of those choosing active transportation modes, and current and future residents' concerns, safety, well-being, and quality of life. Applying these principles is more likely not to chase potential visitors who choose to use active transportation modes in the vicinity away, as has already occurred and which I can attest to first-hand, and could lead to more performance-based outcomes. *[If you need more evidence as to the necessity for safe, adequate, and comfortable active transportation infrastructure in and around City Hall, along BCR, that connects to the IHT, I would encourage you to walk out the front door of the City Hall rotunda, careful not to step on an unhoused male camping on City Hall's front porch, and spend an early to late Saturday and Sunday morning observing just how many families and other cyclists cross BCR at the City Hall driveway, even acknowledging some of this traffic might be a result of the on-going construction of the BCR IHT Overcrossing, and may disappear once construction is complete.)]*

The City and CCTA are proceeding mindlessly and lack even a surface-level understanding of San Ramon's current or future urban form, how recent development projects are functioning as "islands" with no necessary attention paid to the need to seamlessly connect projects (or developments) to the community's existing built infrastructure, environment, and social fabric [It takes a significant focused effort to enable "true" connections and integration, ones that Sunset and other developers have yet to endeavor to establish. Simply setting back the project (or development) from the surrounding roads or bringing the development nearer to the curb is nowhere near enough.], the role San Ramon can play (because it does not do so currently) in the regional economy and transportation system, how the regional transportation system operates, and the real-world attractiveness and actual use of transportation infrastructure and services.

Given the changes in Washington, D.C., now is not the time to waste government funds on unjustified, "gimmick" programs, and projects or not provide a responsible share of self-help to support the enormous amounts of outside funding used to construct the BCR IHT Overcrossing, or continue to pursue of implementation of programs and projects that are contradictory and counterproductive.

Further, referring to programs and projects as "innovative," as CCTA so often does, when the programs or projects use technology thirty years in the making, which has already been implemented within the City of San Ramon, all over the SF Bay Area, as well as most other well-populated states, rely predominantly on a private contract operator using technology and systems developed by others, are only collecting data, which at its core is nonsensical because this collection occurs in non-congested conditions, or wastefully use government funding on transportation programs and projects that go unused, is utterly disingenuous.

Even though CCTA provides most, if not all, of the City's TDM funding, no meaningful TDM efforts are occurring within the City, and no active learning from Greg Knapp's run-over death exists. Believing otherwise will continue to be a significant land use planning and regulation stumbling block and legal risk for the City as so much development impact mitigation, transportation, traffic, circulation, and other issues detailed in the General Plan 2040 rely heavily on a robust and active TDM program.

Let's be honest: while the City has a history of at least monitoring TDM issues, even that has recently disappeared. The arrogance to think otherwise continues to underscore the above and reflects exceptionally poorly on the City Council, the Planning Commission, City Staff, CCTA, and MTC.

Sincerely,

Brian Swanson, AICP
69 Ayamonte Court
San Ramon, California 94583

On Fri, Mar 21, 2025 at 5:46 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



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

The meeting agenda is now available at, <https://cityofsanramon.info/4iPFa2g>.

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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 | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973-2500 | www.sanramon.ca.gov



Brian Swanson <briancswanson@gmail.com>

City Council Meeting - November 12, 2024 - Agenda Item 8.1 - specifically the Transportation Demand Management Advisory Committee, but the same logic holds for other three committees under dissolution consideration

1 message

Brian Swanson <briancswanson@gmail.com>
To: CityClerk@sanramon.ca.gov

Mon, Nov 11, 2024 at 7:05 PM

The City has committed to transportation demand management (TDM) efforts for a long time.

TDM, as a general rule, is not a first-level traffic congestion reduction strategy. TDM supports a variety of other traffic congestion and air quality reduction strategies and tactics but should never be considered as the primary role. The City of San Ramon has referenced its TDM programs heavily in its recent General Plan update, using TDM as a primary mitigation strategy or tool for all transportation-related impacts. These facts illustrate that the proposed transportation mitigation included in the recent General Plan update is inadequate.

TDM does not provide a community with a comprehensive or quick fix to its traffic congestion issues. TDM is about CONSTANT education and messaging. It gets boring (even insane) to say the same things repeatedly and hope to change drivers' (mainly single-occupant) transportation habits. Still, it must not be turned off (nor reduced to a skeleton program) ever in the City of San Ramon, given the existence of Bishop Ranch Business Park. Unfortunately, since the retirement of Ms. Amaral, and evident by the last time a TDM Advisory Committee meeting was held, TDM in the City of San Ramon is on life support. Again, it must never be shut down completely, even more so if the City of San Ramon Transportation Services Department is to continue to act as Southwest Area Transportation Committee Administrator (which also has had numerous meeting cancelations over the recent years).

That said, it is ill-logical to me for the Transportation Division Manager to assert that there has been less traffic in San Ramon (and especially in and around Bishop Ranch, for whatever reason, including Covid-19 and the transition to hybrid work arrangement), but that the City of San Ramon is expending the same or even more effort in managing TDM work efforts when 1) there has been a TDM advisory committee meeting in years, and 2) the City of San Ramon employee that has backfilled Ms. Amaral's position is stretched between many different responsibilities and lacks experience when compared to Ms. Amaral's role, which was almost dedicated 100% to TDM. **Let's be honest. Nothing related to TDM is expanding in the City of San Ramon.** The email notice for the November 12, 2024, City Council Meeting even states that "the discussion will focus on the four committees (TDM Advisory Committee is one) that have **overlapping** responsibilities with other committees or are **no longer essential** to the Council's goals and objectives." Further, the dissolution of the TDM Advisory Committee would permanently result in less effort being expended on TDM programs in the City of San Ramon. As a result, there should be reduced costs (and therefore, the associated request to the Contra Costa Transportation Authority to recover costs should be lower) for any effort the City of San Ramon expends related to TDM. This should have been accurately presented at the City Council Meeting on September 24, 2024, Item 5.2, and therefore, the staff memo for the item should be revised, and the City Council should hold a new discussion similar to Item 5.2 in an upcoming meeting.

Brian Swanson
69 Ayamonte Court
San Ramon, California 94583



Brian Swanson <briancswanson@gmail.com>

Public Comment: San Ramon Climate Action Plan (CAP) Public Review Draft - April 2025

1 message

Brian Swanson <briancswanson@gmail.com>

Mon, May 19, 2025 at 9:31 AM

To: planning@sanramon.ca.gov

Cc: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>, planningcommission <PlanningCommission@sanramon.ca.gov>, "cc: Julie Enea" <julie.enea@cao.cccounty.us>, climate@baaqmd.gov, opr@opr.ca.gov, "candace.andersen@bos.cccounty.us" <candace.andersen@bos.cccounty.us>, "jen.quallick@bos.cccounty.us" <jen.quallick@bos.cccounty.us>, abockelman@bayareametro.gov, 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, "Senator.Wiener@Senate.ca.gov" <senator.wiener@senate.ca.gov>, jeff.sparks@sen.ca.gov, senator.arreguin@senate.ca.gov, brendan.hughes@sen.ca.gov, ariana.casanova@sen.ca.gov, abrownstevens@greenbelt.org, Laura Tolkoff <ltolkoff@spur.org>, gjury@contracosta.courts.ca.gov, Tonya Love <tonya.love@bart.gov>, Matthew.Yosgott@catc.ca.gov, bryan.beyer@dot.ca.gov, mkelly@ccta.net, Caltrans.d4@dot.ca.gov, r9.info@epa.gov

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Dear Mr. Driscoll:

These comments are submitted not in a spirit of collaboration but as a direct and formal warning regarding the internal contradictions, systemic governance failures, and legal and fiscal vulnerabilities embedded in the City of San Ramon's Draft Climate Action Plan (CAP).

While the CAP presents ambitious and public-facing commitments to climate-aligned infrastructure—multimodal mobility, active transportation, public transit, transit-oriented development (TOD), affordable housing, and regional integration—these commitments exist overwhelmingly in narrative form only. There is little to no functional delivery, implementation capability, budget alignment, or institutional will to carry them out.

This CAP, like the General Plan, the Walking District Master Plan, the Bicycle Master Plan, the 2040 General Plan EIR, the CityWalk Master Plan EIR, and the Orchards Design Guidelines, risks becoming yet another document that will sit on the shelf—a planning exercise for outside consultants, only to receive expensive payment to produce lofty language and theoretical frameworks, never implemented, never revisited, and never reconciled with on-the-ground conditions.

The City of San Ramon has long treated its planning process as a box-checking formality to satisfy state or regional mandates rather than as a strategic tool to shape the community's physical, social, and economic form. A few examples indicative of broader dysfunction:

- **Based on Budget Workshops and presentations at several recent City Council Meetings, it appears that implementation of the CAP will be budgeted not as an integrated operating principle across departments but as discrete line items,** essentially decoupled from actual City operations or decision-making frameworks.
- **The City continues to seek grants, particularly in broadband, transportation, and equity initiatives, which have little to no contextual applicability in San Ramon and often contradict the infrastructure goals the grants are supposed to support.**

- **The City's response to the unhoused population exemplifies its systemic governance breakdown.** For months, an unhoused man camped openly on the front porch of City Hall—an obvious site that should have catalyzed a coordinated, compassionate interdepartmental response. Instead, the City chose to pass reactive, punitive policies to avoid legal liability while absolving the police of any meaningful outreach, accountability, or social service liaison work. The broader lesson is that social service gaps are not being addressed; they are only obscured.
- **City Council behavior further degrades public accountability.** On May 13, 2025, a sitting Councilmember openly used public meetings to lobby, cajole, and defend staff actions, not as an elected official charged with oversight and representation, but as a de facto extension of staff. The same Councilmember has abandoned prior public pledges to engage constituents in favor of strict proceduralism grounded only in the minimum legal requirements of the Brown Act.

The message to the public is clear: **input is unwanted unless it aligns with staff recommendations or developer interests.** Planning in San Ramon is not iterative or responsive—it is scripted, outsourced, and executed with the narrowest interpretation of legal obligation.

This CAP analysis is therefore constructed as a **structured, evidence-backed indictment of the systemic contradictions and implementation failures** that render the plan, like many before it, non-credible. It highlights misaligned priorities, absent policy infrastructure, performative compliance, and the erosion of legitimacy in City decision-making. It also directly anticipates and describes the **federal oversight and funding risk exposure** associated with this pattern of contradiction and institutional failure.

Systemic Failure to Deliver Multimodal and Active Transportation Infrastructure

The City repeatedly asserts its commitment to “complete streets,” active transportation, and pedestrian-oriented infrastructure, yet nearly all relevant capital projects prioritize vehicular flow over walkability. The widening of Bollinger Canyon Road, despite its proximity to the Iron Horse Trail overcrossing and Central Park, contradicts the intent of the Walking District Master Plan. No investment has been made to provide safe, continuous pedestrian access to civic destinations, including City Hall and the Library. Instead of implementing shade, crosswalks, and connectivity, which were called for in adopted planning documents, San Ramon facilitates car traffic and suburban convenience.

The Iron Horse Trail Overcrossing, a regionally funded asset, stands isolated. It is symbolically celebrated but functionally disconnected from the walkable, safe access network required to serve as a meaningful climate mitigation project. San Ramon has failed to integrate this infrastructure into local circulation planning, undermining its GHG reduction potential.

Public Transit Service: The Persistent Mismatch Between Aspirations and Capacity

The CAP projects a 14% transit mode share by 2030. This is fundamentally implausible given the decades-long absence of consistent public transit service. County Connection operates only one viable route through the City, and neither BART station (Walnut Creek nor Dublin/Pleasanton) is well connected. No new intermodal services have been added, and no coordination has occurred with CityWalk's five proposed hubs.

The City dissolved its TDM Advisory Committee and failed to fill key staff positions necessary for mobility planning and program oversight. These governance lapses further guarantee that CAP transportation goals will remain unachieved.

Mobility Hubs and Micromobility Pilots: The Fantasy of Shared Urbanism

Mobility hubs promoted in the CAP and CityWalk Master Plan remain speculative. None have been built. The Bird micromobility pilot failed catastrophically and prematurely exited the market. Bishop Ranch's internal bikeshare is niche and insufficient to support mode shift for the general population. Regional “hub” concepts are premised on high-frequency transit and dense land use patterns absent in San Ramon. Planning for these hubs continues despite demonstrated lack of feasibility.

Integrating convenience retail and programmatic activation (as MTC/CCTA has proposed) has no parallel in San Ramon's built environment or transportation habits.

Micromobility has proven viable in dense, transit-rich, and walkable environments, not auto-dominated job centers lacking last-mile integration. Pursuing this model without a market study or land use reform is disingenuous.

The Collapse of Transportation Demand Management (TDM) Governance

The City and SWAT's long-standing TDM framework has effectively collapsed. The dedicated TDM analyst retired and was never adequately replaced. The TDM Advisory Committee was dissolved. No successor structure exists to evaluate, track, or enforce trip reduction programs. Meanwhile, the CAP relies heavily on commute reductions and TDM-based strategies.

Projects are routinely approved without meaningful review of transportation impacts, mitigation monitoring, or employer-level commute plans. San Ramon has no institutional means of delivering what the CAP promises.

TOD Undermined by Council Actions and Deference to Sunset Development

San Ramon City Council undermined its TOD and housing goals by approving a Sunset Development-led reduction of the minimum FAR in the Downtown Mixed-Use North District. Reducing this threshold from 1.25 to 0.5 eliminates the economic and density rationale necessary to support walkable infrastructure and public transit. TOD cannot occur in fragmented, low-density formats.

Sunset's presentation during the FAR reduction hearing revealed no commitment to on-site affordable housing and raised the possibility of off-site locations that sever any potential transportation/housing linkage. Instead of using its land use authority to require co-located housing and transit infrastructure, the City enabled fragmentation.

Contradictory Use of Federal, State, and Regional Grant Funding

San Ramon continues to aggressively pursue MTC, CCTA, and Caltrans grants, even as its implementation strategy contradicts the stated goals of these funding agencies. Recent awards supporting GHG reduction, connectivity, equity, and broadband expansion have resulted in disconnected, underused, or underperforming capital improvements.

There is no Transportation Master Plan or citywide implementation schedule for climate adaptation. Each new grant opportunity is pursued in isolation, creating a patchwork of half-measures and inconsistent priorities. This model risks future audit and clawback, directly contradicts federal directives on coordinated investment and performance-based accountability.

Rebuilding Planning Integrity or Risking Fiscal and Legal Collapse

San Ramon's CAP presents itself as a credible strategy for climate mitigation. Yet it is built on unreliable transit assumptions, unenforced TDM structures, and fragmented capital priorities. It is not a plan, it is marketing.

The systemic failure to align budget, land use, transit planning, housing policy, and institutional accountability renders it legally questionable, fiscally vulnerable, and operationally hollow.

Until the City prepares and adopts a Transportation Master Plan, commits to implementing already adopted planning documents, and restores public-facing accountability structures, its CAP cannot be considered a serious policy instrument.

These comments, therefore, function not as feedback but as a formal warning and foundation for further legal and administrative scrutiny.

This submission is accompanied by **Exhibit A** – Detailed Itemized Commentary on Plan-by-Plan Contradictions, supporting and documenting every contradiction cited herein.

Respectfully submitted,

Brian Swanson, AICP
San Ramon, California



BSwanson_SanRamon_CAP_ExhibitA_Contradictions_05192025.pdf
127K

Exhibit A – Detailed Itemized Commentary on Plan-by-Plan Contradictions with San Ramon’s Draft Climate Action Plan

Page 1 of 5

Brian Swanson, AICP
San Ramon, California

This document supplements the formal public comment submitted on the City of San Ramon’s Draft Climate Action Plan (April 10, 2025) by providing detailed, plan-by-plan analysis of contradictions, omissions, and failures to implement commitments stated in previous City planning documents. The intent is to show not just inconsistencies in strategy, but the complete lack of execution capacity that renders the CAP an aspirational, nonbinding marketing document—not a functional blueprint.

Each section below documents contradictions between the CAP and the following plans –

- Walking District Master Plan (WDMP)
- San Ramon General Plan 2040 Final EIR
- CityWalk Master Plan EIR
- Orchards Design Guidelines
- San Ramon Bicycle Master Plan
- Floor Area Ratio (FAR) reductions approved by City Council
- San Ramon’s treatment of CEQA transportation and land use mitigation measures
- The City’s Affordable Housing Goals and RHNA Commitments

1. Walking District Master Plan (WDMP) vs. CAP Implementation Claims

The Walking District Master Plan (2022) was adopted with the stated goal of making San Ramon’s core “walkable, connected, safe, and comfortable.” It includes dozens of block-level pedestrian improvements, new crossings, shade amenities, and improved connectivity from the Iron Horse Trail to City Hall, the Library, Central Park, and Bishop Ranch. The CAP refers to the WDMP as a foundational document and claims progress on its implementation.

However, to date, there is little evidence the WDMP has been implemented beyond initial design mock-ups. No significant pedestrian corridor upgrades have been constructed. The City continues to approve projects and street configurations that fail to integrate key WDMP recommendations. For example:

- Bollinger Canyon Road has been widened, not calmed or narrowed—despite being a core corridor flagged for walkability improvements.
- The Iron Horse Trail Overcrossing is not connected to any of the WDMP’s recommended local destinations.
- Camino Ramon remains vehicle-oriented, with no continuous pedestrian amenities as envisioned in the WDMP.

Exhibit A – Detailed Itemized Commentary on Plan-by-Plan Contradictions with San Ramon’s Draft Climate Action Plan

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**Brian Swanson, AICP
San Ramon, California**

The CAP presents WDMP implementation as active and ongoing; this is not supported by any observable results. The plan sits effectively untouched while contradictory capital projects move forward.

2. San Ramon General Plan 2040 Final EIR vs. CAP Policy Commitments

The General Plan 2040 Final Environmental Impact Report (EIR) includes multiple mitigation measures related to transportation, GHG emissions, and air quality, which require integration of land use and mobility policies. The CAP fails to align with these mandatory mitigations in several ways:

- Mitigation Measure TRANS-2c of the EIR mandates preparation of a Citywide Multimodal Transportation Plan. As of May 2025, no such plan has been prepared, even though the CAP refers to multimodal infrastructure as foundational.
- The EIR commits the City to reduce Vehicle Miles Traveled (VMT) through land use policy. The recent FAR reductions downtown and allowance of lower-density residential development near Bishop Ranch violate this obligation.
- The CAP identifies 14% transit mode share by 2030, but the General Plan EIR data and assumptions were based on significantly lower modal expectations. There is no indication these figures were reconciled or updated.

The CAP builds its emissions-reduction claims on transit, VMT, and density policies that directly conflict with adopted EIR mitigations or have been weakened through subsequent policy actions.

3. CityWalk Master Plan EIR vs. CAP Mode Shift and Transit Objectives

The CityWalk Master Plan EIR envisions a transit-oriented district centered on five mobility hubs and anchored by the Iron Horse Trail and new civic uses. The CAP references these hubs as future assets to achieve mode shift.

However, no transit hubs have been built. The EIR's assumptions regarding trip reduction, mode shift, and VMT reduction rely on non-existent infrastructure and services. Worse:

- The Go San Ramon microtransit service is not integrated into CityWalk planning.
- County Connection service remains minimal, with no new routes or service level increases despite population and employment growth assumptions.
- The City approved reductions in development intensity that contradict the EIR’s analyzed scenario.

Exhibit A – Detailed Itemized Commentary on Plan-by-Plan Contradictions with San Ramon’s Draft Climate Action Plan

Page 3 of 5

**Brian Swanson, AICP
San Ramon, California**

Thus, the CAP continues to market a vision based on the original EIR while implementing a version of CityWalk that undermines its foundational assumptions.

4. Orchards Design Guidelines vs. CAP Safety, Access, and TOD Principles

The Orchards project is cited as a major mixed-use redevelopment that will bring housing, retail, and mobility to a central location. However, the site design and circulation plans—formalized in the Orchards Design Guidelines—fail to meet basic CAP-aligned principles:

- It prioritizes frontage along Bollinger Canyon Road, a high-speed arterial with no demonstrated plans for pedestrian safety retrofits.
- The design does not incorporate continuous walking or cycling access to Iron Horse Trail or Camino Ramon.
- It emphasizes large-format retail parking lots rather than walkable blocks.

This contradicts the CAP’s strategy of promoting safe, integrated, human-scale TOD. It instead shifts growth toward an unsafe traffic corridor that violates the plan’s safety and equity claims.

5. San Ramon Bicycle Master Plan vs. CAP Implementation Claims

Adopted prior to the CAP, the Bicycle Master Plan identifies gaps in the bikeway network and recommends specific low-stress connections. The CAP cites it as an implementation source, but few of the priority projects have moved forward:

- The proposed Class IV (protected) lanes along Executive Parkway, Alcosta Boulevard, and Camino Ramon remain incomplete.
- Recent road repaving projects failed to integrate proposed bike improvements.
- No updated metrics are provided on bikeway mileage, connectivity, or access to schools and civic destinations.

The CAP relies on the Plan rhetorically while implementation remains stagnant or in conflict with capital priorities.

6. CEQA Transportation and Land Use Mitigation Measures Ignored

Across multiple EIRs—including the General Plan and CityWalk—CEQA-mandated mitigation measures require the City to:

- Monitor transportation impacts, VMT, and transit mode shares;

Exhibit A – Detailed Itemized Commentary on Plan-by-Plan Contradictions with San Ramon’s Draft Climate Action Plan

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**Brian Swanson, AICP
San Ramon, California**

- Require project-level TDM programs; and
- Apply consistency checks against General Plan assumptions.

Since the City dissolved its TDM Advisory Committee and lost staff capacity, these mitigations are no longer being enforced. Projects are approved without consistency findings or active transportation monitoring. The CAP never acknowledges this breakdown, despite its reliance on the same mitigations to justify its emissions reduction strategy.

7. Floor Area Ratio (FAR) Reductions vs. CAP Density, TOD, and GHG Goals

On May 13, 2025, the City Council approved amendments to reduce the minimum FAR for Downtown Mixed-Use North (DMU-N) from 1.25 to 0.50. This directly contradicts the CAP’s stated reliance on increased development intensity to support walking, transit use, and GHG reduction. The consequences include:

- Loss of capacity for new mixed-income housing near jobs;
- Increased likelihood of underutilized land requiring auto access; and
- Erosion of the City Center as a viable walkable core.

This is not a theoretical contradiction—it’s an enacted policy reversal that directly undermines the CAP’s modeling, goals, and claims.

8. Affordable Housing and Regional Housing Needs Allocation (RHNA) vs. CAP Equity and VMT Strategies

The CAP claims to address climate equity through strategies that expand affordable housing near jobs and services to reduce VMT and allow low-income residents to live close to where they work. However, the City’s housing policies and Council actions tell a different story:

- The City has repeatedly delayed or weakened implementation of its Inclusionary Housing Ordinance, allowing developers to sidestep on-site affordability requirements.
- During hearings on Sunset Development’s projects, the Council entertained ideas for locating affordable units off-site, and not near employment centers, in violation of both equity principles and RHNA intent.
- The CAP references Housing Element updates, but those updates are not integrated with transportation planning or TDM strategies in any measurable way.

Exhibit A – Detailed Itemized Commentary on Plan-by-Plan Contradictions with San Ramon’s Draft Climate Action Plan

Page 5 of 5

**Brian Swanson, AICP
San Ramon, California**

- There is no monitoring or enforcement of whether new units actually serve “essential workers” (teachers, first responders, nurses, pharmacy technicians, etc.) as claimed.

The General Plan EIR, the CAP, and the City’s RHNA allocation all depend on infill development at sufficient density to meet VMT reduction and equity goals. But by approving FAR reductions and permitting sprawl-oriented retail anchors, the City has directly undermined the housing-transportation connection essential to climate action.

In short, the affordable housing strategy exists on paper but not in execution. The CAP treats housing as a supporting narrative, not a core delivery system for GHG and equity outcomes.

Conclusion: Exhibit A as Standing Record of Planning Contradiction

This document provides a factual record of how San Ramon’s Climate Action Plan, though written to reflect visionary goals, is structurally and operationally contradicted by the City’s land use decisions, transportation project delivery, affordable housing policy, budget allocations, and governance framework. Without rectifying these contradictions, the CAP cannot be considered credible, and its projected emissions reductions must be dismissed as aspirational at best, misleading at worst.

This supplement is submitted alongside the formal public comment as supporting documentation.



Brian Swanson <briancswanson@gmail.com>

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 <briancswanson@gmail.com>

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/3EulxwT>

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

Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the 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.

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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As a courtesy and technology permitting, the public will have the opportunity to view the meeting via one way feed by the options below.

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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.

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Brian Swanson <briancswanson@gmail.com>

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.

Brian Swanson <briancswanson@gmail.com>

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>



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:

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- Development Agreements.
- Zoning Administrator decisions.
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- 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 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

Public comments may be submitted via e mail to cityclerk@sanramon.ca.gov. Any public comments received up until two (2) hours prior to the 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 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.

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



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2 attachments



04.22.2025 - BSwanson_PublicComment_AgendaItem8.1-AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFY2025_26-City Council Meeting.pdf
366K



11.25.2025 - BSwanson_PublicComment_AgendaItem9.2-DiscussionoftheCity'sAppealFeeStructure-CityCouncilMeeting.pdf
468K



Brian Swanson <briancswanson@gmail.com>

Public Comment: Agenda Item 9.1 - Appeal Fees and Successful Appeal Refund Provisions (specifically) - City Council Meeting - March 10, 2026

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Mar 10, 2026 at 1:38 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>

Cc: planningcommission <planningcommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>



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§ionNum=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§ionNum=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§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65009, and Public Resources Code section 21167: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65104
- https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=66014
- https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?article=XIII+C&lawCode=CONS§ionNum=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>

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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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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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Webinar ID: 986 2632 4899

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1:00 p.m. immediately following the meeting. Regular City Council meetings are also broadcast on AT&T U Verse (Channel 99).



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3 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**
378K

 **11.25.2025 - BSwanson_PublicComment_AgendaItem9.2-DiscussionoftheCity'sAppealFeeStructure-CityCouncilMeeting.pdf**
468K

 **04.22.2025 - BSwanson_PublicComment_AgendaItem8.1-AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFY2025_26-City Council Meeting.pdf**
366K



Brian Swanson <briancswanson@gmail.com>

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

1 message

Brian Swanson <briancswanson@gmail.com>

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

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 complacency. 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>

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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

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Mar 10, 2026 at 3:46 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>

Cc: planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>



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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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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Brian Swanson <briancswanson@gmail.com>

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

1 message

Brian Swanson <briancswanson@gmail.com>

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

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 complacency. 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.**

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Brian Swanson <briancswanson@gmail.com>

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

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Mar 10, 2026 at 3:46 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>

Cc: planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>



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>

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

Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the 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.

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.

Zoom: <https://cityofsanramon.zoom.us/j/98326324899>

Webinar ID: 986 2632 4899

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The City's YouTube Channel: [sanramon.ca.gov/YouTube](https://www.youtube.com/c/cityofsanramon)

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1:00 p.m. immediately following the meeting. Regular City Council meetings are also broadcast on AT&T U-Verse (Channel 99).



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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](#).

Public Comment: Request to Pull Agenda Item 5.11 - Ordinance 537 from the Consent Calendar and Formal Comment - City Council Meeting - March 24, 2026

1 message

Brian Swanson <briancswanson@gmail.com>

Mon, Mar 23, 2026 at 7:02 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>

Cc: planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>



City Council:

I respectfully request, at the outset, that the City Council pull Agenda Item 5.11 from the Consent Calendar and continue it to a fully deliberative public hearing together with the FY27 Master Fee Schedule item. These two items are intrinsically linked and should not be separated in the procedure.

That request is even more urgent because the FY27 Master Fee Schedule Adoption and Repeal of Resolution No. 2025-036 appears on the same agenda as Agenda Item 8.1, yet that item is being continued because the City did not meet the statutory timing requirements necessary to proceed with fee adoption at this meeting. Placing Agenda Item 5.11 on the Consent Calendar while the companion Master Fee Schedule item is delayed is especially troubling. It prevents meaningful public disclosure and engagement, shields the City Council from having to discuss the impacts in a public forum, and reinforces concerns that the City continues to make major fiscal and policy changes through abbreviated, knee-jerk, unstable processes.

This concern must be evaluated in the context of the City Council's own adopted work plan and norms. The City Council's six adopted 2026 goals include: maintaining a safe and secure environment; maintaining a secure financial base; providing cost-effective and responsive services to sustain quality of life; building and maintaining quality facilities and infrastructure; enhancing engagement and communication with residents and the business community; and balancing land use planning for housing, retail, jobs, and open space. The City Council's current norms likewise commit the City Council to doing what is best for the community, demonstrating respect, engaging collaboratively, listening carefully, being prepared, and conducting effective meetings. Pulling a sweeping development-fee ordinance from consent and hearing it together with the Master Fee Schedule is the minimum necessary to align with those commitments.

That broader context is only reinforced by the City's own public messaging. In announcing the City's first Director of Finance, the City Manager said the City was looking forward to implementing "sound financial practices," and the new Finance Director said she was impressed by leadership's determination to address "fiscal sustainability and community quality of life." See the City's February 26, 2025 announcement: [First Director of Finance](#). The City's FY26 budget materials acknowledge a continuing structural deficit and reliance on Measure N revenue to cover that deficit. See: [FY26 Budget Process](#). Mayor Armstrong's campaign platform emphasizes putting the community first, fiscal accountability, responsible budgeting, and long-term planning. See: [Armstrong for Mayor – Priorities](#). And the recent State of the City discussion again highlighted the structural deficit and the City's stated commitment to "live within our means." See: [State of the City 2026](#) and [local summary of the March 2026 address](#).

The public deserves more discussion of this issue and honest, transparent framing of the City's fiscal health, because that fiscal condition is plainly a major reason for this reworking of methodologies and fees.

The City Council must not accept this memo quietly.

Doing so would confirm — not correct — the City's growing reputation for weak fiscal governance.

This comment incorporates by reference my prior written comments on the City's development fees, Master Fee Schedule, appeal fees, parkland dedication, public process, transparency, and the administrative record, including my

prior written comments on the March 10, 2026, public hearing concerning these Municipal Code revisions.

This comment further incorporates by reference and attaches as a companion submission my March 10, 2026, public comment on Agenda Item 9.2 regarding parkland dedication, parkland impact fee, park and recreation facility impact fee, and open space development impact fee. That March 10, 2026 comment (attached) remains fully applicable to Ordinance 537 and should be read together with this submission. Nothing in this comment narrows, supersedes, or waives any argument contained in that attached parkland/open-space comment.

The comments below explain why:

- A. Agenda Item 5.11 must be pulled from the Consent Calendar immediately.
- B. Item 5.11 should be heard together with the Master Fee Schedule item (Agenda Item 8.1) because the two are inseparable.
- C. Ordinance 537 must be measured against all six 2026 City Council Goals and the City Council's current norms, and it does not measure up.
- D. Ordinance 537 is not a ministerial cleanup item; it makes substantive policy choices across multiple fee chapters.
- E. The ordinance reduces code-level transparency and institutionalizes future volatility by replacing specific methodologies with generic references to the "applicable Nexus Fee Study."
- F. The staff report understates the significance of the ordinance, presents a false binary, and blurs the statutory basis for some of the claimed changes.
- G. The ordinance still contains pro-developer policy choices explicitly, especially in the commercial linkage and public-art provisions.
- H. The revised parkland dedication and parkland impact-fee structure remains tenuous, especially given the City's apparent posture toward smaller project-serving spaces rather than larger resident-serving parks.
- I. The ordinance does not prove that the City is fully capturing development costs, and the City should stop implying that it does.
- J. The City must be explicitly honest that these dramatic changes are occurring amid structural fiscal stress, weak long-term planning, and unstable management.
- K. The ordinance reflects a broader reactive management pattern, including overreliance on consultants, repeated procedural shortcuts, and a steady erosion of meaningful public processes.
- L. The City Council should continue this item to a fully deliberative hearing with a complete and transparent record.

Transparency, Access, and the Administrative Record

Any materials related to Agenda Item 5.11, 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, ordinance drafts, redlines, consultant analyses, nexus studies, appendices, land-sale data, spreadsheets, inflation-index assumptions, cost-escalation assumptions, presentations, memoranda, 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 City Council. All documents, emails, spreadsheets, working papers, presentations, and materials considered by the City Council or staff must be included in the administrative record.

These requirements apply regardless of whether staff characterizes this item as a simple "adoption" or a follow-on step from the March 10, 2026 meeting.

For avoidance of doubt, this administrative-record request expressly includes the attached March 10, 2026 Agenda Item 9.2 parkland/open-space comment and all underlying parkland, park and recreation facility, and open space materials referenced in that submission.

A. Agenda Item 5.11 must be pulled from the Consent Calendar immediately.

This item does not belong on the Consent Calendar.

Consent Calendar treatment is reserved for routine, noncontroversial items. This ordinance is neither. It repeals and replaces multiple development-fee chapters, creates a new parkland impact-fee chapter, rewrites parkland dedication methodology, and embeds new structural relationships between the Municipal Code, future nexus studies, and annual fee adjustments.

That is not routine.

Placing this item on the Consent Calendar prevents meaningful public disclosure and engagement because it signals that the ordinance can be adopted by a single motion, by title only, without real public deliberation unless someone affirmatively forces the issue. It also shields the City Council from having to take active responsibility for discussing the impacts of this ordinance in a public forum.

That is especially inappropriate here because the City is not merely cleaning up text. It is hardening into law a set of unstable, reactive, and in several important respects pro-developer policy choices.

The City Council must pull this item from the Consent Calendar.

B. Item 5.11 should be heard together with the Master Fee Schedule item because the two are inseparable.

This ordinance should not be considered in isolation.

The ordinance is expressly tied to the adopted or applicable nexus fee studies and to the fee structures embedded in the Master Fee Schedule. The City itself has presented these changes as part of one broader reworking of fees and methodologies. Yet now the ordinance is being pushed forward on consent while the Master Fee Schedule item remains separately delayed and procedurally unsettled.

That is backwards.

The Municipal Code rewrite and the Master Fee Schedule are intrinsically linked. One provides the structural legal framework; the other provides the operative fee amounts and annual implementation. Separating them procedurally weakens public understanding, fragments the record, and makes it easier for the City to claim that each item is narrower or more technical than it really is.

The public deserves a coherent presentation of both the code changes and the consequences of the fees during the same City Council meeting.

The City Council should insist that the ordinance be heard together with the Master Fee Schedule item, in a setting that requires full public discussion and active City Council responsibility.

C. Ordinance 537 must be measured against all six 2026 City Council Goals and the City Council's current norms, and it does not measure up.

This item cannot be evaluated apart from the City Council's own adopted goals and norms.

If the City Council is serious about maintaining a safe and secure environment, then it must recognize that chronic fiscal instability and resident distrust undermine the City's ability to sustain public safety services and public engagement over time.

If the City Council is serious about maintaining a secure financial base, then it must acknowledge that this ordinance does not reflect stable financial management. Instead, it reflects continued methodological reworking in a city that still has not provided residents with a cumulative fiscal analysis of the downtown/Bishop Ranch transition, even as the City Council's own Goal #2 calls for enhanced financial forecasting and a Parks & Community Services Cost Recovery/Sustainable Subsidy Policy.

If the City Council is serious about providing cost-effective and responsive services to sustain quality of life, then it cannot quietly adopt a sweeping fee rewrite on consent. Goal #3 calls for a City Council Code of Conduct/Rules & Procedures document, risk management briefings, and standardized reporting of service data and resource needs. This item should therefore come forward with full public explanation, standardized metrics, and explicit discussion of what costs remain unrecovered.

It does not.

If the City Council is serious about building and maintaining quality facilities and infrastructure, then it cannot adopt a parkland and fee rewrite that leaves unresolved questions about larger park acquisition, park-deficient areas, and long-term infrastructure adequacy. Goal #4 includes implementation of the Crow Canyon Garden Renovation, a Forest Home Farms Renovation Plan, and the Trails Master Plan. Those are not abstract goals; they underscore that quality facilities and infrastructure require an honest, durable funding strategy, not piecemeal methodological shifts.

If the City Council is serious about enhancing engagement and communication with residents and the business community, then this item should not be on consent. Goal #5 calls for improving the City website, conducting a community survey with national benchmarks, and completing a comprehensive assessment of the San Ramon economy in the regional context. Consent-calendar adoption of a sweeping fee ordinance moves in exactly the opposite direction: less engagement, less explanation, and less transparency.

And if the City Council is serious about balancing land use planning for housing, retail, jobs, and open space, then it cannot use this ordinance merely to facilitate the transition of already-approved projects into construction while downplaying resident-serving concerns about commercial balance, parks, open space, and long-term fiscal effects. The final adopted goal expressly calls for stakeholder work on infill development opportunities within the city core and existing commercial centers, and for working with property owners and developers to advance approved projects into construction. But that objective does not displace the other five goals. It must be balanced against them. This ordinance,

as presented, overweights development throughput and underweights fiscal balance, transparency, engagement, and quality of life.

The same is true of the City Council's current norms. Pulling this item from consent and deliberating on it means doing what is best for the community, demonstrating respect, engaging collaboratively, listening carefully, being prepared, and conducting effective meetings. Effective meetings do not mean burying complex, consequential ordinances on consent. They mean handling time responsibly while still giving major issues the serious attention they require.

D. Ordinance 537 is not a ministerial cleanup item.

The staff report repeatedly characterizes this item as providing "consistency" with the updated nexus study and Master Fee Schedule.

That description is materially incomplete.

This ordinance does not simply align words. It makes substantive policy choices.

Among other things, Ordinance 537 repeals and replaces the Child Care Fee chapter, the Park and Recreation Facility Impact Fee chapter, the Public Art Impact Fee chapter, the Open Space Development Impact Fee chapter, the Inclusionary Housing chapter, the Affordable Housing Commercial Linkage Fee chapter, adds a new Parkland Impact Fee chapter, and repeals and replaces the Parkland Dedication chapter, including the methodology for in-lieu fees.

Those are policy choices, not scrivener's edits.

The ordinance also alters how future fees are referenced, how future inflation adjustments are handled, how in-lieu parkland calculations are made, and how multiple fee programs are structurally embedded in the Municipal Code. These changes have fiscal, methodological, transparency, and resident-quality-of-life consequences.

E. The ordinance reduces code-level transparency and institutionalizes future volatility.

One of the most troubling features of Ordinance 537 is that it repeatedly strips out specific code references to older named studies and more readable methodology provisions, and replaces them with generic references to the **"applicable Nexus Fee Study"** and whatever automatic annual adjustment is identified in that study.

This occurs across multiple chapters.

The rewritten chapters repeatedly define or rely upon a **"Nexus Fee Study"** as the current and applicable Development Impact Fee Justification Study, including other studies, reports, and supporting data referred to and relied upon in the study, as later amended, supplemented, or updated. They also repeatedly state that future fees will be subject to automatic annual inflation adjustments as set forth in **the applicable Nexus Fee Study**.

That drafting move matters.

It makes the code less, not more, transparent, especially when the historical context is completely removed. A resident reading the Municipal Code should be able to understand what methodology governs a fee, what index governs adjustments, and what standards are fixed in the code itself. Instead, the City is increasingly pushing those substantive answers outside the code and into whatever study is "applicable" at a given time.

That makes future shifts easier, faster, and less visible.

It also feeds instability. Instead of a stable code framework with clearly articulated standards, the City is hardwiring a system in which multiple fee programs can continue to move through future study revisions and annual adjustments with less code-level visibility and less intelligibility to the public.

That is not good governance.

F. The staff report understates the significance of the ordinance, presents a false binary, and blurs the statutory basis for the changes.

The staff report's Fiscal Impact discussion states, in essence, that there is no fiscal impact associated with the update to the Municipal Code and that future fee revisions are addressed through the Master Fee Schedule and nexus fee studies.

That framing is misleading.

The ordinance itself is a major fiscal policy instrument because it locks in methodologies, embeds references to future studies, restructures multiple code chapters, and changes how future fees will be calculated, adjusted, and justified.

The staff report's Alternative Option is also presented as a false binary. It suggests that if the ordinance is not adopted, the code will remain tied to prior studies and the City will not be in compliance with "AB 1600 square footage standards."

That is careless at best.

The square-footage methodology requirement for housing development fees is addressed in [Government Code section 66016.5](#), not through some generic reference to "AB 1600 square footage standards."

That may sound like a small point, but it is revealing. If the City is moving this quickly, and if even the staff report blurs the statutory source of the methodology it claims to be implementing, that only reinforces the concern that the City Council is being asked to adopt a sweeping ordinance **too casually and too quickly**.

G. The ordinance still contains pro-developer policy choices explicitly.

The most obvious example remains the Affordable Housing Commercial Linkage Fee chapter.

The purpose section expressly states that the City is implementing the updated nexus study "**while supporting fees that do not significantly hinder economic development.**"

That is not neutral language.

That is an explicit policy choice to **prioritize development competitiveness over moving meaningfully toward the City's own supportable linkage-fee levels**.

In plain English, "competitiveness" in this context means **pro-developer**.

And that choice is especially troubling in San Ramon because the City is invoking the need for more commercial and mixed-use vibrancy only after years of overwhelmingly housing-forward approvals in the downtown/Bishop Ranch context. If the City truly wanted balanced mixed-use vibrancy, it should have planned for that all along. Vibrancy must be part of the need mix all the time, not an afterthought invoked later to justify keeping non-residential obligations low.

The Public Art Impact Fee rewrite raises a related concern. The City is shifting away from the older framework tied to valuation-based contributions and toward a different structure justified through the nexus study. Whatever label is used, the public-art side of the code now reflects a materially different and more constrained revenue model. That is not a resident-serving move in a city that says it wants more identity, more place-making, more activation, and more quality-of-life-enhancing civic environments.

Lowering or constraining one of the few development tools directly tied to public art and civic placemaking is not balanced planning.

H. The revised parkland dedication and parkland impact-fee structure remains tenuous.

I have already commented in detail on the parkland and open-space issues, and those comments are expressly incorporated here by reference through the attached March 10, 2026 Agenda Item 9.2 submission. I do not waive or narrow any of those arguments. They remain fully applicable to Ordinance 537 because this ordinance is the actual code vehicle that hardens those parkland, park and recreation facility, and open space changes into law.

Among other things, the attached March 10, 2026 comment explains that the ordinance:

- is not mere housekeeping;
- shifts major park and open-space burdens onto residential growth while largely excusing non-residential growth;
- replaces parcel-specific fair-market-value appraisal with a citywide standardized nexus-fee approach;
- relies on cost assumptions that are not clearly aligned with resident-serving park acquisition in growth areas;
- fails to explain how the City will bridge the gap between the General Plan's broader parkland aspiration and the lower operative standard;
- reduces code-level transparency; and
- raises significant legal and methodological concerns under California fee law.

Those concerns are not repeated here at full length only because they are being attached and incorporated in full.

They remain central to why this ordinance should not be adopted on consent.

This change is even more tenuous because the City increasingly appears willing to accept **pocket parks, plazas, pathways, and smaller project-serving public spaces** as the practical answer to park demands in growth areas, rather than showing a serious commitment to securing larger neighborhood-serving or community-serving parks where growth is occurring.

Long-time residents increasingly believe that the City is no longer seriously oriented toward creating larger parks. Instead, the City appears increasingly willing to accept small localized amenities near projects and broader citywide averaging of obligations, while leaving existing park-deficient areas unresolved.

That concern is reinforced by the ordinance's broad fee-disposition language, its flexibility regarding parkland use, and its retention of private open-space credit provisions.

The Quimby Act requires that the **amount and location** of land dedication or in-lieu fees bear a **reasonable relationship** to the use of park and recreational facilities by the future inhabitants of the subdivision, and it places conditions on the use of fees in a neighborhood other than the one in which the subdivision is located. See [Government Code section 66477](#).

If the City is increasingly satisfied with smaller project-serving spaces, citywide averaging, and broader fee flexibility instead of securing larger resident-serving parks in impact areas, then that reasonable relationship becomes much harder to defend.

I. The ordinance does not prove that the City is fully capturing development costs.

All of this reworking of development-fee methodology seems designed to imply that San Ramon is now "covering development costs."

That narrative is false.

A rewritten ordinance and updated nexus study are not the same thing as a current, cumulative fiscal analysis.

They do not prove that the City has fully accounted for operating, capital, maintenance, and lifecycle replacement costs; public-service and infrastructure burdens; or the cumulative fiscal implications of all approved and pending development in the downtown/Bishop Ranch area.

California law requires a reasonable relationship between a fee, the development paying it, and the public facility or purpose for which the fee is imposed. See [Government Code section 66001](#).

California law also requires public disclosure of the cost data supporting a fee before the hearing at which the fee is considered. See [Government Code section 66016](#).

And Article XIII C, section 1 of the California Constitution places the burden on the local government to prove that a development-related levy, charge, or exaction is no more than necessary to cover reasonable costs 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.

Nothing in Ordinance 537 proves that the City has satisfied the larger fiscal question.

J. The City must be explicitly honest about structural fiscal stress.

These dramatic fee and methodology shifts do not exist in a vacuum.

The City's own FY26 budget materials state that San Ramon has experienced an average increase in the **structural deficit of 5% per year** over the past five fiscal years, that expenditures have increased faster than revenues, and that the City is relying on cost-containment guardrails such as no new programs or positions without tradeoffs, no spending money the City does not have, and no unsustainable commitments. See: [FY26 Budget Process](#).

The City's own Measure N update states that the City is treating Measure N as one-time revenue, that those funds will help balance the budget while the City explores options for long-term financial resilience, and that Measure N revenues are already being used to support existing essential City services. See: [Measure N Update: April 1–June 30, 2025](#).

If structural fiscal stress is a major reason the City keeps rewriting fee methodologies, then the City should say so honestly.

Residents are entitled to candor.

They are entitled to know whether these fee rewrites are being driven by genuine long-range planning or by fiscal distress and the need to stop ongoing budgetary bleeding.

K. The ordinance reflects a broader reactive management pattern.

These changes do not read as careful long-term planning.

They read as *reactive corrections to earlier mistakes*.

Municipal finance should be stable, predictable, transparent, and oriented toward protecting residents and enhancing quality of life. **Instead, the City keeps lurching from one methodological rewrite to another, softening some obligations, hardening others, and revising code structure in ways that appear designed to make future adjustments easier and less visible.**

That is not fiscal stability. It is a reactive management model.

That broader impression is reinforced by the City's ongoing heavy reliance on outside consultants and recurring professional-services procurements across core planning, engineering, transportation, environmental, and design

functions. The City's own procurement pages show a sustained stream of on-call consulting solicitations, including transportation, engineering, environmental, geotechnical, structural, architectural, and related services. See, for example: [Bids & RFP](#) and [On-Call Traffic & Transportation Consulting Services](#).

Targeted consultant use can be appropriate. But in a city already facing structural fiscal stress, the near-constant flow of consultant procurements creates the appearance of a government operating through RFQs and outside work products rather than through durable internal capacity and resident-centered stewardship.

That appearance is worsened when major code rewrites are then brought back on the Consent Calendar for title-only adoption.

This pattern also fits too neatly within the broader erosion of public-facing process. The City's own goals include enhancing public engagement, maintaining a secure financial base, standardizing data reporting, and formally adopting rules, procedures, and norms for governance. A city that instead narrows deliberation, weakens clarity, and pushes major structural changes through procedural shortcuts should not be surprised when residents lose trust in staff and elected leadership.

The planning profession's own ethics framework points in the opposite direction. The [American Planning Association's \(APA\) Ethical Principles in Planning](#) emphasize that planning must serve the public interest and that citizens are entitled to full, clear, and accurate information. The [American Institute of Certified Planners \(AICP\) Code of Ethics and Professional Conduct](#) likewise emphasizes service to the public interest, integrity, clear information, equity, meaningful participation, and fair and independent judgment.

Ordinance 537, as presented here and now on consent, does not reflect those principles.

L. The City Council should continue this item to a fully deliberative hearing with a complete and transparent record.

The City Council should **not** adopt Ordinance 537 on the Consent Calendar.

At minimum, the City Council should:

1. pull Item 5.11 from the Consent Calendar immediately;
2. refuse to accept the staff memo quietly or without public discussion;
3. continue the item and hear it together with the Master Fee Schedule item because the two are intrinsically linked;
4. require active public deliberation rather than title-only adoption by a single consent motion;
5. require a clear memorandum showing, chapter by chapter, how the prior code language differs from the new language and why each change is substantively justified;
6. require an explicit explanation of which changes are legally necessary and which are discretionary policy choices;
7. require a clear explanation of how the City intends to secure larger resident-serving parks in growth areas rather than defaulting to pocket parks, small public spaces, private maintenance arrangements, and generalized citywide formulas;
8. require a full explanation of why the commercial linkage and public-art choices are not simply pro-developer accommodations;
9. require an explicit fiscal memorandum explaining what costs remain unrecovered, what cumulative fiscal and absorption analysis is still missing, and why residents are already backfilling existing services through Measure N if the City is now supposedly "capturing development costs";
10. require honest and transparent framing about the City's fiscal health, because that fiscal condition is plainly a major reason for this rework of methodologies and fees; and
11. expressly acknowledge on the record that my attached March 10, 2026 Agenda Item 9.2 parkland/open-space comment is incorporated by reference into this submission and remains part of the administrative record for Ordinance 537.

Until that occurs, adoption of Ordinance 537 should be deferred.

Conclusion

Ordinance 537 should not be adopted on the Consent Calendar.

It is not routine.

It is not clerical.

It is not merely technical consistency work.

It is a sweeping land-development ordinance that:

- reduces code-level transparency,
- institutionalizes future methodological volatility,
- embeds explicitly pro-developer choices,
- weakens the visibility of future fee changes,
- hardens a tenuous parkland structure,
- and proceeds in a city that has still not shown residents a cumulative fiscal or absorption analysis for the downtown/Bishop Ranch transition.

My attached March 10, 2026 Agenda Item 9.2 comment remains fully applicable to the parkland, park and recreation facility, and open space components of Ordinance 537 and should be treated as part of this submission.

At the same time, the City Council's own adopted goals call for a secure financial base, cost effective and responsive services that sustain quality of life, quality facilities and infrastructure, enhanced engagement and communication, and balanced land use planning. The City Council's own norms call for doing what is best for the community, being prepared, listening carefully, and conducting effective meetings. And the City's own public statements continue to emphasize fiscal sustainability, fiscal accountability, and strong financial management.

This is exactly why the ordinance should not be adopted quietly, by title only, on consent.

That would not be diligent.

That would not be accountability.

That would not be stable municipal finance.

And it would only reinforce the growing public view that City leadership is reacting too late, with wild swings in approach and methodology, instead of planning competently, transparently, and honestly for San Ramon's future.

Doing so would confirm — not correct — the City's growing reputation for weak fiscal governance.

Respectfully submitted,

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

On Fri, Mar 20, 2026 at 3:31 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The **City Council meeting** will begin at **7:00 p.m. on Tuesday, March 24, 2026.**

The meeting agenda is now available at, <https://sanramonca.portal.civicclerk.com/event/24/files/agenda/1204>

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

Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the scheduled start time of the meeting will be distributed to the City Council via e-mail and provided at the meeting.

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.

Zoom: <https://cityofsanramon.zoom.us/j/99217571746>

Webinar ID: 992 1757 1746

Zoom Phone Numbers: +1 (669) 900 6833

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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).



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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](#).

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03.10.2026 - BSwanson-Public Comment-CityCouncilMtg - Agenda Item 9.2 - Ordinance 537 - parkland fees et al..pdf
410K



Brian Swanson <briancswanson@gmail.com>

Public Comment: Agenda Item 9.2 - Public Hearing: Orchards Development Project (MJ 2024-0004, DP 2024-0006, DP 2024-0008, DA 2024-0001, AR 2024-0013, TRP 2024-0009, and ENVR 2025-0003) - Planning Commission Meeting - December 16, 2025, beginning at 6:00 p.m.

Brian Swanson <briancswanson@gmail.com>

Tue, Dec 16, 2025 at 3:18 PM

To: planningcommission <PlanningCommission@sanramon.ca.gov>, planning@sanramon.ca.gov

Cc: Clerk City <CityClerk@sanramon.ca.gov>, Council City <citycouncil@sanramon.ca.gov>

[REDACTED]

Planning Commissioners:

I submit this public comment for the record on Agenda Item 9.2 — Public Hearing: Orchards Development Project (MJ 2024-0004, DP 2024-0006, DP 2024-0008, DA 2024-0001, AR 2024-0013, TRP 2024-0009, and ENVR 2025-0003). This comment incorporates the transparency, accessibility, and noticing concerns I have previously raised and focuses on the adequacy of public notice and document access; the overwhelming volume and cumulative nature of concurrent downtown approvals (including Ordinances 522, 526, 529, 531, 532, and 534 and projects BR 1A, BR 3A, BR 7, BR 8, BR 11, BR 12, and the Bishop Ranch Affordable Housing Site); the absence of a programmatic fiscal analysis and the municipal fiscal risks of prioritizing RHNA unit counts without a citywide financing strategy; the proper operative regulatory baseline for CEQA tiering (including post-certification ordinance changes); and the specific remedies requested here — posting the full administrative record adjacent to the agenda item in accessible formats, extending review time, deferring final discretionary approvals until required fiscal and market analyses are completed, and improving notice and link integrity so the public can meaningfully participate.

Access and Transparency Assertions

These public comments must be permanently visible and easily accessible on the City of San Ramon website, in both HTML and searchable PDF formats. All 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. Link integrity and accessibility must be actively maintained so interested parties can locate and verify the administrative record without unnecessary barriers.

Public Hearing Notice Concerns and Required Notice Content

The City's December 5, 2025 Notice of Public Hearings Update omitted any explicit reference to the Orchards Development Project in the email subject line. A project specific notice that the Orchards Development Project would be heard tonight was not sent until December 12, 2025 at 4:52 p.m. That late, narrowly framed notice materially reduces meaningful public access and the opportunity for informed participation.

Required notice content going forward

All future project notices for major planning issues and entitlements must explicitly state, in the subject line and body of the notice, the following information at a minimum:

- **Project name and file numbers** (for example, Orchards Development Project MJ 2024 0004; DP 2024 0006; DP 2024 0008; DA 2024 0001; AR 2024 0013; TRP 2024 0009; ENVR 2025 0003).
- **A clear description of the approval process** the project will follow, including whether the project is expected to require multiple hearings and the types of public bodies likely to consider the project (for example, "This project is expected to require at least two Planning Commission hearings and at least one City Council hearing; additional hearings before advisory committees or other bodies may be required").
- **The anticipated number of public meetings** (estimate Planning Commission hearings: at least two; estimate City Council hearings: at least one; list other anticipated bodies if applicable).
- **A concise schedule or timeline** for the anticipated hearings and key milestones (e.g., initial hearing, follow-up hearing, anticipated Council hearing window).

- **A direct link** to the agenda item page where the full administrative record will be posted and maintained.
- **A clear statement of the public review period** for posted technical materials and the deadline for submitting written comments.

Notices that omit this information materially impair the public's ability to plan participation and meaningfully review materials. Notices must be distributed with sufficient lead time to enable informed public engagement.

Notice Timing and Scheduling Concerns

Scheduling a follow-up hearing on December 16, 2025, immediately before year-end holidays and during a period when many residents are occupied with family and travel further constrains public review and comment. The prior Planning Commission meeting on this project was held on July 15, 2025, during the summer holiday period. These timing choices cumulatively reduce the likelihood of robust public engagement and raise procedural fairness concerns. Notices must be timed to avoid predictable low participation windows and must provide adequate review time for newly posted materials.

Cumulative Approvals and Volume of Materials

The volume of technical materials recently posted for the Orchards Development Project creates an unreasonable review burden for stakeholders, especially given concurrent planning activity across the City. Since the adoption of the General Plan 2040, approvals and ordinance amendments have proceeded rapidly and in a siloed or piecemealed fashion without adequate cumulative analysis. This pattern undermines the public's ability to evaluate citywide impacts.

Relevant ordinance activity and project approvals to be considered together with the Orchards Project include, but are not limited to: Ordinances 522; 526; 529; 531; 532; 534, and projects BR 1A, BR 3A, BR 7, BR 8, BR 11, BR 12, and the Bishop Ranch Affordable Housing Site.

It should be noted that while the City's online Zoning Ordinance (<https://online.encodeplus.com/regs/sanramon-ca/doc-viewer.aspx#secid-3764>) indicates it has been updated as of November 12, 2025, the broader online Municipal Code (<https://online.encodeplus.com/regs/sanramon-ca/doc-viewer.aspx#secid-5>) Supplement History Table has its most recent "included" entry as Ordinance 490 on June 25, 2019. The Supplement History Table also does not justify why an ordinance was marked as included or omitted.

As justification for this volume and intensity, I am incorporating by reference my recent public comments on planning issues, development projects, advisory committees, fee schedules, and City budgets, which include, but are not limited to, the following submissions:

1. Public Comment: Agenda Item 9.2 Discussion of the City's Appeal Fee Structure City Council Meeting November 25, 2025
2. Public Comment: Agenda Item 9.2 Public Hearing Canopy Bishop Ranch 8 Residential Development Planning Commission Meeting November 18, 2025
3. Public Comment: Agenda Item 9.1 Public Hearing Annabel BR 12 Residential Development Planning Commission Meeting November 18, 2025
4. Public Comment: Agenda Item 4 Public Comments or Written Communication Planning Commission Meeting November 4, 2025
5. Public Comment: Agenda Item 9.1 Revisions to Bartlett BR 7 Residential Project Planning Commission Meeting November 4, 2025
6. Public Comment: Agenda Item 9.2 Revisions to Avalon Bay Bishop Ranch 3A Apartment Project Planning Commission Meeting October 21, 2025
7. Public Comment: Agenda Item 9.1 Revisions to Bishop Ranch 11 BR 11 Residential Development Planning Commission Meeting October 21, 2025
8. Public Comment: Remove Agenda Item 5.3 Ordinance 534 from Consent Calendar City Council Meeting October 14, 2025 (with attachment)
9. Public Comment: Agenda Item 5.1 Draft Bicycle Master Plan Update - Transportation Advisory Committee Meeting - September 18, 2025
10. Public Comment: Agenda Item 5.13 Ordinances 531 and 532 City Council Meeting September 9, 2025
11. Public Comment and Request to Pull Agenda Item 6.2 Resolution No. 11 25 Recommending Approval of Zoning Ordinance Text Amendment TA 2024 0005 Planning Commission Meeting August 19, 2025
12. Public Comment: Agenda Item 9.4 Ordinances CityWalk Development Agreement Amendments Bishop Ranch 1A and 3A City Council Meeting August 12, 2025
13. Public Comment: Agenda Item 9.1 Updated Climate Action Plan and CEQA GHG Thresholds City Council Meeting June 10, 2025 (with attachments)
14. Public Comment: San Ramon Climate Action Plan Public Review Draft April 2025 (May 19, 2015) (with attachment)
15. Public Comment: Item 8.1 Uphold DMU N FAR Standards Do Not Approve Sunset Request to Reduce City Council Meeting May 13, 2025

16. Public Questions and Comments: Formal Public Comment Processes, ADA Compliance Meeting Action Minutes, Orchards Project - ARB Meeting May 8, 2025
17. Public Comment: Agenda Item 8.2 Introduction of Ordinance Amending Title D Mixed Use Standards City Council Meeting April 22, 2025
18. Public Comment: Agenda Item 8.1 Adopting Master Fee Schedule FY 2025/26 City Council Meeting April 22, 2025
19. Public Comment: Item 9.4 City Council Budget Workshops FY 2025/26 City Council Meeting April 8, 2025
20. Public Comment: Item 9.2 Planning Commission Approval of Sunset's Reduction of Sitewide FAR for DMU N City Council Meeting April 8, 2025
21. Public Comment: Item 5.3 Minute Order No. 2025 002 2024 General Plan Annual Report and Item 9.1 Innovate 680 Bollinger Canyon Road Share Mobility Hub Presentation City Council Meeting March 25, 2025
22. City Council Meeting - February 11, 2025 Item 11 Closed Session Sale or Exchange of the San Ramon Transit Center
23. City Council Meeting - November 12, 2024 Agenda Item 8.1 - Transportation Demand Management Advisory Committee dissolution discussion
24. City Council Meeting - September 24, 2024 Comment on Item 5.2 Resolution No. 2024 Transportation Demand Management Programs

Fiscal Risk and Housing as a Municipal Loss Leader

Similar to all previous staff reports on the various separate major planning actions and development projects, the Agenda Item 9.2 staff report contains no programmatic or comprehensive fiscal analysis quantifying the City's net fiscal exposure from the concentrated wave of downtown approvals. Housing developments typically incur near term net fiscal costs for cities when capital, operating, maintenance, and service obligations are included. By prioritizing RHNA unit counts without a transparent, citywide fiscal strategy, the City risks materially impairing long-term fiscal flexibility, diluting bargaining leverage with major landowners, and prematurely locking in obligations that could have been mitigated through phased conditions or financing mechanisms.

Before any final discretionary action, the Planning Commission and City Council must require the following analyses:

1. A downtown programmatic fiscal analysis that quantifies capital, operating, maintenance, service, and revenue projections for all entitlements and pending approvals.
2. An absorption and market feasibility schedule with realistic phasing, anticipated completion dates, and occupancy timelines tied to financing assumptions.
3. Sensitivity testing quantifying fiscal outcomes under weaker market scenarios (for example, slower absorption, increased reliance on tax-credit affordable projects, or stalled construction).

Builder's Remedy

The so-called Builder's Remedy risk should not be used to justify accelerating approvals in Bishop Ranch. Where Sunset and other large landowners control downtown parcels, the practical risk that a builder's remedy would undermine the City's negotiating leverage is limited. The Commission must not forfeit fiscal protections or bargaining power based on an uncertain legal contingency.

Operative Baseline and CEQA Tiering Obligation

Staff proposes to tier off the certified General Plan 2040 EIR (December 12, 2023). Tiering requires a clear demonstration that the project falls within the scope of the program EIR and that no new or substantially more severe impacts will occur under the current regulatory baseline.

Two material baseline changes adopted after certification and directly relevant to tiering must be treated as operative baseline conditions for any project-level analysis:

- The DMU-N sitewide FAR minimum reduction (Ordinance No. 529) was adopted in May 2025.
- Ordinance No. 534, adopted October 14, 2025, revises multi family parking minimums and establishes guest parking requirements.

Any tiered CEQA analysis must use these post-certification standards as the operative baseline. If the project's impacts differ materially under the updated baseline, the City must disclose those differences and prepare the appropriate CEQA documentation rather than relying on an outdated baseline that understates impacts or mitigation needs.

Requested Actions and Remedies

To restore public confidence and ensure legally defensible, transparent decision-making, I respectfully request that the Planning Commission and staff take the following actions:

- Post the full administrative record for Agenda Items (staff report, all attachments, and all submitted public comments) directly adjacent to the agenda item on the meeting webpage in both HTML and searchable PDF formats within 24 hours of the original notice of public hearing and maintain link integrity for the life of the entitlement.
- Provide explicit notice content for all future project notices as described above, including the expected approval process and anticipated number of public hearings/meetings.
- Extend the public review period for the Orchards Development Project technical materials by at least 60 days from the date the full administrative record is posted to allow meaningful public review, given the volume of materials and concurrent City projects.
- Defer any final discretionary approvals until the requested downtown programmatic fiscal analysis, absorption schedule, and sensitivity testing are completed, publicly released, and subject to public comment (suggested timeline: programmatic fiscal analysis draft within 90 days, final within 120 days).
- Confirm the operative regulatory baseline for CEQA tiering and, prepare supplemental environmental analysis that accounts for post-certification changes to the regulatory baseline (including Ordinances 529 and 534), new additional development project details and planning "frameworks" or documents (including the Update Climate Action Plan and CEQA GHG Thresholds and Guidance Report) that are now available that have been initiated by the City itself, the updated and still evolving entitlement processes and subsequent development project permit revisions, and an updated cumulative impact analysis to account for the changes in the regulatory baseline and the new additional updated information.
- Improve notice practices so that project-specific hearing notices are included in subject lines and distributed with sufficient lead time to allow meaningful public participation.
- Provide written confirmation on the record that this comment and the requested remedies will be posted adjacent to the agenda item and that staff will provide a timeline for the requested analyses.

Conclusion

The Orchards Development Project is a significant and dramatic proposed transformation of the City's downtown. It represents a "shape, intensity, and activity-shift" from a major corporation's headquarters office complex to primarily residential, with only 230 single-family homes, 138 attached multi-family townhomes, and 58 accessory dwelling units (ADUs), currently being proposed in the vesting tentative map. The public deserves a transparent, accessible, and deliberative process that fully accounts for cumulative impacts, fiscal consequences, and the updated regulatory baseline. I strongly urge the Commission to require the analyses and procedural corrections above before taking any further discretionary action.

Respectfully submitted,

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

On Fri, Dec 12, 2025 at 4:43 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The **Planning Commission meeting** will begin at **6:00 p.m.** on **Tuesday, December 16, 2025.**

The meeting agenda is now [available](#).



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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](#).

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Agenda Item 8.1 - Orchards Development Project

Good evening, Commissioners.

My name is Brian Swanson, and I am a certified planner and a resident of Twin Creeks South.

This is my oral summary of the extensive written public comment I submitted for the record on Agenda Item 8.1, which I ask be incorporated in full.

(brief pause)

What is before you tonight is not a single short-term project.

It is a 20-year Orchards Master Plan, together with approval of the Neighborhood District as the first implementing phase.

Staff's California Environmental Quality Act (CEQA) position is that neither the Master Plan nor the Neighborhood District is peculiar to the site, and that the environmental impacts disclosed in the December 2023-certified 2040 General Plan Update Environmental Impact Report remain valid and applicable—such that no additional CEQA review is required beyond a section 15183 consistency checklist.

That conclusion is not supported by the record.

(pause)

CEQA is not a one-time environmental clearance that can be stretched across decades.

The applicant's own phasing shows that major components are not delivered until Year 7, Year 12, and Year 20, with the full buildout extending to approximately 2045.

Tiering does not eliminate the obligation to confront changed baseline conditions, substantial new information, and project-specific impacts as they arise.

Most importantly, the applicant's own traffic consultant explicitly states that mitigation must be reassessed after the occupation of each phase, because conditions are uncertain and will change.

That is not my characterization.

That is their written conclusion.

Reassessment after each phase is an admission that impacts may differ materially over time.

(pause)

That directly contradicts the City's frequent "no further review" posture for any project, especially a 20-year master plan.

The Vehicle Miles Traveled analysis reinforces this problem.

The project does not screen out.

At the time of analysis, the City had no adopted VMT thresholds.

The project exceeds the screening threshold absent mitigation.

The proposed reductions are described as "expected," not enforceable or guaranteed, while the 2040 General Plan Update Environmental Impact Report found that VMT impacts were significant and unavoidable due to uncertainty.

Add to this the post-2023 regulatory and analytical baseline changes, including Ordinances 529 and 534, the City's June 2025 adoption of the updated San Ramon Climate Action Plan and the CEQA Greenhouse Gas Emissions Thresholds and Guidance Report, and a wave of more detailed

Bishop Ranch approvals, and it is no longer credible to claim that a 2023 program-level Environmental Impact Report fully captures today's cumulative conditions for what you are being asked to approve.

In closing, I need to address process integrity.
(*slow down here*)

The City has repeatedly framed planning matters as:

"We only have X number of meetings, therefore we must approve it as presented."

That framing is inconsistent with due process and with the American Institute of Certified Planners Code of Ethics and Professional Conduct, which requires planners and planning bodies to exercise independent judgment, base decisions on adequate and accurate information, and ensure meaningful public participation in discretionary land-use decisions.

When statutory constraints are used to pressure acceptance of an incomplete or internally inconsistent record, the process shifts from deliberative review to manufactured urgency and procedural coercion.

If the City Council's stated norm is "Be prepared—do your homework," that obligation applies first to the City.

Senate Bill 330 does not compel approval of a deficient CEQA record.

Streamlining is not a substitute for due process.

I respectfully urge the Commission to continue this item, require correction of the CEQA record, and establish clear, realistic, city-based and project-based CEQA thresholds of significance, together with feasible, fully enforceable mitigation measures and enforceable expectations governing when and how environmental review will occur as programs, plans, and projects are approved, including this 20-year master plan and the Neighborhood District.

Thank you.



Brian Swanson <briancswanson@gmail.com>

Public Comment: Agenda Item 8.1 – Public Hearing: Orchards Development Project - City of San Ramon Planning Commission Meeting - February 3, 2026, beginning at 6:00 p.m.

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Feb 3, 2026 at 3:37 PM

To: planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>

Cc: Clerk City <cityclerk@sanramon.ca.gov>, Council City <citycouncil@sanramon.ca.gov>, Chirag Kathrani <chirag@lead4earth.org>



Planning Commissioners:

This written public comment is submitted for the administrative record regarding **Agenda Item 8.1**, the continued public hearing on the **Orchards Development Project**. The February 3, 2026 hearing is the third of a maximum of five public meetings allowed under Senate Bill 330 (SB 330) for housing projects. (*February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, "WHEREAS" recital, Packet p. 16.*)

This comment builds upon (and expressly incorporates by reference) my prior written comments submitted for the **December 16, 2025** and **January 20, 2026** Orchards Development Project hearings (*attached*).

As staff states, the proposed Project includes demolition of approximately 1.3 million square feet of office buildings (formerly the Chevron Office Park), subdivision of an approximately 92-acre site, and approvals for up to 2,510 residential units, including approval of the Orchards Master Plan and the Neighborhood District (230 single-family homes, 138 multi-family townhomes, and 58 optional accessory dwelling units (ADUs)). (*February 3, 2026 Planning Commission Agenda Packet, Staff Report, Packet p. 7.*)

These comments focus on the City's current California Environmental Quality Act (CEQA) posture—specifically: (1) the asserted reliance on **CEQA Guidelines section 15183** for a long-term, phased buildout; (2) the "shelf-life" and limitations of tiering and exemptions where conditions, baseline assumptions, and cumulative development have materially evolved; (3) new and different Vehicle Miles Traveled (VMT) conditions, thresholds, and mitigation credibility; (4) the consequences of adopted ordinances and more detailed, post-General Plan Environmental Impact Report entitlements in the vicinity; (5) the use of applicant-prepared technical studies and the requirement for independent judgment; (6) continued Assembly Bill 52 (AB 52)/tribal cultural resources concerns; and (7) the need for enforceable, feasible, effective mitigation and a transparent administrative record.

I. Access, Transparency, and Administrative Record Requirements

Given this is the third SB 330 meeting (with only two additional public meetings available under the statute), the City must treat transparency and the integrity of the administrative record as non-negotiable. (*February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, "WHEREAS" recital, Packet p. 16.*)

To restore public confidence and ensure legally defensible, transparent decision-making, I request the following:

1. A clear, complete "Document Index" for Orchards posted on the City's Orchards Development Project webpage, listing every technical report, appendix, exhibit, peer review, staff memorandum, and consultant work product relied upon by staff, FirstCarbon Solutions (FirstCarbon), and the applicant—along with dates, version numbers, and direct download links.
2. Stable links and version control. If the City uses updated documents (revised Conditions of Approval, revised exhibits, revised technical memoranda), the webpage should clearly identify which version is current, and prior versions should remain archived and accessible.
3. Public comment visibility and retrieval. If public comments are going to remain combined into meeting agenda packets (rather than being separately posted as discrete, searchable documents), the City must include an explicit,

plain-language statement on the Orchards project webpage identifying exactly where the public can find existing public comments (e.g., "Public comments are included within each Planning Commission agenda packet under 'Communications.' See the agenda packets dated [list] at [link]."). This must be placed in a clear, dedicated location on the project webpage—not buried in meeting materials.

4. Searchable PDFs. All posted documents should be text-searchable. This includes scanned letters, appendices, presentations, and technical reports.
5. Administrative record completeness. If staff intends to file a Notice of Exemption, the City must ensure that the administrative record clearly contains the factual basis and substantial evidence for every prerequisite conclusion on which the exemption claim is based. (*February 3, 2026 Planning Commission Agenda Packet, Staff Report, "Next Steps," Packet p. 10.*)

II. The City's Current CEQA Posture Is Overbroad and Unsupported by a Long-Term Phasing Record

Staff asserts that the Project qualifies for CEQA Guidelines section 15183 because it is consistent with the Downtown Mixed Use–South (DMU-S) land use designation and does not exceed the maximum density (60 units per net acre), proposing approximately 46.3 dwelling units per net acre without ADUs. (*February 3, 2026 Planning Commission Agenda Packet, Staff Report, Packet p. 7–8.*)

Staff further states, categorically, that:

"Impacts that were analyzed in the 2040 General Plan Update (GPU) Environmental Impact Report (EIR) are not peculiar to the Project or its site and do not require further review."

(*February 3, 2026 Planning Commission Agenda Packet, Staff Report, Packet p. 8.*)

That statement reads as a conclusion first, analysis second.

A. CEQA is an informational disclosure statute, not a long-term "environmental clearance" blanket

The City's own record confirms the Orchards Master Plan is anticipated to be developed over 20 years. (*February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, "WHEREAS" recital, Packet p. 14–15.*)

And the applicant's own phasing presentation shows a buildout trajectory extending to Year 20, with the Neighborhood District not delivered until Year 7. (*January 20, 2026 Planning Commission Agenda Packet, "Orchards Phasing Scenario" slide, Packet p. 47.*)

CEQA's intent is to ensure that decision-makers and the public are informed at the time decisions are made—not to provide a convenient "clearance" posture that can be stretched across decades of changing baseline conditions, changed regulations, and changed cumulative development. Tiering and streamlining tools exist to avoid redundant re-analysis, but they do not authorize agencies to disregard substantial changes in circumstances or substantial new information that materially affects impact analysis.

B. The City's own transportation documents undermine the "no further review" posture

Most importantly, the applicant's traffic consultant expressly acknowledges that mitigation may need to be revisited and adjusted as each phase is built and occupied:

"It is recommended that the City monitor the Bollinger Canyon Road and Sunset Drive intersection operations and reassess the need for the proposed mitigation measures after the occupation of each phase of development, because there is a potential that the mitigation measures may need to be adjusted based on the actual traffic conditions...there is a large level of uncertainty...due to potential changes in travel patterns, construction of other projects in the vicinity, and changes to transportation infrastructure."

(*Fehr & Peers, "Orchards Traffic Operations Report," November 10, 2025, p. 37.*)

This statement is devastating to the City's current posture.

If the applicant's own traffic consultant is putting in writing that mitigation must be reassessed after each phase, the City cannot credibly maintain that a December 2023 program-level EIR and a December 2025 consistency checklist provide sufficient environmental review for a 20-year phased buildout with changing baseline conditions.

Reassessment after each phase is—plainly—an admission that conditions will change and impacts may differ materially over time. That is the opposite of a defensible "no further review" posture.

III. The "Shelf-Life" Problem: Tiering Limitations for a 20-Year, Multi-Phase Redevelopment

The phasing slide is not a footnote; it is the backbone of the CEQA problem here.

The applicant's phasing timeline shows:

- Year 0–2: Building demolition;
- Year 7: Neighborhood District + affordable community + perimeter greenway;
- Year 12: Mixed-use district (housing plus 125,000 square feet);
- Year 15 and Year 20: Additional multi-family districts. (*January 20, 2026 Planning Commission Agenda Packet, "Orchards Phasing Scenario" slide, Packet p. 47.*)

Meanwhile, staff's fiscal analysis frames anticipated full buildout from **2026 to 2045**. (*February 3, 2026 Planning Commission Agenda Packet, Staff Report, Fiscal Analysis, Packet p. 10.*)

If the City is going to approve a master plan today but acknowledge the Project's buildout horizon extends to approximately 2045, then the City must establish—up front and in the administrative record—clear expectations for when new CEQA analysis will be required during the life of the master plan and each district's buildout. That is not optional; it is how CEQA remains meaningful.

This is especially true given that the 2040 GPU EIR itself acknowledges that future project-level conditions and the effectiveness of VMT-reduction measures are uncertain. The City's 2040 GPU EIR findings state that the General Plan's VMT impact remains significant and unavoidable, in part due to unknown future conditions and uncertainty regarding the effectiveness of reduction measures. (*City of San Ramon, "2040 General Plan EIR Combined," Statement of Overriding Considerations and Findings, Impact TRA-2 discussion, p. SOC-16.*)

That is the City's own CEQA record, which admits uncertainty and the need for future project-level rigor.

IV. Regulatory Baseline Changes and "Substantial New Information" Since the December 2023 2040 General Plan Update EIR

A. Adopted ordinances materially alter the regulatory context and intensity assumptions

Since the 2040 General Plan Update EIR was certified, the City has adopted ordinances that materially alter land use expectations and development standards in the broader area—changes that must be evaluated as part of the "substantial new information" and "changed circumstances" inquiry.

Ordinance 529 (DMU-N FAR reduction) reduced the minimum sitewide Floor Area Ratio (FAR) in the Downtown Mixed Use–North (DMU-N) zoning district from **1.25 to 0.5**. (*May 13, 2025 City Council Agenda Packet, Ordinance 529, Exhibit A, Table 2-7, Packet p. 109.*) The City's Ordinance 529 findings also acknowledge that residential development plan applications in DMU-N (including Bishop Ranch 7 and Bishop Ranch 11) were not meeting the required minimum FAR, driving the policy change. (*May 13, 2025 City Council Agenda Packet, Ordinance 529, Resolution No. 2025-048, Packet p. 113.*)

Ordinance 534 (zoning text amendments including multi-family parking requirements) reflects additional changes to parking standards and procedures for reductions and shared/collective parking, and includes revised multi-family parking tables and guest parking standards. (*October 14, 2025 City Council Agenda Packet, Ordinance 534, Exhibit A-2, Table 3-8 (Multi-Family Dwellings), Packet p. 90–91.*)

These changes are not merely internal zoning housekeeping—they influence development intensity, trip generation profiles, parking supply, and travel behavior patterns. In a post–Senate Bill 743 (SB 743) CEQA framework, such changes directly affect VMT, greenhouse gas emissions, air quality, and noise.

B. Post–2040 General Plan Update EIR approvals provide far more detailed project-level information

Since the December 2023 certification of the 2040 General Plan Update EIR, the City has advanced and approved major entitlement packages and plans in the vicinity that provide substantially more detailed, revised, or changed information than what was available during the program 2040 General Plan Update EIR preparation, including but not limited to:

- Bishop Ranch 1A;
- Bishop Ranch 3A;
- Bishop Ranch 7 (Bartlett);

- Bishop Ranch 8 (Canopy);
- Bishop Ranch 11 (Trumark Homes);
- Bishop Ranch 12 (Annabel); and
- Bishop Ranch Affordable Housing (Bishop Ranch Service Center).

Additionally, the City has adopted climate framework documents post-dating the 2040 General Plan EIR, including the Climate Action Plan and related CEQA Greenhouse Gas (GHG) Emissions Thresholds and Guidance Report (approved in June 2025, per staff actions described in City materials).

Program-level EIRs are inherently broad; when numerous subsequent approvals add detail (and sometimes revise assumptions), CEQA requires that new information be meaningfully considered when relying on tiering or streamlining.

C. Physical changes reinforce that baseline conditions are evolving

Beyond paper approvals, physical and operational changes in the area further demonstrate that baseline conditions are not static, including:

- shifts in the axis of development intensity toward Bollinger Canyon Road;
- roadway widening on Bollinger Canyon Road and Crow Canyon Road; and
- the opening of the Bollinger Canyon Road Iron Horse Trail overcrossing.

These are exactly the types of real-world changes that undermine a simplistic "no further review" stance.

V. The City Cannot Ignore VMT Reality While Claiming a CEQA Streamlining "Exemption"

A. The applicant's VMT memorandum confirms a significance issue under commonly used guidance

The VMT memo states, three separate times, a **"Note to Reviewer"** emphasizing that no project-level VMT analysis is required if reliance on section 15183 is correct, but that the analysis was prepared in case there is a "peculiar characteristic," and the project does not generally fit within the General Plan EIR analysis. (*Fehr & Peers, "Bishop Ranch Orchards VMT Analysis," November 10, 2025, pp. 3, 5, and 7.*)

The same memo also acknowledges that:

"As the City of San Ramon has not yet formally adopted its own VMT criteria, standards, or thresholds ... this assessment follows current Office of Planning and Research (OPR) and Contra Costa Transportation Authority (CCTA) guidance related to VMT."

(*Fehr & Peers, "Bishop Ranch Orchards VMT Analysis," November 10, 2025, p. 7.*)

Under that guidance approach, the memo finds that the Project would have a potentially significant VMT impact without mitigation: the home-based VMT per capita estimate is 16.7, exceeding the 15.9 threshold. (*Fehr & Peers, "Bishop Ranch Orchards VMT Analysis," November 10, 2025, p. 13.*)

B. The proposed VMT "mitigation" is stated as "expected," not demonstrated as effective and enforceable

Fehr & Peers then proposes mitigation combining:

- Affordable/below-market-rate integration (expected to reduce VMT by 3.9%); and
- Community-based travel planning (expected to reduce VMT by 2.3%), for a combined "expected" reduction of 6.1%. (*Fehr & Peers, "Bishop Ranch Orchards VMT Analysis," November 10, 2025, pp. 15–17.*)

Those measures are framed as expected reductions—not guaranteed outcomes. This is particularly problematic because the City's General Plan Update EIR already acknowledges that the effectiveness of VMT reduction at the program level is uncertain and that future conditions are unknown. (*City of San Ramon, "2040 General Plan EIR Combined," Findings/Overriding Considerations, Impact TRA-2, p. SOC-16.*)

C. The "Note to Reviewer" repetition should be treated as a warning light, not ignored

The **"Note to Reviewer"** appears three times. That repetition reads as an intentional professional disclaimer: Fehr & Peers is documenting that their VMT analysis is being submitted as a contingency—because they recognize that the City's reliance on section 15183 could be questioned if peculiar characteristics exist or if the Project does not fit neatly within the program-level assumptions.

I am not going to speculate on internal viewpoints, but I will state this clearly: the memo itself signals that reliance on section 15183 is not a foregone conclusion, and that a project-specific VMT concern is plausible enough that the applicant commissioned and repeatedly caveated a project-level VMT significance review. (*Fehr & Peers, "Bishop Ranch Orchards VMT Analysis," November 10, 2025, pp. 3, 5, 7.*)

D. The checklist's "no further review" conclusion is not supported by this VMT record

FirstCarbon's checklist summary concludes: "no further CEQA review is required." (*FirstCarbon Solutions, "Orchards Project Consistency Checklist," December 6, 2025, p. 3.*)

But the VMT memo identifies a potentially significant impact absent mitigation under prevailing guidance, and the General Plan EIR findings acknowledge uncertainty in VMT effectiveness and unknown future conditions. (*Fehr & Peers, "Bishop Ranch Orchards VMT Analysis," November 10, 2025, p. 13; City of San Ramon, "2040 General Plan EIR Combined," p. SOC-16.*)

At minimum, this record demands something more than the conclusory staff statement that impacts analyzed in the General Plan EIR are "not peculiar" and require no further review. (*February 3, 2026 Planning Commission Agenda Packet, Staff Report, Packet p. 8.*)

VI. Traffic Operations: The City Cannot Adopt a "No Further Review" Posture While the Traffic Report Calls for Phase-by-Phase Reassessment

The Traffic Operations Report makes multiple statements that should give the Planning Commission serious pause:

1. The proposed mitigation at Bollinger Canyon Road/Sunset Drive is described as having marginal benefit and may simply shift queues downstream. (*Fehr & Peers, "Orchards Traffic Operations Report," November 10, 2025, p. 37.*)
2. The report explicitly recommends monitoring and reassessing mitigation after each phase, given uncertainty and changing conditions. (*Fehr & Peers, "Orchards Traffic Operations Report," November 10, 2025, p. 37.*)
3. The report includes a safety-forward set of potential pedestrian improvements and concedes that some were **not modeled**, and that implementing them could increase vehicle delay while improving pedestrian safety and potentially reducing congestion over time. (*Fehr & Peers, "Orchards Traffic Operations Report," November 10, 2025, p. 28.*)

This is not a record supporting "no further review." It is a record supporting phased accountability, measurable triggers, and enforceable commitments to reassess impacts and mitigation as conditions change.

VII. Mitigation Measures Must Be Feasible, Fully Enforceable, and Effective

The Planning Commission should not accept mitigation that is aspirational, vague, or unenforceable. CEQA requires that mitigation measures be:

- Feasible (capable of being accomplished in a successful manner);
- Fully enforceable through permit conditions, agreements, or other legally binding means; and
- Effective in reducing impacts to less than significant where feasible.

This matters acutely for VMT and transportation-related impacts—where "expected" reductions, programmatic measures, and future-dependent actions are routinely overstated unless tied to clear performance standards, monitoring, reporting, and enforceable adaptive management.

The Traffic Operations Report itself essentially recommends an adaptive management approach: monitor and reassess after each phase. (*Fehr & Peers, "Orchards Traffic Operations Report," November 10, 2025, p. 37.*)

That logic should be reflected in the City's CEQA posture and mitigation framework, not ignored.

VIII. Applicant-Submitted Technical Studies Require Independent Judgment and Verification

FirstCarbon's consistency checklist and conclusions rely on applicant-submitted technical studies (including the VMT analysis and the Traffic Operations Report).

(*February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, "WHEREAS" recitals noting applicant resubmittals of VMT and Traffic Operations Report, Packet p. 14.*)

CEQA does not prohibit applicant-prepared technical work. However, the City must demonstrate independent judgment and must not simply "rubber stamp" applicant analyses—particularly where the record includes repeated disclaimers (as in the VMT memo) and admissions of uncertainty (as in the Traffic Operations Report).

If the City's CEQA posture depends on these studies to justify a Notice of Exemption and a "no further review" conclusion, then the City must be prepared to show, in writing and in the administrative record, that:

- the assumptions were verified;
- the methodology is appropriate for the City's adopted policy context (including any updated climate and transportation frameworks);
- the mitigation is enforceable and monitored; and
- the conclusions reflect independent judgment, not applicant advocacy.

IX. AB 52/Tribal Cultural Resources: Issues Persist, and the Checklist Contains Internal Red Flags

A. The checklist's "AB 52 not required" statement does not resolve tribal cultural resource risk

FirstCarbon states AB 52 consultation "is not required" because a Notice of Preparation, Notice of Intent to Adopt a Negative Declaration, or Mitigated Negative Declaration is not required for a section 15183 checklist. (*FirstCarbon Solutions, "Orchards Project Consistency Checklist," December 6, 2025, p. 87.*)

However, the same checklist documents that FirstCarbon sent letters to tribal representatives, and that the Confederated Villages of Lisjan Nation responded with a cautionary statement:

"As the project involves major ground disturbance, caution should be taken with exempting this project ... in close proximity to a historic creek and trail ..."

(*FirstCarbon Solutions, "Orchards Project Consistency Checklist," December 6, 2025, p. 87.*)

Separately, the City's General Plan Update EIR states that consultation is still ongoing with Wilton Rancheria and the Confederated Villages of Lisjan Nation, and that even for future projects not subject to AB 52, the City should adhere to General Plan policies concerning consultation, tribal monitoring where requested, and compliance with tribal cultural resource protections. (*City of San Ramon, "2040 General Plan EIR Combined," p. 3.4-10.*)

Given the scale of demolition and grading, these issues remain relevant and should be addressed with seriousness rather than dismissed via a procedural statement about AB 52 triggers.

B. The checklist contains conflicting statements regarding the Native American Heritage Commission Sacred Lands File

The checklist states that the Native American Heritage Commission (NAHC) Sacred Lands File search yielded no results. (*FirstCarbon Solutions, "Orchards Project Consistency Checklist," December 6, 2025, p. 4.*)

But later, the checklist states:

"the NAHC SLF search results were positive for TCRs within the project boundaries."

(*FirstCarbon Solutions, "Orchards Project Consistency Checklist," December 6, 2025, p. 87.*)

That internal inconsistency is not a minor typo; it goes directly to the integrity of the record and the defensibility of a "no peculiar impacts" conclusion, particularly for a project involving major ground disturbance.

X. Development Standard Waivers and Project Consistency: The Record Reflects Deviations That Require Careful CEQA Consideration

The record reflects that the applicant identified the need for multiple waivers, including:

- waiver from the 1.25 minimum sitewide Floor Area Ratio (FAR) to 0.79;
- waiver to use the Orchards Design Guidelines in lieu of the City's Objective Design and Development Standards;
- waivers from Landscaping standards (trees and shrubs); and
- waivers from Parking and Circulation standards (D3-37-B.1 and D3-37-B.6).

(*December 16, 2025 Planning Commission Agenda Packet, Staff Report excerpt on waivers, Packet p. 59; February 3,*

2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26 recitals, Packet p. 14.)

While the State Density Bonus Law (and related housing laws) may limit the City's ability to deny waivers, the CEQA issue remains: **these deviations can affect the environmental footprint** (site design, circulation, parking supply, travel behavior, landscaping/heat island, and more). A section 15183 approach must still be grounded in substantial evidence that the Project will not result in new, more severe, or peculiar significant impacts beyond what was analyzed at the program level.

XI. Requested Planning Commission Action

For all the reasons stated above, I respectfully request that the Planning Commission **not adopt Resolution No. 02-26** at this time. (*February 3, 2026 Planning Commission Agenda Packet, Staff Report, Packet p. 7.*)

At a minimum, the Commission should continue this item and direct staff to:

1. Revise and correct the section 15183 Consistency Checklist to eliminate internal conflicts and provide a substantial evidence-based analysis of changed circumstances, substantial new information, and peculiar project/site effects—especially for VMT and tribal cultural resources.
2. Reassess VMT and cumulative impacts in light of changes to ordinances, post-2040 General Plan Update EIR approvals, development agreements, physical infrastructure changes, and updated climate/transportation frameworks.
3. Require enforceable, measurable, monitored mitigation (not "expected" reductions) and establish clear, written, enforceable triggers for when additional CEQA review will occur as each phase is proposed and occupied—consistent with the Traffic Operations Report's explicit recommendation to reassess mitigation after each phase. (*Fehr & Peers, "Orchards Traffic Operations Report," November 10, 2025, p. 37.*)
4. Demonstrate independent judgment regarding all applicant-prepared technical studies and ensure the administrative record reflects verification and City-controlled conclusions.

In closing, I want to address a broader procedural concern that the Planning Commission cannot ignore. The City has repeatedly framed reductions in public participation as a matter of State-mandated streamlining and "consistency," and then invoked the five-meeting limit as a dispositive constraint, effectively asserting that the Project *must be approved as presented because time is running out*. That framing is inconsistent with the requirements of a fair and deliberative public hearing.

If the City Council's recently stated norms include *"Be prepared—do your homework,"* then that obligation applies most directly to the City itself. Due process in land-use decision-making requires that discretionary approvals be based on a complete, coherent, and accurate administrative record, and that decision-makers be afforded a meaningful opportunity to evaluate and, where necessary, require correction of deficiencies identified through public review. Statutory timelines do not excuse incomplete analysis, internal inconsistencies, or reliance on assumptions the City's own record acknowledges may change over time.

When statutory constraints are used to suggest that unresolved flaws must be accepted rather than corrected, the process shifts from deliberative review to manufactured urgency and procedural coercion. That approach undermines meaningful public participation and compromises the Planning Commission's quasi-judicial role.

The Planning Commission should reject that framing. Senate Bill 330 does not compel approval of a deficient record, nor does it displace the City's obligation to ensure that CEQA compliance is procedurally sound and legally defensible. Streamlining is not a substitute for due process, and consistency is not a waiver of evidentiary rigor, particularly where the record itself documents the need for phase-by-phase reassessment and acknowledges uncertainty in future conditions.

Finally, I state this plainly for the record: if the City proceeds on an inadequate CEQA record that fails to account for regulatory baseline changes, changes in cumulative conditions, Vehicle Miles Traveled impacts, mitigation enforceability, and Tribal Cultural Resource protections, I am prepared to pursue all available administrative and legal remedies.

Respectfully submitted,

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

On Fri, Jan 30, 2026 at 2:27 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The agenda packet for the upcoming Planning Commission meeting on Tuesday, February 3, 2026 at 6:00PM, is now posted on the City's [website](#).



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.

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](#).

City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973 2500 | www.sanramon.ca.gov

2 attachments

-  **12.16.2025 - BSwanson_Public Comment-Agenda Item 9.2 - Public Hearing_ Orchards Development Project - Planning Commission Meeting.pdf**
466K
-  **01.20.2026 - BSwanson_PublicComment-Agenda Item 8.1 - Public Hearing_ Orchards Development Project - Planning Commission Meeting.pdf**
360K



Brian Swanson <briancswanson@gmail.com>

Public Comment - Agenda Item 8.1 - Public Hearing: Orchards Development Project - Planning Commission Meeting - January 20, 2025, beginning at 6:00 p.m.

Brian Swanson <briancswanson@gmail.com>

Tue, Jan 20, 2026 at 3:51 PM

To: planningcommission <PlanningCommission@sanramon.ca.gov>, planning@sanramon.ca.gov, Planning Services <PlanningPublic@sanramon.ca.gov>

Cc: Clerk City <CityClerk@sanramon.ca.gov>, Council City <citycouncil@sanramon.ca.gov>

Planning Commissioners,

I submit this written public comment for the record on Agenda Item 8.1 — Public Hearing: Orchards Development Project. These comments address (1) required access and transparency obligations for the administrative record, (2) the City's failure to acknowledge the high-speed operating environment of Bollinger Canyon Road (BCR), (3) Sunset's removal of BCR from project overview plans, (4) the City's historical pattern of ignoring induced demand and multimodal conflicts, (5) the project's inadequate internal circulation design, and (6) the need for a comprehensive, multi-directional active transportation network connecting Orchards to the City's civic and commercial core. Collectively, these issues demonstrate that the project cannot be reasonably approved without substantial corrections and conditions.

I. Access and Transparency

These public comments must be permanently visible and easily accessible on the City of San Ramon website, in both HTML and searchable PDF formats.

All public materials—including the 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.

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

Failure to maintain accessible, consolidated, and permanent public records undermines procedural fairness and materially impedes meaningful public participation.

II. Contextual Deficiencies in the Orchard Development Review**A. Bollinger Canyon Road (BCR) as a High-Speed Corridor**

Bollinger Canyon Road (BCR) functions as a high-speed superhighway, widened by the City, at Sunset's urging, to near its physical limits.

After nightfall, vehicle speeds and exhaust noise near City Hall resemble a drag-strip environment, demonstrating the corridor's freeway-like operating conditions, even in low-traffic contexts.

The I-680 South on-ramp configuration effectively extends an on-ramp lane all the way to Sunset Drive, inducing high speeds and aggressive merging.

The corridor from Alcosta Boulevard to San Ramon Valley Boulevard presents a significant public safety and public health concern for any development adjacent to it, including Orchards, City Center Bishop Ranch, City Hall, and the City Library.

B. Removal of BCR From Project Overview Plans

At the May 1 and May 8 Architectural Review Board (ARB) meetings, I requested that BCR be depicted prominently on every overview plan for Orchards to ensure decision-makers are continuously aware of the adjacent high-speed corridor.

Since those meetings, Sunset, with City staff's acquiescence, has removed or minimized references to BCR in its overview plans, often relegating it to a small corner of the page.

This recent reorientation of plans also now prevents plan reviewers from visually layering information, similar to a Geographic Information System (GIS) workflow, "if nothing more than in their mind's eye mental map," to identify conflicts, hazards, and circulation risks.

This omission materially impairs stakeholders, including Planning Staff, the Planning Commission, and eventually the City Council's ability to evaluate the actual risks posed by BCR to future residents, visitors, and the broader downtown environment.

III. Historical Pattern of Ignoring Context and Induced Demand

The City widened BCR using Dougherty Valley Settlement Agreement funds because the project was "on the grandfathered list," without meaningful review of existing conditions or induced demand.

Concurrently, the City prepared its first Bicycle Master Plan, advanced the BCR Iron Horse Trail Overcrossing, and applied for over \$2 million in grants to coordinate signals along BCR to increase speeds and throughput.

These actions are contradictory: a Bicycle Master Plan and pedestrian/bicycle overcrossing are incompatible with policies designed to accelerate vehicle speeds through the same corridor.

This pattern of presenting projects in isolation—rather than as part of a coherent transportation/mobility strategy—continues with the Orchards development.

IV. Public Safety Consequences of Failing to Calm BCR

Approving Orchards without dramatic traffic calming on BCR knowingly places future residents at risk.

The City's experience with frequently travelled corridors, including the tragic death of NFL coach Gregg Knapp on Dougherty Road, demonstrates the foreseeable consequences of failing to address speed and context.

The administrative record will show that these risks were raised, documented, and ignored.

V. Internal Circulation Deficiencies Within Orchards

The project's heavy reliance on sharrows is inadequate and inappropriate for a new development of this scale.

Sharrows are not active transportation infrastructure; they are paint-based placeholders that fail to provide safety or comfort for users of all ages and abilities.

The limited inclusion of bike lanes on only a few prescribed routes demonstrates a misunderstanding of how active transportation users navigate.

People walking and biking choose routes based on comfort, safety, and sometimes directness, but sometimes meandering or exploratory. A single prescribed path suppresses demand and undermines the City's stated Walking District goals.

VI. Required Connectivity for a Functional Downtown Extension

If Orchards is intended to function as an extension of downtown, the project must provide multiple, redundant, intuitive connections to at least the following:

1. Bollinger Canyon Road
2. The Iron Horse Trail Overcrossing
3. City Center Bishop Ranch
4. The City's Walking District
5. City Hall
6. The City Library
7. The Community Center
8. Central Park
9. Iron Horse Middle School
10. The Marketplace
11. Sports Basement (as a community biking program provider)

Current weekend observations indicate families struggling to navigate the disconnected, high-stress network around Orchards, City Center, City Hall, Central Park, and the Iron Horse Trail (including the BCR Overcrossing).

An "all-of-the-above" approach is required—not to identify a route, but to provide many safe, intuitive routes for all ages and abilities.

VII. Required Conditions Before Approval

Dramatic traffic calming on Bollinger Canyon Road.

Accurate, context-rich overview plans that prominently depict BCR on every sheet.

A comprehensive, multi-directional active transportation network.

Elimination of sharrows as a primary design tool.

Transparent, accessible, and permanent posting of all public materials.

VIII. Conclusion

The Orchards development cannot be responsibly approved without addressing the contextual, safety, and transparency issues outlined above. Sunset has plainly ignored my previous verbal comments made at the May 1 and 8th ARB meetings. The City has an opportunity to correct longstanding patterns of ignoring induced demand, active transportation

conflicts, and corridor context. Approving the project without these corrections would repeat the same mistakes—this time with far more people living, walking, and biking directly adjacent to a high-speed corridor.

Respectfully submitted,

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

On Fri, Jan 16, 2026 at 1:17 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The agenda packet for the upcoming Planning Commission meeting on Tuesday, January 20, 2026 at 6:00PM, is now posted on the City's [website](#).



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.

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](#).

City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973 2500 | www.sanramon.ca.gov

Public Comment: Agenda Item 8.1 - Continue the FY27 Master Fee Schedule Adoption and Repeal of Resolution No. 2025-036 to the April 14, 2026 City Council Meeting - City Council Meeting - March 24, 2026

1 message

Brian Swanson <brianswanson@gmail.com>

Tue, Mar 24, 2026 at 1:53 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>

Cc: planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>



City Council:

I submit the following public comments regarding **Agenda Item 8.1**, the proposed continuation of the FY2026-27 Master Fee Schedule adoption, including the still-unresolved **appeal fee** issues previously discussed by the City Council.

At the outset, the City Council should **not take substantive adoption action tonight** on Agenda Item 8.1 on the current record. But the City Council **should** have substantive public discussion tonight about the deficiencies in this item, the City's failure to meet the required notice and posting deadlines for the March 24 hearing, the unresolved appeal-fee issues, the still-unresolved inflation and escalation methodologies embedded in the fee structure, and the direct connection between this item and **Agenda Item 5.11 (Ordinance 537)**. The City Council should also **remove Agenda Item 5.11 from the Consent Calendar** and direct that **both items be heard together at the same meeting** with a full Master Fee Schedule, including appeal fees, and a staff report documenting the **entire administrative record**. If the City cannot provide that record in time for meaningful public review before April 14, 2026, then the joint hearing should be scheduled **after April 14**, rather than forcing an inadequately supported discussion on that date.

These two items are intrinsically linked. The public should be made aware of that connection. Discussion of the Master Fee Schedule and Ordinance 537 in the same meeting would promote an administrative record with far greater procedural continuity, transparency, and intelligibility.

This comment incorporates by reference my prior attached public comments dated **April 22, 2025, November 25, 2025, January 31, 2026, and March 10, 2026** regarding the Master Fee Schedule, appeal fees, public process, transparency, and the administrative record. This comment also incorporates by reference my prior written comments on **Ordinance 537** submitted on **March 10, 2026**, and my written comments on **Agenda Item 5.11** at this same meeting, which will be submitted separately and attached. Those comments remain directly relevant here.

This comment must also be read in the context of the attached **2026 City Council Goals and Objectives** and the attached **January 2026 City Council Norms**. Those documents are directly relevant here. If the City Council is serious about doing what is best for the community, being prepared, maintaining a secure financial base, sustaining quality of life, enhancing engagement and communication, and balancing land use planning, then this item cannot be handled through a skeletal continuance memo followed later by a rushed fee hearing divorced from the companion ordinance that supplies the legal framework for those fees.

The City's own public messaging reinforces that broader context. In announcing the City's first Director of Finance, the City Manager said the City was looking forward to implementing "sound financial practices," and the new Finance Director said she was impressed by leadership's determination to address "fiscal sustainability and community quality of life." See the City's February 26, 2025 announcement here: [First Director of Finance](#). The City's FY26 budget materials acknowledge a continuing structural deficit and a reliance on Measure N revenue to cover it. See: [FY26 Budget Process](#). Mayor Armstrong's campaign platform emphasizes putting the community first, fiscal accountability, responsible

budgeting, and long-term planning. See: [Armstrong for Mayor – Priorities](#). And the recent State of the City discussion again highlighted the structural deficit and the City's stated commitment to "live within our means." See: [State of the City 2026](#) and [local summary of the March 2026 address](#).

The public deserves more discussion of this issue and honest, transparent framing of the City's fiscal health, because that fiscal condition is plainly a major reason for this reworking of methodologies and fees.

The City Council must not accept this memo quietly.

Doing so would confirm — not correct — the City's growing reputation for weak fiscal governance.

The comments below explain why:

- A. The March 24, 2026 staff report is not a substantive Master Fee Schedule packet.
- B. The City's own staff report admits that the legal timing requirements for fee adoption were not met for March 24, which is deeply troubling considering the City Council's own norm, "do your homework."
- C. The City has now provided a separate public hearing notice for April 14, but that does not cure the substantive deficiencies in the current record.
- D. Agenda Item 8.1 and Ordinance 537 must be heard together in the same meeting because they are inseparable.
- E. The staff report does not meaningfully summarize the prior public meetings or workshops on the Master Fee Schedule and appeal fees.
- F. If staff intend to use a late PowerPoint or other late-distributed writings to supply the missing substance, that creates serious Brown Act and statutory-notice problems.
- G. The public still lacks the final proposed appeal-fee structure, cost basis, codified procedures, impartiality safeguards, and refund standards.
- H. In the context of the City Council's 2026 Goals and Objectives and current Norms, the handling of this item falls well short of the City's own stated standards.
- I. The City must be explicitly honest that these repeated fee and methodology changes are occurring in the context of structural fiscal stress and instability.
- J. The City still has not justified the transportation-fee inflation methodology, which favors developer predictability over fiscal realism.
- K. The City's repeated fee rewrites, procedural shortcuts, reactionary methodology changes, and overreliance on generic escalators reflect unstable management, not stable resident-serving municipal finance.
- L. The City Council should discuss the deficiencies tonight, remove Agenda Item 5.11 from the Consent Calendar, and direct a full joint hearing with a complete and reviewable public packet before any adoption action proceeds.

Transparency, Access, and the Administrative Record

Any materials related to Agenda Item 8.1, and any prior materials related to the March 10, 2026 Master Fee Schedule item, the January 31, 2026 workshop, the companion Ordinance 537 item, and other prior appeal-fee or Master Fee Schedule 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, fee tables, draft resolutions, appeal-fee proposals, comparable-city analyses, cost-escalation and inflation-index assumptions, 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 City Council. All documents, emails, spreadsheets, memoranda, slide decks, 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 fuller background materials in the current packet.

A. This is not a substantive Master Fee Schedule packet.

The March 24, 2026 packet is not a meaningful fee-adoption record. It is, in substance, a placeholder.

The staff report does not attach:

- a draft resolution,
- the revised Master Fee Schedule,
- an updated appeal-fee table,

- any revised successful-appeal refund language,
- any summary of the specific directions given by the City Council on March 10,
- any methodology memorandum,
- any cost data,
- or any presentation materials.

The report identifies **no attachments at all**.

That is extraordinary for a citywide Master Fee Schedule item, particularly one that still includes unresolved appeal-fee issues and follows an earlier meeting at which the City Council reportedly gave directions on those issues.

The report's statement that there is **"no fiscal impact resulting from this item"** only underscores the point. That may be technically true of the act of continuing the hearing, but it also confirms that this is not a substantive fee packet. It is a bare procedural placeholder.

B. The City's own staff report admits that the legal timing requirements for fee adoption were not met for March 24, which is deeply troubling considering the City Council's own norm, "do your homework."

The staff report expressly states that the legal timeline requirements can be met **by continuing the public hearing until April 14, 2026**.

That is an admission that the City was not yet in a proper position to proceed with adopting fees on March 24.

That timing matters because **Government Code section 66016** requires, before levying a new fee or approving an increase in an existing fee or service charge, that the local agency hold at least one open and public meeting and make available at least **10 days prior to the meeting** the data indicating the amount of cost, or estimated cost, required to provide the service and the revenue sources anticipated to provide the service, including General Fund revenues: [Government Code section 66016](#)

For planning-agency fees specifically, **Government Code section 65104** provides that such fees may not exceed the reasonable cost of providing the service and must be imposed pursuant to section 66016: [Government Code section 65104](#)

To the extent any new or increased fees are proceeding under the general Mitigation Fee Act notice provisions rather than a more specific statutory notice requirement, **Government Code section 66018** also requires a public hearing with published notice: [Government Code section 66018](#)

The City should therefore identify, before the return hearing, which fees are proceeding under section 66016, which under section 66018, and what specific notice and disclosure steps were taken for each.

But there is an even more basic concern here. The City Council's attached January 2026 norms expressly require City Councilmembers to **"Be Prepared"** and to **"do your homework."** Either the City was unaware of the notice and posting requirements when it set this item for March 24, or it knew of them and still failed to manage them competently. Neither explanation is acceptable. Both are inconsistent with the City's own stated standards of preparedness and effective governance.

C. The City has now provided a separate public hearing notice for April 14, but that does not cure the substantive deficiencies in the current record.

The City has now separately posted a **Notice of Public Hearing** dated **March 23, 2026**, for the April 14, 2026, hearing on the FY2026-27 Master Fee Schedule. That notice states that the March 24 public hearing will be continued to April 14 to comply with public hearing notice requirements, identifies the proposed action, and states that a copy of the proposed Master Fee Schedule FY26-27 is available on the City's website. That separate notice is a necessary step.

But it does **not** cure the deeper problem.

A separate hearing notice does not supply:

- the missing draft resolution,
- the missing supporting staff analysis,
- the missing appeal-fee details,
- the missing cost basis,
- the missing summary of City Council direction,

- the missing transportation-fee escalation explanation,
- or the missing complete administrative record.

Nor does it eliminate the need for the City to clearly identify, for each fee category, which statutory notice regime applies and whether the materials on which the City intends to act are the same as those reflected in the noticed package.

If the proposed Master Fee Schedule, the supporting cost data, or the appeal-fee components materially change after the notice, then the City should clearly disclose those changes and explain what additional disclosure, if any, it has provided and why the noticed hearing remains valid on that revised record.

In other words, the separate notice is necessary but not sufficient.

D. Agenda Item 8.1 and Ordinance 537 must be heard together in the same meeting because they are inseparable.

This item should not be handled separately from the companion **Ordinance 537** item.

The Master Fee Schedule provides the operative fee amounts and annual implementation. Ordinance 537 supplies the structural Municipal Code framework that incorporates and relies upon the updated nexus methodology for multiple development fees. One is the operational schedule; the other is the legal architecture. The two are plainly connected.

Separating them procedurally fragments the record, weakens public understanding, and makes it easier for the City to characterize each item as narrower or more technical than it really is.

That is particularly troubling here because the companion Ordinance 537 item has been placed on the **Consent Calendar**. In contrast, this item is being continued due to the City's missed notice and posting deadlines for March 24. That procedural split only reinforces the impression of unstable, piecemeal governance.

The public deserves a single, coherent presentation of both the code changes and the consequences of the fees. These items should be heard together in the same meeting, with full public deliberation, so that the administrative record reflects continuity rather than procedural fragmentation.

E. The staff report does not meaningfully summarize the prior public meetings or workshops on the Master Fee Schedule and appeal fees.

The March 24, 2026 staff report says the City Council received presentations on March 10 regarding the FY27 Master Fee Schedule, the 2026 Nexus Fee Study, and the appeal fee structure, and that the City Council gave directions on the appeal fee structure.

But the report does not tell the public what that direction was.

It does not summarize:

- what final appeal-fee amounts are now proposed;
- whether the City retained or changed the deposit structure;
- whether the City adopted a final tiered structure;
- whether the City modified the successful-appeal refund policy;
- whether any resident/community appeal differentiation is being proposed;
- whether any hardship concept remains under consideration;
- whether the City Council directed codification of the appeal process;
- whether the City Council directed impartiality safeguards for appeals;
- or what remains unresolved.

That omission matters because the public cannot meaningfully review or comment on "directions" that have not been described.

The current report is therefore not just brief. It is substantively deficient.

F. A late PowerPoint or late-distributed writings cannot lawfully substitute for the missing substance.

The present packet is so bare that it strongly suggests staff may intend to rely on a later presentation, a same-night PowerPoint, or other late-distributed writings to supply the missing substance.

If that is what the City intends, the current record presents a serious public process problem.

Government Code section 54954.2 requires that agendas for regular meetings contain a brief general description of each item of business to be transacted or discussed, be posted at least 72 hours beforehand, and generally bars discussion or action on items not appearing on the posted agenda except in narrow circumstances: [Government Code section 54954.2](#)

The current agenda item is described only as a continuation of the adoption of the FY27 Master Fee Schedule to April 14, 2026. If the City intends to do anything tonight beyond a simple continuance—especially if it intends to unveil substantive new fee information, revised appeal-fee proposals, or new justifications—then the agenda as posted does not fairly inform the public of that substantive content.

Government Code section 54957.5 also requires that if a writing related to an agenda item is distributed to all or a majority of the members of the legislative body less than 72 hours before the meeting, that writing must be made available for public inspection at the time of distribution, and, where an initial staff report was timely posted, immediately on the City's website: Government Code section 54957.5

But even immediate posting would not cure a separate fee-notice problem. If a late PowerPoint contains substantive fee data, revised cost assumptions, or new methodology explanations on which the City intends to rely at the return hearing, then the City cannot use a late slide deck to bypass the **10-day data disclosure requirement** in Government Code section 66016.

A late PowerPoint is not a substitute for a lawfully disclosed fee record.

G. The public still lacks the final proposed appeal-fee structure and the reforms that remain necessary.

The public has not yet received the final, reviewable appeal-fee proposal in the current packet.

Before any adoption hearing proceeds, the City must publicly disclose:

- the final proposed appeal-fee amounts and categories;
- whether each appeal category is a flat fee, deposit, or some hybrid;
- the action-specific cost basis for each appeal category;
- the actual staff, hours, legal-review assumptions, and hearing assumptions used;
- the final successful-appeal refund standards, including partial-success scenarios;
- the full codified appeal process in the Municipal Code/Zoning Ordinance;
- clear standing, deadline, and filing requirements;
- whether and how the City will differentiate between resident/community appeals and developer or applicant-initiated appeals; and
- what impartiality safeguards will apply so that the same staff who advocated for the original action are not effectively given repeated opportunities to re-argue their own prior work on appeal.

That last point is essential. An appeal process must be fair to all parties. Some level of impartiality is required. The appellate body should receive a neutral procedural summary and full record, not merely another round of advocacy from the same source whose work is being challenged.

None of that is in the current March 24 packet.

H. In the context of the City Council's 2026 Goals and Objectives and current Norms, the handling of this item falls well short of the City's own stated standards.

The attached **2026 City Council Goals and Objectives** and **January 2026 City Council Norms** make this problem even more serious.

If the City Council is serious about **maintaining a secure financial base**, then it cannot allow major fee items to proceed through skeletal packets and delayed disclosures.

If the City Council is serious about **providing cost-effective and responsive services to sustain quality of life**, then it cannot separate fee methodology, code structure, and appeal-process reforms in a way that obscures their full impact on residents.

If the City Council is serious about **enhancing engagement and communication with residents and the business community**, then it cannot ask the public to reconstruct the record from scattered prior meetings and anticipated late materials.

If the City Council is serious about **balancing land-use planning for housing, retail, jobs, and open space, it must treat the Master Fee Schedule and Ordinance 537 as part of a single integrated policy framework, not as two disconnected agenda items pursued on separate tracks.**

And if the City Council is serious about its norms, "**Do What Is Best for the Community, Be Prepared, and Conduct Effective Meetings**" — then it must insist on a lawful, complete, and transparent record before the adoption hearing proceeds.

This item, as currently handled, falls short of the City's own standards.

I. The City must be explicitly honest about structural fiscal stress and stop pretending this is routine housekeeping.

The City should stop pretending that these repeated changes to fees and methodologies are just routine annual maintenance.

The City's own official budget materials state that, over the past five fiscal years, San Ramon has seen an average increase in the structural deficit of **5% per year**, that expenditures have grown by an average of **9% per year** while revenues have grown by an average of **4% per year**, and that **\$10 million** in Measure N funds were allocated in FY 2025/26 to cover the structural deficit, with another **\$1.9 million** appropriated to discretionary expenditures: [FY26 Budget Process](#).

The City's own Measure N update likewise states that voters approved a **1% increase in local sales tax** effective April 1, 2025, that the City is approaching those funds as **10 one-time sources of revenue**, and that those funds will help balance the City's budget while it explores options for long-term financial resilience: [Measure N Update: April 1–June 30, 2025](#)

If structural fiscal stress is a real driver behind these repeated changes in fee methodologies, then the City should say so openly.

Residents are entitled to an honest explanation, not procedural minimalism.

J. The City still has not justified the transportation-fee inflation methodology, which favors developer predictability over fiscal realism.

The Master Fee Schedule discussion also remains deficient because it does not squarely explain the inflation and escalation methodology being used for transportation-related development fees, even though those assumptions materially affect whether the City is recovering infrastructure costs over time.

The regional **Tri-Valley Transportation Development Fee** framework relies on an annual automatic adjustment based on the **Engineering News-Record San Francisco Bay Area Construction Cost Index (CCI)**. In April 2025, TVTC materials stated that the December 2024 San Francisco Bay Area CCI was **-0.7%**, and therefore recommended continuing the same TVTDF schedule for FY 2025/26 rather than increasing it. Earlier TVTC methodology materials also explained that TVTDF rates were intentionally set at only a fraction of the maximum supportable rates and then adjusted annually by CCI. See the official TVTC materials here: [FY 2025/26 TVTDF CCI adjustment memo](#), [April 2025 TAC memo on CCI adjustment](#), [2021 TVTDF methodology memorandum](#), and [2020 Nexus Fee Update Study](#).

That may be an accepted **regional** mechanism for the TVTC fee. But San Ramon should not be allowed to hide behind that regional mechanism — or behind similarly generic CPI, CCI, or CCCI adjustments — when it presents a citywide Master Fee Schedule as though it reflects the actual cost of growth. A generic regional index does not necessarily track what it costs San Ramon to deliver local transportation improvements, signals, circulation work, traffic-calming measures, street rehabilitation, consultant work, or construction support in this city.

On the City's own public procurement page, San Ramon states that its **On-Call Traffic & Transportation Consulting Services** may be used to review plans, specifications, cost estimates, and submittals; provide design services; assist with grant applications; update traffic impact fee studies; and prepare and update transportation master plans. That confirms the City has access to detailed local transportation cost-estimate work and traffic-fee consulting support. See the City's RFQ page here: [On-Call Traffic & Transportation Consulting Services](#).

In addition, the Bay Area already has more locally grounded infrastructure-management tools than a blunt annual escalator. MTC's **StreetSaver®** platform is specifically designed to help cities and counties make roadway maintenance decisions that stretch pavement budgets further, document budget needs and shortfalls, and predict future pavement condition at different funding levels. MTC's **Pavement Management Technical Assistance Program (P-TAP)** likewise helps Bay Area jurisdictions make cost-effective improvements to streets and roads, provides accurate pavement-condition data to local decision-makers, and recognizes that local roads also require investment in signs, storm drains, curbs, and gutters, traffic signals, and streetlights. See MTC here: [StreetSaver®](#) and [Pavement Management Technical Assistance Program \(P-TAP\)](#).

The point is not that the City must adopt StreetSaver as an inflation index. The point is that San Ramon has not explained why it continues to rely on low, generic transportation-fee escalators instead of using a methodology grounded in its **own** construction history, consultant costs, bid tabs, and local infrastructure experience — or at a minimum, a methodology more closely tied to the kind of local infrastructure-condition and funding-gap analysis reflected in MTC's Bay Area tools.

Absent that explanation, the current approach looks less like fiscal realism and more like a pro-developer preference for fee predictability and restrained annual increases. The City's own FY26 budget materials, which acknowledge a continuing structural deficit and rising expenditure pressure, only make that omission more serious. See: [FY26 Budget Process](#)

K. These repeated fee and methodology swings reflect unstable management, not stable resident-serving municipal finance.

Municipal finance should be stable, transparent, predictable, and heavily oriented toward serving and protecting residents, if not affirmatively enhancing quality of life.

That is not what this looks like.

What this looks like is a city repeatedly rewriting fee structures, recalibrating methodologies, adjusting appeal-fee approaches, changing process rules, and relying on low, generic escalators in a reactive attempt to deal with fiscal strain, legal exposure, and prior policy mistakes.

That is not long-range fiscal stewardship. **It is unstable.**

And that instability is worsened when the City pares down public-facing records, withholds meaningful summaries of prior discussions, appears willing to backfill missing substance later through presentations and late-distributed materials, and uses inflation methods that appear designed more to dampen fee growth than to reflect actual local cost experience.

The planning profession's own ethics framework points in the opposite direction. The **American Planning Association (APA) Ethical Principles in Planning** state that planning exists to serve the public interest and that citizens are entitled to full, clear, and accurate information: [APA Ethical Principles in Planning](#)

The **American Institute of Certified Planners (AICP) Code of Ethics and Professional Conduct** likewise emphasizes service to the public interest, integrity, clear information, meaningful participation, and fair and independent professional judgment: [AICP Code of Ethics and Professional Conduct](#).

The City's current posture does not reflect those principles.

L. The City Council should discuss the deficiencies tonight, remove Agenda Item 5.11 from the Consent Calendar, and direct a full joint hearing with a complete and reviewable public packet before any adoption action proceeds.

The City Council should not simply quietly continue Agenda Item 8.1.

Instead, the City Council should use tonight's discussion to do four things on record:

1. acknowledge that the City failed to meet the notice and posting requirements necessary to proceed with fee adoption at this meeting;
2. acknowledge that Agenda Item 8.1 and Agenda Item 5.11 are intrinsically linked and should not be procedurally separated;
3. remove Agenda Item 5.11 from the Consent Calendar; and
4. direct staff to return with both items together at the same meeting, accompanied by a complete Master Fee Schedule, including appeal fees, and a staff report documenting the entire administrative record.

That return packet should include, at a minimum:

- the draft resolution;
- the full proposed FY2026-27 Master Fee Schedule;
- all revised appeal-fee categories and amounts;
- all cost data and methodology required by Government Code section 66016;
- a substantive summary of the March 10, 2026 discussion and earlier public discussions, the City is relying upon;
- the final successful-appeal refund proposal;

- a clear explanation of any changes made since March 10;
- a memorandum identifying which fees are proceeding under Government Code section 66016 and which under section 66018;
- any PowerPoint or presentation materials staff intends to use;
- a clear explanation of how the appeal process will be codified, made impartial, and made accessible to the public;
- a candid fiscal memorandum explaining how these fee changes relate to the City's structural fiscal condition, what costs remain unrecovered, and why residents are simultaneously being asked to backfill essential services through Measure N; and
- a full memorandum identifying every inflation index and automatic escalator proposed for transportation-related fees, the historic annual adjustments under each, why those indices are more appropriate than San Ramon-specific construction-contract tracking, and why the City is not using local bid history, consultant cost-estimate data, or more locally grounded Bay Area infrastructure-condition tools to calibrate transportation-fee updates.

If the City cannot produce that material in time for lawful and meaningful public review before April 14, then the hearing should be continued. The answer to a deficient record is not to accelerate discussion on an incomplete packet. It is to provide the public with the record first.

Conclusion

The March 24, 2026 staff report for Agenda Item 8.1 is not a substantive fee-adoption record.

It is a continuance notice.

It contains no attachments.

It does not summarize the actual appeal-fee direction previously given.

It does not disclose the revised fee proposal.

It does not provide the cost basis.

It does not explain the refund rules.

It does not codify the appeal process.

It does not address impartiality on appeal.

It does not justify the transportation-fee inflation methodology.

And it does not candidly explain how all of this fits within the City's continuing structural fiscal stress.

The City Council, therefore, should not take substantive adoption action on Agenda Item 8.1 tonight. But it also should not let this item pass as a quiet procedural continuance. The City Council should openly discuss the deficiencies in the current record, remove Agenda Item 5.11 from the Consent Calendar, and direct that both items return together at the same meeting with a full Master Fee Schedule, including appeal fees, and a staff report documenting the entire administrative record.

That is what diligence requires.

That is what transparency requires.

That is what stable municipal finance requires.

And that is what the City Council's own Goals, Objectives, and Norms require.

The City must stop treating major fees and process changes as though they can be supplied later through skeletal reports and late presentations.

That is not transparent governance.

That is not stable municipal finance.

That is not resident-serving planning.

And it is not an adequate administrative record for the adoption of the Master Fee Schedule.

Respectfully submitted,

Brian C. Swanson, AICP

San Ramon Voter, Taxpayer, and Resident

On Fri, Mar 20, 2026 at 3:31 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The **City Council meeting** will begin at **7:00 p.m. on Tuesday, March 24, 2026.**

The meeting agenda is now available at, <https://sanramonca.portal.civicclerk.com/event/24/files/agenda/1204>

HOW TO VIEW OR PARTICIPATE IN THE MEETING:

The public is invited to participate in the meeting using any of the following methods:

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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

Public comment may be submitted via e mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the scheduled start time of the meeting will be distributed to the City Council via e mail and provided at the meeting.

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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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).



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City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973-2500 | www.sanramon.ca.gov

6 attachments

-  **04.22.2025 - BSwanson_PublicComment_AgendaItem8.1-AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFYear2025_26-City Council Meeting.pdf**
366K
-  **11.25.2025 - BSwanson_PublicComment_AgendaItem9.2-DiscussionoftheCity'sAppealFeeStructure-CityCouncilMeeting.pdf**
468K
-  **01.31.2026 - City Council Special Workshop - Public Comment_Agenda Item 2.1_ Appeal Fee Structure and Agenda Item 2.2_ Development of Goals for Fiscal Year.pdf**
449K
-  **03.10.2026 - BSwanson -Public Comment_CityCouncilMtg - Agenda Item 9.1 - Appeal Fees and Successful Appeal Refund Provisions (specifically).pdf**
353K
-  **03.10.2026 - BSwanson-Public Comment-CityCouncilMtg - Agenda Item 9.2 - Ordinance 537 - parkland fees et al..pdf**
410K
-  **03.24.2026 - BSwanson - Public Comment - CityCouncilMtg -Request to Pull Agenda Item 5.11 - Ordinance 537 from the Consent Calendar and Formal Comment.pdf**
411K

Public Comment - Agenda Item 8.1 - Overview of 2026 CA Housing Legislation and Agenda Item 5.2 - 2025 General Plan Annual Report) - Planning Commission Meeting - March 3, 2026, beginning at 6:00 p.m.

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Mar 3, 2026 at 12:16 PM

To: planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>

Cc: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>



Planning Commissioners:

This written public comment concerns Agenda Item 8.1 – Overview of 2026 California Housing Legislation and Agenda Item 5.2 – 2025 General Plan Annual Report.

Although Agenda Item 8.1 is informational and Agenda Item 5.2 is on the Consent Calendar, the pairing of these two items is structurally significant. Together, they show how state housing mandates are expanding while local reporting frameworks increasingly define success in terms of compliance pacing and production metrics. That is precisely why it is critical to distinguish between Regional Housing Needs Allocation (RHNA), actual community development, and the limited function of progress reporting.

Access, Transparency, and Administrative Record Requirements

As with all of my public comments, I reiterate the City's obligations:

All materials—including the staff report, presentation materials, referenced legislation, and public comments—must be permanently posted adjacent to Agenda Item 8.1 in HTML and searchable PDF formats.

All materials must be reachable in one or two clicks and maintain link integrity.

The administrative record must be complete, consolidated, and accessible to ensure procedural fairness.

Failure to maintain accessible, consolidated, and permanent public records materially impedes the public's ability to evaluate the City's actions.

The same standard applies to Agenda Item 5.2. If the City expects the public to understand how state housing legislation, annual reporting, and local planning interact, then the administrative record must make that relationship legible and durable.

Mandates Without Money — A Structural Warning

A recent Tri-Valley example shows why this matters. On February 26, 2026, Pleasanton City Councilmember Julie Testa published a guest opinion titled "*Mandates without money: The state's housing agenda will not achieve affordability.*" That article is here: <https://archive.is/7cp69>.

Whether one agrees with every detail of her analysis or not, her core point is sound: the State continues to impose production and zoning obligations without pairing them with commensurate funding or subsidy. San Ramon is operating within that same structural imbalance.

This is why RHNA needs to be defined plainly and distinguished from the work the Planning Commission is actually supposed to do. As you know, RHNA is a state-mandated planning obligation. It requires cities to plan and zone for housing capacity. The State's RHNA overview is here: <https://www.hcd.ca.gov/programs-and-services/planning-and-community-development/housing-elements/regional-housing-needs-allocation>.

RHNA **does not** fund infrastructure. It **does not** pay for police, fire, parks, streets, stormwater, or long-term maintenance. It **does not** guarantee feasibility, financing, or cohesive urban form. **And it is not, by itself, a strategy for community development.**

That distinction is being blurred in San Ramon. Increasingly, the City behaves as if meeting RHNA production targets—and monitoring those numbers on a spreadsheet—is the plan itself.

It is not.

Spreadsheet monitoring and occasional reconciliation of housing production is not prudent community development. It does not build quality of life. It does not create a cohesive urban form. It does not strengthen the social fabric. It does not ensure infrastructure is maintainable decades after approvals. It does not safeguard long-term fiscal stability.

A city is not an Excel file. A city is lived.

Speedy approvals are not a strategy. Production tracking is not planning. Compliance pacing is not stewardship; it is discretionary approval processing. It is not community development. It is not the protection or enhancement of the quality of life. It is not the primary purpose of a Planning Commission. And it is certainly not leadership.

This is also where the Planning Commission and City Council must acknowledge the City's existing fiscal condition honestly. San Ramon **is not** confronting these state mandates from a position of fiscal ease. The City's own financial outlook page states that rising costs were outpacing year-over-year revenue projections, that the June 25, 2024 budget required navigating a \$17.6 million shortfall, that the budget included \$8.1 million in cuts across City departments, and that unmet staffing, operational needs, and many capital improvement projects remained unfunded. That official City page is here: https://www.sanramon.ca.gov/our_city/departments_and_divisions/city_manager/city_financial_outlook.

The fiscal strain became so acute that the City placed Measure N on the November 5, 2024 ballot. The City's Measure N page states that the measure asked voters whether San Ramon should levy a one-cent sales tax, estimated to provide approximately \$16,000,000 annually for 10 years, to maintain City programs, services, and facilities. The official page is here: https://www.sanramon.ca.gov/our_city/departments_and_divisions/city_clerk/Elections/November_2024_Measure

The City later reported that Measure N generated \$3.45 million in revenue for the April 1–June 30, 2025 quarter, and that the Fiscal Year 2025/26 budget included \$14.8 million in estimated Measure N revenue. That official update is here: https://www.sanramon.ca.gov/news/what_s_new/measure_n_update_april_1_june_30_2025.

So, the issue is not hypothetical. A city can meet every state reporting requirement and continue to drift into further structural fiscal strain. ***That is why treating housing legislation as harmless is analytically incomplete, even though tonight's agenda item is informational.***

That is also one reason Agenda Item 5.2 matters so much. The General Plan Annual Report and Housing Element Annual Progress Report perform a required state reporting function. But ***progress reporting is not the same thing as planning***. When those reports are treated as routine consent business, the institutional signal is that reporting has become procedural rather than analytical. Production tables begin to substitute for analysis. Milestone tracking begins to substitute for strategy. Compliance pacing begins to replace stewardship. Box-checking is not planning. Form completion is not a strategy. Regulatory compliance is not community development.

A city can meet every reporting deadline, complete every required annual progress report, and remain "on pace" numerically while continuing to drift into further structural fiscal strain.

San Ramon is particularly vulnerable to that drift because the State RHNA framework, and the regional methodology used to allocate RHNA, are broad, formula-driven, and effectively one-size-fits-all. San Ramon is not a traditional, fine-grained, mixed-use downtown composed of many small parcels and many competing landowners. In the Bishop Ranch vicinity, the City's "downtown" has long been shaped by a single dominant, effectively monopolistic landowner: Sunset Development. That matters because the redevelopment of a consolidated office campus into primarily housing is not comparable to ordinary downtown infill. It raises distinct questions about phasing, absorption rates, infrastructure concurrency, long-term service demand, and fiscal sustainability that a one-size-fits-all state methodology does not meaningfully resolve.

The City's own description of the Orchards approval is here: https://www.sanramon.ca.gov/news/what_s_new/orchards_third_public_hearing. That page confirms that the Planning Commission approved the Orchards Master Plan and Orchards Neighborhood District Development.

That language matters. In the Bishop Ranch vicinity, the General Plan has historically served less as an independently City-generated vision and more as a reflection of Sunset's long-standing master-planning logic. That is not rhetoric; ***it is structural reality***. Bishop Ranch has been a consolidated, privately controlled employment campus for decades. The land use framework, infrastructure layout, phasing assumptions, and redevelopment sequencing in that area have largely tracked the evolution of Sunset's planning decisions.

Now that the area is being transformed from a predominantly employment-based campus into a primarily residential district, that structural reality matters even more.

An employment campus and a residential district impose fundamentally different service demands, infrastructure burdens, fiscal implications, and community integration challenges. If the General Plan in that vicinity has historically tracked Sunset's plan, then this shift to primarily housing ***demands even greater independent municipal diligence—not less.*** The more centralized the land control, the greater the City's obligation to demonstrate independent judgment rather than simply accepting a major landowner's evolving master plan as the de facto downtown blueprint.

That is especially critical because housing is more dependent on city services than office and employment uses. This is not anti-housing rhetoric. It is a reality of municipal finance that has been examined repeatedly in Cost of Community Services research. A useful academic summary is here: <https://resources.environment.yale.edu/kotchen/pubs/COCS.pdf>.

Housing generates 24-hour service demand: police, fire, parks, streets, stormwater systems, maintenance, and ongoing operational staffing. Office campuses typically have distinct service profiles and revenue relationships.

San Ramon's transition from employment land toward residential land use is therefore not simply "growth." It is a structural change in what the City must provide, maintain, and pay for over time.

Hope is not a fiscal strategy.

To be clear, the Planning Commission and City Council must absolutely examine these issues at the project level. Every entitlement deserves scrutiny. But when the City is contemplating or facilitating the comprehensive redevelopment of what functions as its downtown—especially where a single dominant, effectively monopolistic landowner controls the key geography—those questions cannot be confined to isolated project files. ***The Planning Commission and City Council must examine them holistically.***

That means examining cumulative service demand, district-wide infrastructure capacity, capital improvement sequencing, long-term maintenance obligations, traffic, and emergency access, and—critically—timing and absorption rates.

Absorption rates matter. Housing does not materialize instantaneously, and markets do not absorb thousands of units uniformly. Timing affects infrastructure concurrency, municipal cash flow, retail viability, service scaling, and long-term fiscal stability. When approvals are processed incrementally without district-wide cumulative analysis, entitlement activity can be mistaken for planning. Project-by-project processing is not a substitute for comprehensive evaluation.

This is where the Planning Commission and City Council become even more important, given that recent public participation in major downtown approvals has been so thin. Reporting on The Orchards' approval noted that only ***four*** people spoke during public comment. That article is here: <https://www.sfgate.com/local/article/san-ramon-orchards-project-approved-21345945.php>.

Sparse participation is not consent. It means fewer independent eyes on the assumptions and fewer people forcing the harder questions into the record. Under those conditions, the Planning Commission's and City Council's obligations to perform the work and exercise due diligence are greater, not less.

And this is not an unrealistic expectation. Other nearby jurisdictions have engaged the substance. Pleasanton submitted formal RHNA methodology concerns to ABAG here: https://files.mtc.ca.gov/pdf/rhna_comments/230_Pleasanton_1-14-2021.pdf. Tri-Valley city leaders jointly raised concerns to ABAG's Executive Board here: <https://www.danville.ca.gov/DocumentCenter/View/6316/Letter-09112020---TVC-to-ABAG-Executive-Board-PDF>. ***The San Ramon Mayor was a co-signer of the letters included in both the hyperlinks above. The San Ramon Mayor is different now, but the issues remain and must not be ignored.*** The Contra Costa Mayors Conference submitted a substantive Modified Option 8A proposal here: https://files.mtc.ca.gov/pdf/rhna_comments/265_contra_costa_county_mayors_conference-10-2-2020.pdf.

Whether one agrees with every conclusion in those letters is not the point. The point is posture. ***Those jurisdictions treated housing mandates as something to scrutinize, not merely something to process.***

San Ramon should do the same.

- The Commission should therefore make several distinctions explicit in the record tonight:
- RHNA compliance is not the same as community development.
- Annual progress reporting is not the same as planning.
- Production numbers are not the same as quality of life.
- Consent-calendar reporting is not the same as substantive evaluation.
- And a master developer's evolving plan is not the same as an independently City-shaped vision for San Ramon's future.

San Ramon can meet housing obligations responsibly. But it cannot do so if it continues to confuse mandates, reporting, speed, and spreadsheets with actual planning. Especially in the Bishop Ranch vicinity—where the General Plan has long tracked Sunset's logic more than the City's own independent vision, and where the transition from office to housing changes the stakes dramatically—the Planning Commission and City Council must insist on deeper analysis, stronger distinctions, and real stewardship.

That responsibility rests with the Planning Commission first, then the City Council.

Respectfully submitted,

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

On Fri, Feb 27, 2026 at 11:42 AM City of San Ramon <casramon@service.govdelivery.com> wrote:



The agenda packet for the upcoming Planning Commission meeting on Tuesday, March 3, 2026 at 6:00PM, is now posted on the City's [website](#).



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.

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](#).

City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973 2500 | www.sanramon.ca.gov

Public Questions and Comment: Formal Public Comment Processes, ADA Compliance, Item #5: Meeting Action Minutes, & Item #6 - Orchards Development Project (including Bollinger Canyon Road Fiber Optic Signal Coordination Project a CDBG Grant Funded Project) - ARB Meeting - May 8, 2025

1 message

Brian Swanson <briancswanson@gmail.com>

Wed, May 7, 2025 at 5:44 PM

To: architecturalreviewboard@sanramon.ca.gov, planningcommission <planningcommission@sanramon.ca.gov>, Council City <citycouncil@sanramon.ca.gov>, planning@sanramon.ca.gov, Clerk City <cityclerk@sanramon.ca.gov>, cyee@sanramon.ca.gov

Cc: gjury@contracosta.courts.ca.gov, Enea Julie <Julie.Enea@cao.cccounty.us>, gabe.petek@lao.ca.gov, bryan.beyer@dot.ca.gov, transportation.planning.inquiries@dot.ca.gov, senator.grayson@senate.ca.gov, michael.sponsler@sen.ca.gov, assemblymember.bauer-kahan@assembly.ca.gov, michelle.henry@asm.ca.gov, "robert@bikeeastbay.org" <robert@bikeeastbay.org>, matt@bikesiliconvalley.org, jared@calbike.org, adina@seamlessbayarea.org, zackdg@transformca.org, Laura Tolkoff <ltolkoff@spur.org>, "abrownstevens@greenbelt.org" <abrownstevens@greenbelt.org>, friends@sportsbasement.com



Dear Architectural Review Board Members, Planning Commissioners, and City Council Members:

Can someone please explain to me if Architectural Review Board (ARB) Meetings are not broadcast, streamed, and recorded, or if written public comments to ARB Meeting agenda items can not be made and submitted, or at least that potential is unknown in the email sent agenda, how are ARB meeting considered public?

Further, and although in unexplainable contradiction, the second side of the speaker card available for completion during live meetings refers to the potential for written comments. The reverse side of the speaker comment card even instructs the comment card user on the number of copies of public comments to provide for distribution to meeting participants. The speaker card is an administrative tool to assist the City Clerk in managing the cue of live meeting verbal public commenters, not written public comments.

In a time- and cost-saving move, if prepared action minutes don't capture at least the necessary detail of public comments expressed, is that in the spirit of open and transparent governance? How are only action minutes compliant with the Americans with Disabilities Act (ADA)?

How can public commenters at non-broadcast and recorded city meetings track how their input is or is not influencing the development, management, and operations of the City of San Ramon, especially regarding infrastructure (transportation and broadband), planning, zoning issues, the shape the City's urban form, and "look and feel?"

How can public meetings be held in the City Hall Training Room, which is not ADA-compliant? The City Hall Training Room does not have microphones, other amplification, or assistive technology.

In the same vein, can someone please also inform me as to how compartmentalizing written public comments into a distinctly separate electronic storage location, apart from any of the City's meeting agenda, agenda package, meeting minutes, and link to a recording (if the meeting was broadcast or streamed) is in the spirit of open and transparent governance?

How does this fragmentation of public commenters at broadcast or non-broadcast and recorded city meetings track how their input is or is not influencing the development, management, and operations of the City of San Ramon, especially regarding infrastructure (transportation and broadband), planning, zoning issues, the shape the City's urban form, and "look and feel?"

How is this electronic fragmentation ADA-compliant?

The questions above and comments below 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.

Also, given the enormous amount of detail presented about the Orchards Development Project at the previous and upcoming ARB meetings, why isn't providing a more detailed agenda for each meeting the respectful and right thing to do for interested parties? I specifically asked Sunset Development Company (Sunset) representatives at the very end of the ARB meeting on May 1, 2025, and with a nod of the head in agreement in response, assumed my request for a simple three- or four-bullet agenda, not dissimilar from what the 2025 Budget Workshop notices have been doing, would be provided. A bullet point agenda summary is absent at the link for the ARB meeting agenda below.

I expect formal written answers to my comments above, which should also be posted directly adjacent to these questions and comments and all the City of San Ramon-developed meeting materials.

The following comments formally document some (not all) of my verbal public remarks to date on the Orchards Development Project agenda item and echo my exasperated sentiment and the downright embarrassment that I have as a City of San Ramon resident regarding the construction of the Bollinger Canyon Road (BCR) Iron Horse Trail (IHT) Overcrossing, which was funded primarily by federal and regional funds, and a supposed resident pride inducing City defining landmark. That BCR was widened unjustifiably in the vicinity of City Hall (which was completely contradictory to the purpose of the IHT Overcrossing, and therefore both projects have resulted in counterproductive outcomes, making significant waste of taxpayer funding) before the construction of the IHT Overcrossing because it was on some grandfathered list, not evaluated for applicability in the current pre-construction context, where widening major highways or roads is now discouraged mainly due to the well-proven traffic engineering and demand modeling outcome known as "induced demand."

If highways and major roads are made wider, only more traffic results, translating to less throughput and slower speeds. Induced demand is now a commonly accepted traffic engineering principle that did not exist when the City of San Ramon negotiated the use of Dougherty Valley Settlement Agreement Funds for widening BCR and where the City of San Ramon failed and continues to fail to maintain an active negotiating position regarding Dougherty Valley Settlement funds, a direct result of the City of San Ramon inability to properly participate in the development review process of Dougherty Valley from the beginning.

These contradictory and counterproductive outcomes are occurring as the Contra Costa Transportation Authority (CCTA) and Metropolitan Transportation Commission (MTC) continue to be derelict in asserting their land-use planning authority and allow the City of San Ramon to proceed with the widening of BCR. The City of San Ramon (with CCTA and MTC again standing idle) has implemented this same nonsensical, contradictory, and counterproductive carbon copy approach for the widening of Crow Canyon Road, which is also similarly underway for the Crow Canyon Road IHT Overcrossing.

How the status quo conditions of unsafe, marginal, and uncomfortable active transportation infrastructure (especially along the south side of Bollinger Canyon Road from I-680 to Alcosta Boulevard and in and around a supposed MTC Priority Development Area, where Complete Streets policies supposedly exist) are allowed to exist ignorantly, arrogantly, and perpetually. When, in fact, well-sourced and documented research and repeated real-world outcomes in all types of jurisdictions and developments document the undeniable evidence that creating walkable environments only adds to the economic development potential of a district. The unsafe highway comparable vehicle speeds and traffic flow along Bollinger Canyon Road in the vicinity of City Hall, the Community Center, Central Park, the City Library, and the City Center, all obvious civic facilities that should have a priority explicit purpose of "creating community," are only expected to grow as a result of a **\$2 million grant Community Development Block Grant Program, from the U.S. Department of Housing and Urban Development, with the California Department of Housing and Community Development acting as stewards of the federal funding** for signal coordination fiber optic cable along Bollinger Canyon Road. Again, The City of San Ramon (with CCTA and MTC again standing idle) has implemented this same nonsensical, contradictory, and counterproductive carbon copy approach for the widening of Crow Canyon Road, which is also similarly underway for the Crow Canyon Road IHT Overcrossing.

All the above adds up to a predictable outcome: many new Orchard development residents will become run over by vehicles, **"flattened pancakes, repeated, and multiple popular NFL coach Gregg Knapp flattened pancakes."**

Did the City of San Ramon not learn anything from that horrible, tragic outcome? Does the City of San Ramon need to be taken to court and easily found guilty, resulting in significant financial award damages and settlement fees paid for those

lessons to sink in?

In most communities, including the San Francisco waterfront and West Oakland, transportation infrastructure, namely the "Embarcadero Freeway" and I-980, respectively, is viewed as creating enormous social divisions within the community. So much so in San Francisco, the removal of the "Embarcadero Freeway," which was made less costly by its crumbling by the Loma Prieta earthquake, the "Embarcadero Freeway" was demolished, and made way for thriving traffic-calmed, pedestrian and bicycle-friendly alternatives. While the community struggled beforehand in West Oakland, it is even worse off because I-980 remains, and the community is perpetually socially bifurcated.

In Sunset's case, however, it proposes a significant change to all previous and ongoing development efforts. Sunset now proposes shifting the development density from the south-north-oriented axis of Camino Ramon (the City of San Ramon's de facto Main Street) to the west-east-oriented BCR highway to create a new district. This dramatic shift would combine the Orchards and City Center developments and use Orchards to prop up the struggling City Center again, straddling the BCR highway.

BCR must be traffic-calmed, not signal-coordinated solely for vehicle traffic priority, to allow for increased vehicle speeds and traffic flow. BCR must also be safe and human-scaled, redesigned to perform at a level of safety for district dwellers and visitors, not at an unfathomable high level of service.

The City of San Ramon must not continue implementing wasteful, contradictory, and counterproductive projects that put human lives at risk. The IHT Overcrossing at Bollinger and Crow Canyon Roads and the Bollinger Canyon Road Fiber Optic Signal Coordination projects rely primarily on federal funding through various state and regional agencies, with only a marginal portion of funds provided by the City of San Ramon.

Thank you for considering a responsible real-world perspective—a systems-based approach—and for ensuring accountable, good governance of the City of San Ramon.

Sincerely,

Brian Swanson, AICP
San Ramon, California

On Fri, May 2, 2025 at 2:33 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The **Architectural Review Board meeting** will begin at **2:00 p.m.** on **Thursday, May 8, 2025.**

The meeting agenda is now available [here](#).



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](#).

From: [Brian Swanson](#)
To: [City Clerk \(Public\)](#); [City Council](#)
Cc: [planningcommission](#); [Planning Services \(public\)](#)
Subject: Public Comment: Request to Pull Agenda Item 5.4 - FY25 Memorandum on Internal Control from the Consent Calendar and Formal Comment - City Council Meeting - March 24, 2026
Date: Monday, March 23, 2026 6:35:49 PM
Attachments: [01.27.2026 - BSwanson - WrittenPublicComment_Agenda Item 9.2 - Audited ACFR for the City of San Ramon for the FY Ended June 30, 2025 - City Council Meeting.pdf](#)
[02.18.2026 - BSwanson PublicComment_AgendaItem5.3 FY25 Memo on Internal Control_FinanceCommMtg.pdf](#)
[02.18.2026 - BSwanson PublicCommentVerbalScript_FinanceCommittee_Item5.3FY25InternalControlsMemo.pdf](#)

| EXTERNAL EMAIL: Think before you click and do not open attachments unless you know they are safe. |

City Council:

I am requesting the removal of Agenda Item 5.4 – FY25 Memorandum on Internal Control from the Consent Calendar because including this audit deliverable on the Consent Calendar demonstrates a serious governance failure. The reasons for requesting removal are the same reasons that form the substance of this comment: the Internal Control Memo contains significant deficiencies, is directly tied to more than six million dollars in prior-period corrections, and represents the City's most consequential audit communication of the year.

It is not routine, it is not ministerial, and it is not appropriate for silent acceptance.

Placing this item on Consent — without discussion, without presentation, and without distinct City Council approval — signals a profound lack of attention to fiscal responsibility and the seriousness of the City's sagging fiscal health.

This is especially troubling in light of the comments made in the City Manager's hiring announcement of the new Finance Director, the City Council's Norms (including Do What Is Best for the Community, Be Prepared, and Conduct Effective Meetings), the Council's 2026 Goals & Objectives (including Goal #2: Maintain a Secure Financial Base and Goal #5: Enhance Engagement and Communication), the Mayor's campaign platform, and the Mayor's recent State of the City address, which emphasized "fiscal responsibility" and "strong financial management."

None of those statements are credible when the City's own audit findings are being buried in Consent.

Formal Incorporation by Reference (All Documents)

Pursuant to the City's obligations under the Brown Act and the requirements for maintaining a complete administrative record, I hereby formally incorporate by reference in full the following previously submitted public comments, all of which will be attached to this comment and incorporated as though fully set forth herein:

My written public comment was submitted January 27, 2026, for the City Council Meeting Agenda Item 9.2 – Audited Annual Comprehensive Financial Report (ACFR) for FY25.

My written public comment submitted February 18, 2026 for the Finance Committee Meeting Agenda Item 5.3 – FY25 Memorandum on Internal Control.

My verbal public comment script delivered February 18, 2026 before the Finance Committee on the FY25 Memorandum on Internal Control.

These documents collectively establish the factual, procedural, ethical, and governance deficiencies that continue into tonight's agenda item.

Access, Transparency, and Administrative Record Requirements

As with all of my public comments, I must reiterate the City's obligations regarding public access to the administrative record:

Public comments must be permanently visible and easily accessible on the City's website, in both HTML and searchable PDF formats.

All public materials — including staff reports, attachments, and all submitted public comments — must be posted together and directly adjacent to the specific agenda item, reachable in one or two clicks.

Link integrity must be actively maintained so the public can locate and verify the administrative record without barriers.

Tonight's agenda introduces an additional transparency problem:

The Internal Control Memo — a required audit deliverable — is placed on the Consent Calendar, which prevents meaningful public engagement and shields the City Council from having to discuss the findings in a public forum.

This is inconsistent with the City Manager's statements in the March 2025 hiring announcement, the City Council Norms, the 2026 Goals & Objectives, the Mayor's campaign platform, and the Mayor's State of the City address, all of which emphasized transparency, accountability, and strong financial management.

The handling of this audit deliverable does not reflect those commitments.

Failure to maintain accessible, consolidated, and complete public records undermines procedural fairness and materially impedes meaningful public participation.

The Internal Controls Memo Was Dated January 12, 2026 and Could Have Been Provided to Council on January 27

The Internal Control Memorandum attached to tonight's agenda is dated January 12, 2026. If that date is accurate, then the City had two full weeks to include this memo with the ACFR presented to the City Council on January 27.

Yet the staff report tonight asserts:

"Under normal circumstances the Memorandum on Internal Control would be shared at the same time as the audited Annual Comprehensive Financial Report (ACFR). Since this was not possible this year..."

But the memo itself contradicts that claim. It was issued on January 12, well before the January 27 meeting. The Council was not given the complete audit because the memo was withheld, not because it was unavailable.

This omission deprived the City Council of the information needed to exercise oversight — and it deprived the public of a complete administrative record.

This is one of the reasons Agenda Item 5.4 must be pulled from the Consent Calendar.

The Council Failed to Exercise Oversight on January 27

The ACFR was presented to the City Council on January 27 as informational only. The staff report and the Finance Director's verbal remarks acknowledged that the Internal Control Memo was missing, but the Council:

- did not ask for it,
- did not question its absence,
- and did not insist on receiving the complete audit deliverables.

An audit presented as "information only" is not an audit. It is a briefing — and it leaves the City without:

- a formal acceptance,
- a complete audit record,
- and any meaningful accountability

Placing the memo on Consent tonight repeats the same oversight failure.

This is another reason Agenda Item 5.4 must be pulled.

The Finance Committee Received the Memo First, Not the Council

Tonight's staff report states:

"This report was first reviewed by the Finance Committee on February 18, 2026 and was recommended to the City Council for acceptance."

This means the Finance Committee — not the City Council — was the first governing body to receive the complete audit.

That is backwards.

Government Auditing Standards require that internal control findings be reported to those charged with governance.

In San Ramon, that is the City Council, not a sub-committee.

The City Council is only now receiving the memo — and only as a Consent item.

This is yet another reason Agenda Item 5.4 must be pulled.

The Findings Are Serious and Directly Connected to the \$6 Million Correction

The Internal Controls Memo identifies:

- Three Significant Deficiencies; and
- Two Other Matters.

These failures produced the \$6,004,488.87 correction disclosed on January 13 — including negative fund balances, unsupported transfers, unbudgeted expenditures, and multi-year liabilities requiring General Fund backfilling.

These are not minor issues.

They are structural failures that directly affect the City's fiscal stability and the public's trust.

No responsible city buries findings of this magnitude on Consent.

The "Partnership with the Auditors" Framing Is Inappropriate

Tonight's staff report repeats the same problematic language used in February:

"The audit process is... about developing a partnership with the auditors..."

Government Auditing Standards do not describe the auditor–client relationship as a partnership.

Auditors are independent. Their job is to report deficiencies to the governing body — not to collaborate with management on messaging.

This framing minimizes the seriousness of the findings and undermines the independence of the audit process.

This is another reason Agenda Item 5.4 must be pulled.

The City Must Acknowledge Its Actual Fiscal Condition

This is also where the City Council must acknowledge the City's existing fiscal condition honestly and transparently.

The City's own Financial Outlook page states that:

- rising costs were outpacing year-over-year revenue projections,
- the June 25, 2024 budget required navigating a \$17.6 million shortfall,
- the budget included \$8.1 million in cuts across City departments,
- and unmet staffing, operational needs, and many capital improvement projects remained unfunded.

The fiscal strain became so acute that the City placed Measure N on the November 5, 2024 ballot.

The City's Measure N page states that the measure asked voters whether San Ramon should levy a one-cent sales tax, estimated to provide \$16 million annually for 10 years, to maintain City programs, services, and facilities.

The City later reported that Measure N generated \$3.45 million in revenue for the April 1–June 30, 2025 quarter, and that the FY 2025/26 budget included \$14.8 million in estimated Measure N revenue.

A city in this fiscal condition cannot afford to treat internal control failures as routine or bury them on Consent.

Required Actions

If the Council accepts this memo tonight, it must also:

- Acknowledge that the ACFR was presented without the required audit deliverables on January 27.

Formally present and discuss the Internal Controls Memo at a future meeting — not bury it on Consent — providing City residents with a transparent look into the City's financial audit posture and expectations.

This is especially necessary given the commitments made in the City Manager's hiring announcement, the City Council Norms, the 2026 Goals & Objectives, the Mayor's campaign platform, and the Mayor's State of the City remarks.

All the City's rhetoric detailed above is an explicitly reckless and deliberate mischaracterization if there is no accountability from the City Council regarding the ACFR and the Internal Control Memo.

- Document the connection between these findings and the \$6 million correction.
- Direct staff to produce a corrective-action plan with timelines and accountability assignments.
- Commit to including all audit deliverables together in future ACFR presentations.
- Reaffirm the Council's role as the governing body responsible for audit oversight, consistent with:

Norm #1: Do What Is Best for the Community

Norm #5: Be Prepared

Norm #6: Conduct Effective Meetings

Goal #2: Maintain a Secure Financial Base

Goal #5: Enhance Engagement and Communication

The public deserves a complete audit process.

The City Council must not accept this memo quietly.

Doing so would confirm — not correct — the City's growing reputation for weak fiscal governance.

Respectfully submitted,

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

On Fri, Mar 20, 2026 at 3:31 PM City of San Ramon <casramon@service.govdelivery.com>
wrote:



The **City Council meeting** will begin at 7:00 p.m. on **Tuesday, March 24, 2026.**

The meeting agenda is now available at,
<https://sanramonca.portal.civicclerk.com/event/24/files/agenda/1204>

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Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the scheduled start time of the meeting will be distributed to the City Council via e-mail and provided at the meeting.

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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City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973-2500 | www.sanramon.ca.gov



Brian Swanson <briancswanson@gmail.com>

Public Comment: Agenda Item 9.2 - Audited Annual Comprehensive Financial Report (ACFR) for the City of San Ramon for the Fiscal Year Ended June 30, 2025 - City Council Meeting - January 27, 2026, beginning at 7:00 p.m.

Brian Swanson <briancswanson@gmail.com>

Mon, Jan 26, 2026 at 6:27 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>, planningcommission <planningcommission@sanramon.ca.gov>, Jennifer Wakeman <jwakeman@sanramon.ca.gov>

Cc: cmorrill@gfoa.org, info@gfoa.org, maze@mazeassociates.com, Jim Blikensstaff <jpblick@comcast.net>, "Ms. Jessica L. Blome" <jblome@greenfirelaw.com>



City Council:

This public comment pertains to **Agenda Item 9.2 – Acceptance of the FY 2024–25 Annual Comprehensive Financial Report (ACFR)**. My remarks address two major areas of concern. Part 1 examines the January 13, 2026 balance-sheet corrections totaling \$6,004,488.87, including negative fund balances, unsupported transfers, unbudgeted expenditures, and multi-year liabilities that required General Fund backfilling. These issues raise not only technical accounting questions but also ethical concerns under the Government Finance Officers Association (GFOA) Code of Ethics and Code of Professional Conduct, as well as the professional standards governing certified public accountants (American Institute of Certified Public Accountants), International City/County Management Association (ICMA) members, and American Institute of Certified Planners (AICP)-certified planners. Part 2 evaluates the ACFR itself, identifying independent taxpayer concerns related to structural deficits, capital spending volatility, fund fragmentation, long-term liabilities, and the absence of clear internal control reporting. Together, these issues demonstrate that the ACFR, as presented, does not provide the complete, transparent, and ethically compliant financial picture required for informed Council action.

Access, Transparency, and Administrative Record Requirements

As with all of my public comments, I must reiterate the City's obligations regarding public access to the administrative record:

- These public comments must be permanently visible and easily accessible on the City of San Ramon website, in both HTML and searchable PDF formats.
- All public materials—including the 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.
- Link integrity and accessibility must be actively maintained so that interested parties can locate and verify the administrative record without unnecessary barriers.

Failure to maintain accessible, consolidated, and permanent public records undermines procedural fairness and materially impedes meaningful public participation.

PART 1 — January 13, 2026: Material Balance-Sheet Corrections and Ethical Obligations

On January 13, the City Council approved Agenda Item 9.2 documenting \$6,004,488.87 in corrections required to close FY 2024–25. These were not routine adjustments; they were material corrections revealing significant internal control, accounting, and fund-management failures.

1. Material accounting errors documented on January 13

The staff report disclosed:

- Negative fund balances in multiple internal service funds.
- Unbudgeted expenditures, including a \$1.079 million CalPERS UAL payment and \$878,000 in salaries and benefits.
- Unsupported transfers, including a \$1.768 million transfer that had no identified funding source and had to be reversed.
- A \$4.52 million “due to General Fund” liability, including \$2.2 million carried forward from the prior year.
- A delayed year-end close, incomplete standard procedures, and loss of institutional knowledge.
- Reliance on an outside CPA consultant (MGO) to unwind “legacy practices.”

These are material errors, not routine adjustments.

2. Ethical implications under professional standards

A. Government Finance Officers Association (GFOA) Code of Ethics and Code of Professional Conduct

GFOA requires finance officers to:

- Provide full, accurate, and timely disclosure of financial information.
- Demonstrate integrity, honesty, and accountability in all professional activities.
- Avoid any actions that compromise public trust.
- Ensure that financial reports are complete, transparent, and not misleading.

The January 27 ACFR staff report omits the January 13 corrections entirely, raising concerns under these standards.

B. American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct

CPAs must adhere to:

- Integrity, requiring honesty and candor.
- Objectivity, requiring freedom from conflicts of interest.
- Due care, requiring competence and diligence.
- Full disclosure of all material facts.

The existence of multi-year liabilities, unsupported transfers, and negative fund balances raises questions about whether due care and integrity were consistently applied.

C. International City/County Management Association (ICMA) Code of Ethics

ICMA members must:

- Provide the governing body with full, accurate, and timely information.
- Demonstrate honesty and integrity in all actions.
- Ensure transparency in public decision-making.

Omitting the January 13 corrections from the ACFR narrative conflicts with these obligations.

D. American Institute of Certified Planners (AICP) Code of Ethics

AICP members must:

- Provide full, clear, and accurate information to the public.
- Serve the public interest above all else.
- Avoid withholding or distorting information.

Financial conditions directly affect planning, capital improvements, and service delivery. Omitting material fiscal corrections undermines the public interest.

3. The General Fund absorbed the entire \$6 million correction

The City transferred:

- \$586,753.90 to the Insurance Fund.
- \$2,757,067.66 to the Healthcare Fund.
- \$46,233.55 to the Infrastructure Fund.
- \$845,543.76 to the POB Fund.
- \$1,768,890.00 through reversal of an unsupported transfer.

This reduced the General Fund's available balance by \$6,004,488.87.

4. Required disclosures under GASB

Material corrections must be disclosed as:

- Prior period adjustments.
- Restatements of beginning balances.
- Corrections of error.
- Explanations in the MD&A.
- Note disclosures in the financial statements.

The ACFR contains none of these disclosures.

PART 2 — January 27, 2026: Independent Taxpayer Concerns Within the ACFR Itself

Even without the January 13 context, the ACFR raises significant taxpayer concerns.

Section 1 — Long-standing structural deficit with no adopted long-term plan

The ACFR acknowledges:

- A five-year structural deficit.
- A projected \$17.6 million shortfall for FY 2024–25.
- Continued imbalance in FY 2025–26.

- Reliance on Measure N, a temporary ten-year tax.

Yet the ACFR provides no adopted plan to restore balance before Measure N expires.

SECTION 2A — Misleading Use of Reserves as a Construct

The ACFR repeatedly highlights the General Fund's \$29.1 million fund balance and emphasizes that this represents a 45% reserve, exceeding the City's 36% reserve policy. However, this presentation is misleading because it treats the reserve figure as evidence of fiscal strength while ignoring the structural and operational realities that undermine it.

1. The reserve ratio is inflated by one-time corrections, not structural health

The General Fund's ending balance includes the effects of the January 13 corrections, which:

- Eliminated negative fund balances in multiple internal service funds.
- Absorbed multi-year liabilities.
- Reversed unsupported transfers.
- Covered unbudgeted expenditures.

The ACFR presents the resulting reserve level as a sign of stability, but the reserve is only "high" because the General Fund was forced to absorb \$6 million in accumulated problems.

2. A high reserve ratio does not offset a structural deficit

A high reserve ratio cannot mask the fact that ongoing revenues do not cover ongoing expenditures. Presenting reserves as evidence of fiscal health is a narrative choice, not a financial reality.

3. The reserve ratio is not contextualized with future obligations

The ACFR does not explain how reserves will be affected by:

- Pension contribution volatility.
- OPEB obligations.
- Capital maintenance backlogs.
- Internal service fund pressures.
- Long-term debt service.

Without this context, the reserve figure is not meaningful.

4. The ACFR uses reserves as a rhetorical device, not an analytical one

The ACFR emphasizes reserves in ways that:

- Reassure readers about stability.
- Highlight compliance with policy.
- Create an impression of fiscal strength.

But the ACFR does not:

- Show how quickly reserves could be depleted under current trends.
- Provide a multi-year reserve projection.
- Explain the relationship between reserves and the structural deficit.

- Disclose the impact of the January 13 corrections on reserve levels.

This is why the reserve narrative functions as a “fake construct” — technically accurate but substantively misleading.

5. GFOA ethical standards require full context, not selective framing

Under the GFOA Code of Ethics, finance officers must:

- Present information fairly and objectively.
- Avoid misleading or incomplete representations.
- Ensure that financial reports provide full context for decision-makers.

Highlighting reserves without explaining the structural deficit, the January 13 corrections, or long-term obligations violates the spirit of these standards.

Section 3 — Capital Improvements Fund overspent its budget by nearly \$9 million

Supplementary schedules show:

- Budgeted expenditures: \$9,015,289.
- Actual expenditures: \$17,923,415.
- Over budget by \$8,908,126.

The ACFR provides no explanation for this extraordinary variance.

Section 4 — Highly fragmented fund structure obscures fiscal stress

The City maintains dozens of special revenue, debt service, and internal service funds. The ACFR provides no consolidated explanation of:

- Which funds are structurally healthy.
- Which funds rely on General Fund subsidies.
- How fund interactions affect long-term fiscal stability.

Section 5 — Pension and OPEB liabilities remain significant

The ACFR reports:

- A \$46.9 million net pension liability.
- A \$9.6 million OPEB liability.
- \$50.8 million in long-term debt.

But the ACFR provides no stress-testing, scenario analysis, or long-range integration.

Section 6 — Internal control transparency is limited

The ACFR emphasizes:

- Awards.
- AAA ratings.
- Positive financial highlights.

But it provides no detail on:

- Internal control weaknesses.

- Auditor-identified deficiencies.
- Process improvements.

The Internal Controls Memorandum is missing, with no summary provided.

Section 7 — Narrative imbalance: optics over substance

The ACFR:

- Highlights accomplishments.
- Emphasizes stability.
- Celebrates awards.
- Reassures readers about reserves.

But it does not:

- Discuss operational risks.
- Explain capital spending volatility.
- Address fund-level imbalances.
- Provide a clear roadmap for fiscal sustainability.

This imbalance undermines transparency and creates a misleading impression of stability and routine operations.

CONCLUSION

Even with the recent creation of a standalone Finance Department and the appointment of a new Finance Director, the City continues a pattern of mischaracterization, incomplete disclosure, inconsistent narrative, and insufficient transparency. The ACFR highlights optics over substance, emphasizing awards, reserves, and accomplishments while omitting the operational risks, capital spending volatility, fund-level imbalances, and long-term fiscal challenges that taxpayers deserve to understand.

Given the material corrections disclosed on January 13, the ethical obligations of municipal finance professionals, and the independent taxpayer concerns within the ACFR itself, the Council should not accept the ACFR tonight without:

- A reconciliation of the January 13 corrections.
- A summary of internal control findings.
- Required GASB disclosures.
- A corrected narrative.
- An explanation of the Capital Improvements Fund overrun.
- A long-term fiscal plan addressing the structural deficit.
- Full compliance with public access and transparency requirements.

The public deserves a complete, accurate, and transparent accounting of the City's finances before the ACFR is accepted into the record.

Respectfully submitted,

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

On Fri, Jan 23, 2026 at 4:48 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The **City Council meeting** will begin at 7:00 p.m. on **Tuesday, January 27, 2026.**

The meeting agenda is now available at, <https://cityofsanramon.info/4bQkION>

HOW TO VIEW OR PARTICIPATE IN THE MEETING:

The public is invited to participate in the meeting using any of the following methods:

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WRITTEN COMMUNICATION BY EMAIL

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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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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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Brian Swanson <briancswanson@gmail.com>

Public Comment: Agenda Item 5.3 - FY25 Memorandum on Internal Control - Finance Committee Meeting Agenda - February 18, 2026

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Feb 17, 2026 at 2:24 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>



Finance Committee Members:

This public comment pertains to Agenda Item 5.3 – FY25 Memorandum on Internal Control.

My remarks address three major areas of concern.

Part 1 explains how the Internal Controls Memorandum presented today directly relates to the January 13, 2026 balance-sheet corrections totaling \$6,004,488.87, including negative fund balances, unsupported transfers, unbudgeted expenditures, and multi-year liabilities that required General Fund backfilling. These issues raise not only technical accounting questions but also ethical concerns under the Government Finance Officers Association (GFOA) Code of Ethics and Code of Professional Conduct, as well as the professional standards governing certified public accountants (AICPA), International City/County Management Association (ICMA) members, and American Institute of Certified Planners (AICP)-certified planners.

Part 2 documents the Brown Act notice failures and administrative-record deficiencies that occurred during the January 27 Annual Comprehensive Financial Report (ACFR) presentation, including the City's failure to disclose in the agenda description that the Internal Controls Memorandum was missing, even though it was acknowledged only in the staff report and verbally during the meeting. It also addresses today's agenda, which fails to inform the public that written public comment is accepted.

Part 3 addresses governance, leadership, and process failures, including the City's repeated characterization of the audit as a "partnership" with the auditors—a framing inconsistent with Government Auditing Standards, which require auditors to independently report deficiencies to those charged with governance. This section also addresses the decision to present an incomplete audit to the City Council, withhold the internal control findings, and shift the accountability moment to this Committee weeks later.

This section also incorporates concerns about the City's management of Measure N, the temporary tax that is the only thing preventing the structural deficit from collapsing the General Fund, and the broader implications for upcoming Contra Costa County-wide and region-wide transportation tax measures.

Together, these issues demonstrate that the City's audit process for FY25 was procedurally defective, substantively incomplete, and structurally designed to avoid accountability for both Council and staff.

Access, Transparency, and Administrative Record Requirements

As with all of my public comments, I must reiterate the City's obligations regarding public access to the administrative record:

Public comments must be permanently visible and easily accessible on the City's website, in both HTML and searchable PDF formats.

All public materials—including staff reports, attachments, and all submitted public comments—must be posted together and directly adjacent to the specific agenda item, reachable in one or two clicks.

Link integrity must be actively maintained so that the public can locate and verify the administrative record without barriers.

Today's agenda introduces an additional transparency problem:

The Finance Committee agenda does not inform the public that written public comment is accepted, even though written comment is a core component of meaningful participation and a standard practice for all other City bodies. The agenda only references verbal public comment. This omission is neither transparent nor public-serving and raises its own Brown Act compliance concerns.

Failure to maintain accessible, consolidated, and complete public records undermines procedural fairness and materially impedes meaningful public participation.

PART 1 – January 13 Corrections and the Internal Control Failures Documented Today

On January 13, the City disclosed \$6,004,488.87 in prior-period corrections. As I documented in my January 27 written comment, these were not routine adjustments. They revealed:

- Negative fund balances,
- Unsupported transfers,
- Unbudgeted expenditures,
- Multi-year liabilities requiring General Fund backfilling, and
- A \$4.52 million "due to General Fund" balance, including \$2.2 million carried forward from the prior year.

The Internal Controls Memorandum presented today confirms the underlying causes. It identifies:

Three Significant Deficiencies:

- Untimely bank reconciliations (no full reconciliations since October 2024),
- Failure to post prior-year audit adjustments,
- Failure to track grants, resulting in a missed Single Audit deadline.

Two Other Matters:

- Untimely journal entry review,
- Cash-handling segregation-of-duties issues.

These are the exact types of failures that produce multi-million-dollar misstatements like those disclosed on January 13.

Measure N Implications

Measure N revenues flow directly into the General Fund — the same General Fund that absorbed the entire \$6 million correction.

If the City cannot:

- reconcile bank statements for eight months,
- post prior-year audit adjustments,
- track grant funding, or
- maintain segregation of duties in cash handling,

then the public has no assurance that Measure N revenues are being managed, safeguarded, or reported with the rigor voters were promised.

This is not a hypothetical concern.

It is a direct governance risk.

PART 2 – Brown Act Notice Failures and Administrative-Record Deficiencies

The Brown Act does not require exhaustive detail in an agenda description.

But it does require that the description accurately convey the nature of the business to be transacted.

On January 27, the ACFR item was agendized as a routine acceptance item, with no disclosure in the agenda description that:

- The Internal Controls Memorandum was missing,
- The audit deliverables were incomplete,
- The ACFR was being presented informational only,
- The Council would not be asked to take action,
- The City had not reconciled bank statements since October 2024, or
- The City had missed the federal Single Audit deadline.

While the staff report stated that the item was informational only and the verbal presentation reiterated this, the agenda description did not. Under the Brown Act, it is the agenda description — not the staff report and not verbal remarks — that must provide the public with sufficient notice of the nature of the business being transacted. Staff reports cannot cure a deficient agenda description. Verbal disclosures cannot cure a deficient agenda description. The omission in the agenda description is therefore the operative Brown Act issue.

Finance Committee Brown Act Obligations

It is also important to note that the Finance Committee is a standing committee of the City Council and, therefore, a full Brown Act legislative body under Government Code § 54952(b). As such, its agendas must meet the same notice and transparency requirements as City Council agendas, including clear agenda descriptions and disclosure of written public comment opportunities. The omission of written public comment instructions on today's agenda is therefore a genuine Brown Act compliance concern, not a procedural preference.

PART 3 – Leadership, Governance, and Process Failure

This is an extraordinarily troubling way for a new Finance Director and a newly created standalone Finance Department to begin their tenure. The first major act of this new department was to present an incomplete ACFR to the City Council, missing required audit deliverables and stripped of the Internal Controls Memorandum that explains the very failures that led to the January 13 corrections. The second act was to place that incomplete audit on the agenda as informational only, ensuring that the Council took no action and bore no responsibility. And the third act is what we are witnessing today: the Internal Controls Memorandum being presented weeks later, not to the Council, but to a committee, after the public, the Council, and the administrative record were all deprived of the information required for meaningful oversight. For a new department, whose credibility depends on transparency and accuracy, this is a profoundly damaging start.

Expanded Leadership-Failure Precedent

For the new Finance Director's first major audit decision to be not to include the Internal Controls Memorandum in the ACFR sets an alarming precedent. The auditor was under contract, the deliverable existed, and Government Auditing Standards do not permit management to selectively withhold required audit communications based on internal staffing issues or timing concerns. The City's personnel challenges — real or perceived — do not override the auditor's obligation to report deficiencies to those charged with governance, nor do they justify presenting an incomplete audit to the City Council. When the first major act of a new department is to withhold the document that discloses control failures, it signals a governance posture that prioritizes narrative management over statutory transparency. That is a dangerous precedent for any city, and especially for one managing a structural deficit and relying on Measure N revenues to maintain solvency.

Comparative Governance Failure – Livermore Example

The City's decision to withhold the Internal Controls Memorandum from the Council is even more troubling when compared to standard practice in peer jurisdictions. For example, at the Livermore City Council Meeting of January 13, 2026, the Council considered Agenda Item 6.5 – Acceptance of the FY 2024–25 Annual Comprehensive Financial Report, and the Independent Auditor's Report on Internal Control over Financial Reporting was included directly in the agenda packet as Exhibit F. (See https://granicus_production_attachments.s3.amazonaws.com/livermore/4e59613cf1d10e6c0553c3bc51edc6d70.pdf)

Livermore does not delay the memo, does not route it through a committee, and does not characterize its disclosure as “not possible this year.” It is presented alongside the ACFR as an integral audit deliverable. San Ramon’s deviation from this norm was not driven by necessity; it was a discretionary choice that resulted in the Council receiving an incomplete audit and the public receiving an incomplete record. This comparative evidence underscores how far outside accepted practice San Ramon’s process has drifted.

Regional Tax-Measure Risk

These process failures do not occur in a vacuum. Contra Costa County is preparing a county-wide revenue measure, and the Bay Area region is preparing a separate region-wide transportation funding measure for the upcoming ballot. Voters are already skeptical of large-scale tax proposals, and nothing erodes public confidence faster than a city demonstrating that it cannot manage its own financial controls, reconcile its own accounts, or present a complete audit to its governing body. When San Ramon withholds required audit deliverables, delays internal control disclosures, and characterizes the audit as a “partnership” rather than an oversight function, it sends a message to voters that accountability is optional. That is precisely the kind of behavior that jeopardizes both county-wide and region-wide revenue measures, because voters do not distinguish between jurisdictions — they see a pattern of local government failing to meet basic standards of transparency. San Ramon’s actions here risk undermining broader regional efforts that depend on public trust.

The Partnership Framing Problem

Compounding this is the repeated framing — in both the staff report and the verbal presentation — that the audit process is a “partnership” with the auditors. Government Auditing Standards do not describe the auditor–client relationship as a partnership. They require auditors to independently identify deficiencies and report them to those charged with governance. When staff characterizes the audit as a partnership, it reframes a statutory oversight function as a collaborative exercise, blurring the lines between auditor independence and management narrative. That framing was inappropriate and contributed to the decision to withhold the Internal Controls Memorandum from the Council on January 27.

The Finance Committee Is Now the First Governing Body to Receive the Full Audit

The Internal Controls Memorandum is addressed to:

“those charged with governance.”

That is not staff. That is not optional. That is a professional requirement.

Because the Council never received this memo, this Committee is now the first governing body to receive the full audit deliverables. That makes today’s meeting the only accountability moment in the FY25 audit cycle.

Required Actions

If this Committee accepts the memo today, it must also:

- 1. Transmit a written summary of the findings to the full Council, including the Significant Deficiencies and Other Matters.**
- 2. Document the connection between these findings and the January 13 corrections.**
- 3. Acknowledge that the ACFR was presented without the required audit deliverables.**
- 4. Correct the Brown Act and administrative-record deficiencies, including the failure to allow written public comment.**
- 5. Ensure that future ACFR presentations include the Internal Controls Memorandum and are agendized as action items.**
- 6. Address the Measure N governance risk, including how internal control failures affect the City’s ability to safeguard and report Measure N revenues.**
- 7. Acknowledge the regional implications, including the risk that San Ramon’s lack of accountability undermines public trust in upcoming county-wide and region-wide tax measures.**

The public deserves a complete audit process.

The Council deserves the information it was denied on January 27.

The Finance Committee must not accept this memo quietly without addressing the procedural failures that brought it here.

Thank you,

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

On Fri, Feb 13, 2026 at 12:56 PM City of San Ramon <casramon@service.govdelivery.com> wrote:



The **Finance Committee Meeting** will begin at **4:00 p.m.** on **Wednesday, February 18.**

The meeting agenda is now available for viewing [here](#).



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**Public Comment Script – Finance Committee Meeting –
Agenda Item 5.3 –
FY25 Memorandum on Internal Control
February 18, 2026, beginning at 4 p.m.**

Good evening. This comment addresses Item 5.3.

The Internal Controls Memorandum before you is dated January 12, 2026. If that date is accurate, then the City had two full weeks to include this memo with the Audited Annual Comprehensive Financial Report (ACFR) presented to the City Council on January 27. And while the staff report and the Finance Director’s verbal presentation did acknowledge that the memo was missing, the fact remains: the Council was asked to receive an incomplete audit, and the Internal Controls Memo — the document that explains the six-million-dollar correction — was not provided. That is a governance failure, not a timing issue.

Further, the ACFR was presented as informational only, with no action requested and no Internal Controls Memo included. An audit presented as “information only” is not an audit. It is a briefing — and it leaves the City without a formal acceptance, without accountability, and without a complete administrative record.

The memo you are reviewing today explains the same failures that produced the six-million-dollar correction disclosed on January 13:

eight months of unreconciled bank statements, unposted prior-year audit adjustments, missed grant tracking, and segregation-of-duties problems. These are foundational internal controls. When they fail, the financial statements fail — and they did.

Other cities handle this correctly. At the Livermore City Council meeting on January 26, 2026, the Internal Controls Report was included directly in the ACFR packet as Exhibit F — provided to the governing body responsible for oversight, exactly as Government Auditing Standards require. San Ramon did the opposite: the Council was given an incomplete audit, and the full deliverables are only now being presented to a committee.

This Committee is now the first governing body to receive the complete audit. That is not acceptable. The Internal Controls Memo must be formally presented to, discussed by, and signed off by the full City Council — not received as “information only,” and not weeks after the ACFR was already presented.

Accountability requires that the Council confront these findings directly. Anything less leaves the City without a complete audit record and without meaningful oversight.

Thank you.

From: [Brian Swanson](#)
To: [City Clerk \(Public\)](#); [City Council](#)
Cc: [planningcommission](#); [Planning Services \(public\)](#)
Subject: Public Comment: Request to Pull Agenda Item 5.11 - Ordinance 537 from the Consent Calendar and Formal Comment - City Council Meeting - March 24, 2026
Date: Monday, March 23, 2026 7:03:50 PM
Attachments: [03.10.2026 - BSwanson-Public Comment-CityCouncilMtg - Agenda Item 9.2 - Ordinance 537 - parkland fees et al..pdf](#)

*****| EXTERNAL EMAIL: Think before you click and do not open attachments unless you know they are safe. |*****

City Council:

I respectfully request, at the outset, that the City Council pull Agenda Item 5.11 from the Consent Calendar and continue it to a fully deliberative public hearing together with the FY27 Master Fee Schedule item. These two items are intrinsically linked and should not be separated in the procedure.

That request is even more urgent because the FY27 Master Fee Schedule Adoption and Repeal of Resolution No. 2025-036 appears on the same agenda as Agenda Item 8.1, yet that item is being continued because the City did not meet the statutory timing requirements necessary to proceed with fee adoption at this meeting. Placing Agenda Item 5.11 on the Consent Calendar while the companion Master Fee Schedule item is delayed is especially troubling. It prevents meaningful public disclosure and engagement, shields the City Council from having to discuss the impacts in a public forum, and reinforces concerns that the City continues to make major fiscal and policy changes through abbreviated, knee-jerk, unstable processes.

This concern must be evaluated in the context of the City Council's own adopted work plan and norms. The City Council's six adopted 2026 goals include: maintaining a safe and secure environment; maintaining a secure financial base; providing cost-effective and responsive services to sustain quality of life; building and maintaining quality facilities and infrastructure; enhancing engagement and communication with residents and the business community; and balancing land use planning for housing, retail, jobs, and open space. The City Council's current norms likewise commit the City Council to doing what is best for the community, demonstrating respect, engaging collaboratively, listening carefully, being prepared, and conducting effective meetings. Pulling a sweeping development-fee ordinance from consent and hearing it together with the Master Fee Schedule is the minimum necessary to align with those commitments.

That broader context is only reinforced by the City's own public messaging. In announcing the City's first Director of Finance, the City Manager said the City was looking forward to implementing "sound financial practices," and the new Finance Director said she was impressed by leadership's determination to address "fiscal sustainability and community quality of life." See the City's February 26, 2025 announcement: [First Director of Finance](#). The City's FY26 budget materials acknowledge a continuing structural deficit and reliance on Measure N revenue to cover that deficit. See: [FY26 Budget Process](#). Mayor Armstrong's campaign

platform emphasizes putting the community first, fiscal accountability, responsible budgeting, and long-term planning. See: [Armstrong for Mayor – Priorities](#). And the recent State of the City discussion again highlighted the structural deficit and the City's stated commitment to "live within our means." See: [State of the City 2026](#) and [local summary of the March 2026 address](#).

The public deserves more discussion of this issue and honest, transparent framing of the City's fiscal health, because that fiscal condition is plainly a major reason for this reworking of methodologies and fees.

The City Council must not accept this memo quietly.

Doing so would confirm — not correct — the City's growing reputation for weak fiscal governance.

This comment incorporates by reference my prior written comments on the City's development fees, Master Fee Schedule, appeal fees, parkland dedication, public process, transparency, and the administrative record, including my prior written comments on the March 10, 2026, public hearing concerning these Municipal Code revisions.

This comment further incorporates by reference and attaches as a companion submission my March 10, 2026, public comment on Agenda Item 9.2 regarding parkland dedication, parkland impact fee, park and recreation facility impact fee, and open space development impact fee. That March 10, 2026 comment (attached) remains fully applicable to Ordinance 537 and should be read together with this submission. Nothing in this comment narrows, supersedes, or waives any argument contained in that attached parkland/open-space comment.

The comments below explain why:

- A. Agenda Item 5.11 must be pulled from the Consent Calendar immediately.
- B. Item 5.11 should be heard together with the Master Fee Schedule item (Agenda Item 8.1) because the two are inseparable.
- C. Ordinance 537 must be measured against all six 2026 City Council Goals and the City Council's current norms, and it does not measure up.
- D. Ordinance 537 is not a ministerial cleanup item; it makes substantive policy choices across multiple fee chapters.
- E. The ordinance reduces code-level transparency and institutionalizes future volatility by replacing specific methodologies with generic references to the "applicable Nexus Fee Study."
- F. The staff report understates the significance of the ordinance, presents a false binary, and blurs the statutory basis for some of the claimed changes.
- G. The ordinance still contains pro-developer policy choices explicitly, especially in the commercial linkage and public-art provisions.
- H. The revised parkland dedication and parkland impact-fee structure remains tenuous, especially given the City's apparent posture toward smaller project-serving spaces rather than larger resident-serving parks.
- I. The ordinance does not prove that the City is fully capturing development costs, and the City should stop implying that it does.
- J. The City must be explicitly honest that these dramatic changes are

occurring amid structural fiscal stress, weak long-term planning, and unstable management.

K. The ordinance reflects a broader reactive management pattern, including overreliance on consultants, repeated procedural shortcuts, and a steady erosion of meaningful public processes.

L. The City Council should continue this item to a fully deliberative hearing with a complete and transparent record.

Transparency, Access, and the Administrative Record

Any materials related to Agenda Item 5.11, 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, ordinance drafts, redlines, consultant analyses, nexus studies, appendices, land-sale data, spreadsheets, inflation-index assumptions, cost-escalation assumptions, presentations, memoranda, 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 City Council. All documents, emails, spreadsheets, working papers, presentations, and materials considered by the City Council or staff must be included in the administrative record.

These requirements apply regardless of whether staff characterizes this item as a simple “adoption” or a follow-on step from the March 10, 2026 meeting.

For avoidance of doubt, this administrative-record request expressly includes the attached March 10, 2026 Agenda Item 9.2 parkland/open-space comment and all underlying parkland, park and recreation facility, and open space materials referenced in that submission.

A. Agenda Item 5.11 must be pulled from the Consent Calendar immediately.

This item does not belong on the Consent Calendar.

Consent Calendar treatment is reserved for routine, noncontroversial items. This ordinance is neither. It repeals and replaces multiple development-fee chapters, creates a new parkland impact-fee chapter, rewrites parkland dedication methodology, and embeds new structural relationships between the Municipal Code, future nexus studies, and annual fee adjustments.

That is not routine.

Placing this item on the Consent Calendar prevents meaningful public disclosure and engagement because it signals that the ordinance can be adopted by a single motion, by title only, without real public deliberation unless someone affirmatively forces the issue. It also shields the City Council from having to take active responsibility for discussing the impacts of this ordinance in a public forum.

That is especially inappropriate here because the City is not merely cleaning up text.

It is hardening into law a set of unstable, reactive, and in several important respects pro-developer policy choices.

The City Council must pull this item from the Consent Calendar.

B. Item 5.11 should be heard together with the Master Fee Schedule item because the two are inseparable.

This ordinance should not be considered in isolation.

The ordinance is expressly tied to the adopted or applicable nexus fee studies and to the fee structures embedded in the Master Fee Schedule. The City itself has presented these changes as part of one broader reworking of fees and methodologies. Yet now the ordinance is being pushed forward on consent while the Master Fee Schedule item remains separately delayed and procedurally unsettled.

That is backwards.

The Municipal Code rewrite and the Master Fee Schedule are intrinsically linked. One provides the structural legal framework; the other provides the operative fee amounts and annual implementation. Separating them procedurally weakens public understanding, fragments the record, and makes it easier for the City to claim that each item is narrower or more technical than it really is.

The public deserves a coherent presentation of both the code changes and the consequences of the fees during the same City Council meeting.

The City Council should insist that the ordinance be heard together with the Master Fee Schedule item, in a setting that requires full public discussion and active City Council responsibility.

C. Ordinance 537 must be measured against all six 2026 City Council Goals and the City Council's current norms, and it does not measure up.

This item cannot be evaluated apart from the City Council's own adopted goals and norms.

If the City Council is serious about maintaining a safe and secure environment, then it must recognize that chronic fiscal instability and resident distrust undermine the City's ability to sustain public safety services and public engagement over time.

If the City Council is serious about maintaining a secure financial base, then it must acknowledge that this ordinance does not reflect stable financial management. Instead, it reflects continued methodological reworking in a city that still has not provided residents with a cumulative fiscal analysis of the downtown/Bishop Ranch transition, even as the City Council's own Goal #2 calls for enhanced financial forecasting and a Parks & Community Services Cost Recovery/Sustainable Subsidy Policy.

If the City Council is serious about providing cost-effective and responsive services to sustain quality of life, then it cannot quietly adopt a sweeping fee rewrite on consent. Goal #3 calls for a City Council Code of Conduct/Rules & Procedures document, risk management briefings, and standardized reporting of service data and resource needs. This item should therefore come forward with full public explanation,

standardized metrics, and explicit discussion of what costs remain unrecovered.

It does not.

If the City Council is serious about building and maintaining quality facilities and infrastructure, then it cannot adopt a parkland and fee rewrite that leaves unresolved questions about larger park acquisition, park-deficient areas, and long-term infrastructure adequacy. Goal #4 includes implementation of the Crow Canyon Garden Renovation, a Forest Home Farms Renovation Plan, and the Trails Master Plan. Those are not abstract goals; they underscore that quality facilities and infrastructure require an honest, durable funding strategy, not piecemeal methodological shifts.

If the City Council is serious about enhancing engagement and communication with residents and the business community, then this item should not be on consent. Goal #5 calls for improving the City website, conducting a community survey with national benchmarks, and completing a comprehensive assessment of the San Ramon economy in the regional context. Consent-calendar adoption of a sweeping fee ordinance moves in exactly the opposite direction: less engagement, less explanation, and less transparency.

And if the City Council is serious about balancing land use planning for housing, retail, jobs, and open space, then it cannot use this ordinance merely to facilitate the transition of already-approved projects into construction while downplaying resident-serving concerns about commercial balance, parks, open space, and long-term fiscal effects. The final adopted goal expressly calls for stakeholder work on infill development opportunities within the city core and existing commercial centers, and for working with property owners and developers to advance approved projects into construction. But that objective does not displace the other five goals. It must be balanced against them. This ordinance, as presented, overweights development throughput and underweights fiscal balance, transparency, engagement, and quality of life.

The same is true of the City Council's current norms. Pulling this item from consent and deliberating on it means doing what is best for the community, demonstrating respect, engaging collaboratively, listening carefully, being prepared, and conducting effective meetings. Effective meetings do not mean burying complex, consequential ordinances on consent. They mean handling time responsibly while still giving major issues the serious attention they require.

D. Ordinance 537 is not a ministerial cleanup item.

The staff report repeatedly characterizes this item as providing "consistency" with the updated nexus study and Master Fee Schedule.

That description is materially incomplete.

This ordinance does not simply align words. It makes substantive policy choices.

Among other things, Ordinance 537 repeals and replaces the Child Care Fee chapter, the Park and Recreation Facility Impact Fee chapter, the Public Art Impact Fee

chapter, the Open Space Development Impact Fee chapter, the Inclusionary Housing chapter, the Affordable Housing Commercial Linkage Fee chapter, adds a new Parkland Impact Fee chapter, and repeals and replaces the Parkland Dedication chapter, including the methodology for in-lieu fees.

Those are policy choices, not scrivener's edits.

The ordinance also alters how future fees are referenced, how future inflation adjustments are handled, how in-lieu parkland calculations are made, and how multiple fee programs are structurally embedded in the Municipal Code. These changes have fiscal, methodological, transparency, and resident-quality-of-life consequences.

E. The ordinance reduces code-level transparency and institutionalizes future volatility.

One of the most troubling features of Ordinance 537 is that it repeatedly strips out specific code references to older named studies and more readable methodology provisions, and replaces them with generic references to the **"applicable Nexus Fee Study"** and whatever automatic annual adjustment is identified in that study.

This occurs across multiple chapters.

The rewritten chapters repeatedly define or rely upon a **"Nexus Fee Study"** as the current and applicable Development Impact Fee Justification Study, including other studies, reports, and supporting data referred to and relied upon in the study, as later amended, supplemented, or updated. They also repeatedly state that future fees will be subject to automatic annual inflation adjustments as set forth in **the applicable Nexus Fee Study**.

That drafting move matters.

It makes the code less, not more, transparent, especially when the historical context is completely removed. A resident reading the Municipal Code should be able to understand what methodology governs a fee, what index governs adjustments, and what standards are fixed in the code itself. Instead, the City is increasingly pushing those substantive answers outside the code and into whatever study is "applicable" at a given time.

That makes future shifts easier, faster, and less visible.

It also feeds instability. Instead of a stable code framework with clearly articulated standards, the City is hardwiring a system in which multiple fee programs can continue to move through future study revisions and annual adjustments with less code-level visibility and less intelligibility to the public.

That is not good governance.

F. The staff report understates the significance of the ordinance, presents a false binary, and blurs the statutory basis for the changes.

The staff report's Fiscal Impact discussion states, in essence, that there is no fiscal impact associated with the update to the Municipal Code and that future fee revisions are addressed through the Master Fee Schedule and nexus fee studies.

That framing is misleading.

The ordinance itself is a major fiscal policy instrument because it locks in methodologies, embeds references to future studies, restructures multiple code chapters, and changes how future fees will be calculated, adjusted, and justified.

The staff report's Alternative Option is also presented as a false binary. It suggests that if the ordinance is not adopted, the code will remain tied to prior studies and the City will not be in compliance with "AB 1600 square footage standards."

That is careless at best.

The square-footage methodology requirement for housing development fees is addressed in [Government Code section 66016.5](#), not through some generic reference to "AB 1600 square footage standards."

That may sound like a small point, but it is revealing. If the City is moving this quickly, and if even the staff report blurs the statutory source of the methodology it claims to be implementing, that only reinforces the concern that the City Council is being asked to adopt a sweeping ordinance **too casually and too quickly**.

G. The ordinance still contains pro-developer policy choices explicitly.

The most obvious example remains the Affordable Housing Commercial Linkage Fee chapter.

The purpose section expressly states that the City is implementing the updated nexus study **"while supporting fees that do not significantly hinder economic development."**

That is not neutral language.

That is an explicit policy choice to **prioritize development competitiveness over moving meaningfully toward the City's own supportable linkage-fee levels**.

In plain English, "competitiveness" in this context means **pro-developer**.

And that choice is especially troubling in San Ramon because the City is invoking the need for more commercial and mixed-use vibrancy only after years of overwhelmingly housing-forward approvals in the downtown/Bishop Ranch context. If the City truly wanted balanced mixed-use vibrancy, it should have planned for that all along. Vibrancy must be part of the need mix all the time, not an afterthought invoked later to justify keeping non-residential obligations low.

The Public Art Impact Fee rewrite raises a related concern. The City is shifting away from the older framework tied to valuation-based contributions and toward a different structure justified through the nexus study. Whatever label is used, the public-art side of the code now reflects a materially different and more constrained revenue model. That is not a resident-serving move in a city that says it wants more identity, more place-making, more activation, and more quality-of-life-enhancing civic environments.

Lowering or constraining one of the few development tools directly tied to public art and civic placemaking is not balanced planning.

H. The revised parkland dedication and parkland impact-fee structure remains tenuous.

I have already commented in detail on the parkland and open-space issues, and those comments are expressly incorporated here by reference through the attached March 10, 2026 Agenda Item 9.2 submission. I do not waive or narrow any of those arguments. They remain fully applicable to Ordinance 537 because this ordinance is the actual code vehicle that hardens those parkland, park and recreation facility, and open space changes into law.

Among other things, the attached March 10, 2026 comment explains that the ordinance:

- is not mere housekeeping;
- shifts major park and open-space burdens onto residential growth while largely excusing non-residential growth;
- replaces parcel-specific fair-market-value appraisal with a citywide standardized nexus-fee approach;
- relies on cost assumptions that are not clearly aligned with resident-serving park acquisition in growth areas;
- fails to explain how the City will bridge the gap between the General Plan's broader parkland aspiration and the lower operative standard;
- reduces code-level transparency; and
- raises significant legal and methodological concerns under California fee law.

Those concerns are not repeated here at full length only because they are being attached and incorporated in full.

They remain central to why this ordinance should not be adopted on consent.

This change is even more tenuous because the City increasingly appears willing to accept **pocket parks, plazas, pathways, and smaller project-serving public spaces** as the practical answer to park demands in growth areas, rather than showing a serious commitment to securing larger neighborhood-serving or community-serving parks where growth is occurring.

Long-time residents increasingly believe that the City is no longer seriously oriented toward creating larger parks. Instead, the City appears increasingly willing to accept small localized amenities near projects and broader citywide averaging of obligations, while leaving existing park-deficient areas unresolved.

That concern is reinforced by the ordinance's broad fee-disposition language, its flexibility regarding parkland use, and its retention of private open-space credit provisions.

The Quimby Act requires that the **amount and location** of land dedication or in-lieu fees bear a **reasonable relationship** to the use of park and recreational facilities by the future inhabitants of the subdivision, and it places conditions on the use of fees in

a neighborhood other than the one in which the subdivision is located. See [Government Code section 66477](#).

If the City is increasingly satisfied with smaller project-serving spaces, citywide averaging, and broader fee flexibility instead of securing larger resident-serving parks in impact areas, then that reasonable relationship becomes much harder to defend.

I. The ordinance does not prove that the City is fully capturing development costs.

All of this reworking of development-fee methodology seems designed to imply that San Ramon is now "covering development costs."

That narrative is false.

A rewritten ordinance and updated nexus study are not the same thing as a current, cumulative fiscal analysis.

They do not prove that the City has fully accounted for operating, capital, maintenance, and lifecycle replacement costs; public-service and infrastructure burdens; or the cumulative fiscal implications of all approved and pending development in the downtown/Bishop Ranch area.

California law requires a reasonable relationship between a fee, the development paying it, and the public facility or purpose for which the fee is imposed. See [Government Code section 66001](#).

California law also requires public disclosure of the cost data supporting a fee before the hearing at which the fee is considered. See [Government Code section 66016](#).

And Article XIII C, section 1 of the California Constitution places the burden on the local government to prove that a development-related levy, charge, or exaction is no more than necessary to cover reasonable costs 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.

Nothing in Ordinance 537 proves that the City has satisfied the larger fiscal question.

J. The City must be explicitly honest about structural fiscal stress.

These dramatic fee and methodology shifts do not exist in a vacuum.

The City's own FY26 budget materials state that San Ramon has experienced an average increase in the **structural deficit** of **5% per year** over the past five fiscal years, that expenditures have increased faster than revenues, and that the City is relying on cost-containment guardrails such as no new programs or positions without tradeoffs, no spending money the City does not have, and no unsustainable commitments. See: [FY26 Budget Process](#).

The City's own Measure N update states that the City is treating Measure N as one-time revenue, that those funds will help balance the budget while the City explores options for long-term financial resilience, and that Measure N revenues are already being used to support existing essential City services. See: [Measure N Update: April 1–June 30, 2025](#).

If structural fiscal stress is a major reason the City keeps rewriting fee methodologies, then the City should say so honestly.

Residents are entitled to candor.

They are entitled to know whether these fee rewrites are being driven by genuine long-range planning or by fiscal distress and the need to stop ongoing budgetary bleeding.

K. The ordinance reflects a broader reactive management pattern.

These changes do not read as careful long-term planning.

They read as *reactive corrections to earlier mistakes*.

Municipal finance should be stable, predictable, transparent, and oriented toward protecting residents and enhancing quality of life. **Instead, the City keeps lurching from one methodological rewrite to another, softening some obligations, hardening others, and revising code structure in ways that appear designed to make future adjustments easier and less visible.**

That is not fiscal stability. It is a reactive management model.

That broader impression is reinforced by the City's ongoing heavy reliance on outside consultants and recurring professional-services procurements across core planning, engineering, transportation, environmental, and design functions. The City's own procurement pages show a sustained stream of on-call consulting solicitations, including transportation, engineering, environmental, geotechnical, structural, architectural, and related services. See, for example: [Bids & RFP](#) and [On-Call Traffic & Transportation Consulting Services](#).

Targeted consultant use can be appropriate. But in a city already facing structural fiscal stress, the near-constant flow of consultant procurements creates the appearance of a government operating through RFQs and outside work products rather than through durable internal capacity and resident-centered stewardship.

That appearance is worsened when major code rewrites are then brought back on the Consent Calendar for title-only adoption.

This pattern also fits too neatly within the broader erosion of public-facing process. The City's own goals include enhancing public engagement, maintaining a secure financial base, standardizing data reporting, and formally adopting rules, procedures, and norms for governance. A city that instead narrows deliberation, weakens clarity, and pushes major structural changes through procedural shortcuts should not be surprised when residents lose trust in staff and elected leadership.

The planning profession's own ethics framework points in the opposite direction. The [American Planning Association's \(APA\) Ethical Principles in Planning](#) emphasize that planning must serve the public interest and that citizens are entitled to full, clear, and accurate information. The [American Institute of Certified Planners \(AICP\) Code of Ethics and Professional Conduct](#) likewise emphasizes service to the public interest, integrity, clear information, equity, meaningful participation, and fair and independent judgment.

Ordinance 537, as presented here and now on consent, does not reflect those principles.

L. The City Council should continue this item to a fully deliberative hearing with a complete and transparent record.

The City Council should **not** adopt Ordinance 537 on the Consent Calendar.

At minimum, the City Council should:

1. pull Item 5.11 from the Consent Calendar immediately;
2. refuse to accept the staff memo quietly or without public discussion;
3. continue the item and hear it together with the Master Fee Schedule item because the two are intrinsically linked;
4. require active public deliberation rather than title-only adoption by a single consent motion;
5. require a clear memorandum showing, chapter by chapter, how the prior code language differs from the new language and why each change is substantively justified;
6. require an explicit explanation of which changes are legally necessary and which are discretionary policy choices;
7. require a clear explanation of how the City intends to secure larger resident-serving parks in growth areas rather than defaulting to pocket parks, small public spaces, private maintenance arrangements, and generalized citywide formulas;
8. require a full explanation of why the commercial linkage and public-art choices are not simply pro-developer accommodations;
9. require an explicit fiscal memorandum explaining what costs remain unrecovered, what cumulative fiscal and absorption analysis is still missing, and why residents are already backfilling existing services through Measure N if the City is now supposedly “capturing development costs”;
10. require honest and transparent framing about the City’s fiscal health, because that fiscal condition is plainly a major reason for this rework of methodologies and fees; and
11. expressly acknowledge on the record that my attached March 10, 2026 Agenda Item 9.2 parkland/open-space comment is incorporated by reference into this submission and remains part of the administrative record for Ordinance 537.

Until that occurs, adoption of Ordinance 537 should be deferred.

Conclusion

Ordinance 537 should not be adopted on the Consent Calendar.

It is not routine.

It is not clerical.

It is not merely technical consistency work.

It is a sweeping land-development ordinance that:

- reduces code-level transparency,
- institutionalizes future methodological volatility,
- embeds explicitly pro-developer choices,
- weakens the visibility of future fee changes,
- hardens a tenuous parkland structure,
- and proceeds in a city that has still not shown residents a cumulative fiscal or absorption analysis for the downtown/Bishop Ranch transition.

My attached March 10, 2026 Agenda Item 9.2 comment remains fully applicable to the parkland, park and recreation facility, and open space components of Ordinance 537 and should be treated as part of this submission.

At the same time, the City Council's own adopted goals call for a secure financial base, cost effective and responsive services that sustain quality of life, quality facilities and infrastructure, enhanced engagement and communication, and balanced land use planning. The City Council's own norms call for doing what is best for the community, being prepared, listening carefully, and conducting effective meetings. And the City's own public statements continue to emphasize fiscal sustainability, fiscal accountability, and strong financial management.

This is exactly why the ordinance should not be adopted quietly, by title only, on consent.

That would not be diligent.

That would not be accountability.

That would not be stable municipal finance.

And it would only reinforce the growing public view that City leadership is reacting too late, with wild swings in approach and methodology, instead of planning competently, transparently, and honestly for San Ramon's future.

Doing so would confirm — not correct — the City's growing reputation for weak fiscal governance.

Respectfully submitted,

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

On Fri, Mar 20, 2026 at 3:31 PM City of San Ramon <casramon@service.govdelivery.com>

wrote:



The **City Council meeting** will begin at **7:00 p.m.** on **Tuesday, March 24, 2026.**

The meeting agenda is now available at,
<https://sanramonca.portal.civicclerk.com/event/24/files/agenda/1204>

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The public is invited to participate in the meeting using any of the following methods:

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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

Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the scheduled start time of the meeting will be distributed to the City Council via e-mail and provided at the meeting.

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.

Zoom: <https://cityofsanramon.zoom.us/j/99217571746>

Webinar ID: 992 1757 1746

Zoom Phone Numbers: +1 (669) 900-6833

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City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973-2500 | www.sanramon.ca.gov

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

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Mar 10, 2026 at 3:46 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>

Cc: planningcommission <PlanningCommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>



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>

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

Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the 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.

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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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.

Zoom: <https://cityofsanramon.zoom.us/j/98326324899>

Webinar ID: 986 2632 4899

Zoom Phone Numbers: +1 (669) 900 6833

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1:00 p.m. immediately following the meeting. Regular City Council meetings are also broadcast on AT&T U-Verse (Channel 99).



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From: [Brian Swanson](#)
To: [City Clerk \(Public\)](#); [City Council](#)
Cc: [planningcommission](#); [Planning Services \(public\)](#)
Subject: Public Comment: Agenda Item 8.1 - Continue the FY27 Master Fee Schedule Adoption and Repeal of Resolution No. 2025-036 to the April 14, 2026 City Council Meeting - City Council Meeting - March 24, 2026
Date: Tuesday, March 24, 2026 1:54:22 PM
Attachments: [04.22.2025 - BSwanson PublicComment AgendaItem8.1- AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFY2025 26-City Council Meeting.pdf](#)
[11.25.2025 - BSwanson PublicComment AgendaItem9.2-DiscussionoftheCity'sAppealFeeStructure- CityCouncilMeeting.pdf](#)
[01.31.2026 - City Council Special Workshop - Public Comment Agenda Item 2.1 Appeal Fee Structure and Agenda Item 2.2 Development of Goals for Fiscal Year.pdf](#)
[03.10.2026 - BSwanson -Public Comment CityCouncilMtg - Agenda Item 9.1 - Appeal Fees and Successful Appeal Refund Provisions \(specifically\).pdf](#)
[03.10.2026 - BSwanson-Public Comment-CityCouncilMtg - Agenda Item 9.2 - Ordinance 537 - parkland fees et al..pdf](#)
[03.24.2026 - BSwanson - Public Comment - CityCouncilMtg -Request to Pull Agenda Item 5.11 - Ordinance 537 from the Consent Calendar and Formal Comment.pdf](#)

| EXTERNAL EMAIL: Think before you click and do not open attachments unless you know they are safe. |

City Council:

I submit the following public comments regarding **Agenda Item 8.1**, the proposed continuation of the FY2026-27 Master Fee Schedule adoption, including the still-unresolved **appeal fee** issues previously discussed by the City Council.

At the outset, the City Council should **not take substantive adoption action tonight** on Agenda Item 8.1 on the current record. But the City Council **should** have substantive public discussion tonight about the deficiencies in this item, the City's failure to meet the required notice and posting deadlines for the March 24 hearing, the unresolved appeal-fee issues, the still-unresolved inflation and escalation methodologies embedded in the fee structure, and the direct connection between this item and **Agenda Item 5.11 (Ordinance 537)**. The City Council should also **remove Agenda Item 5.11 from the Consent Calendar** and direct that **both items be heard together at the same meeting** with a full Master Fee Schedule, including appeal fees, and a staff report documenting the **entire administrative record**. If the City cannot provide that record in time for meaningful public review before April 14, 2026, then the joint hearing should be scheduled **after April 14**, rather than forcing an inadequately supported discussion on that date.

These two items are intrinsically linked. The public should be made aware of that connection. Discussion of the Master Fee Schedule and Ordinance 537 in the same meeting would promote an administrative record with far greater procedural continuity, transparency, and intelligibility.

This comment incorporates by reference my prior attached public comments dated **April 22, 2025, November 25, 2025, January 31, 2026, and March 10, 2026** regarding the Master Fee Schedule, appeal fees, public process, transparency, and the administrative record. This comment also incorporates by reference my prior written comments on **Ordinance 537** submitted on **March 10, 2026**, and my written comments on **Agenda Item 5.11** at this same meeting, which will be submitted separately and attached. Those comments remain directly relevant here.

This comment must also be read in the context of the attached **2026 City Council Goals and Objectives** and the attached **January 2026 City Council Norms**. Those documents are directly relevant here. If the City Council is serious about doing what is best for the community, being prepared, maintaining a secure financial base, sustaining quality of life, enhancing engagement and communication, and balancing land use planning, then this item cannot be handled through a skeletal continuance memo followed later by a rushed fee hearing divorced from the companion ordinance that supplies the legal framework for those fees.

The City's own public messaging reinforces that broader context. In announcing the City's first Director of Finance, the City Manager said the City was looking forward to implementing "sound financial practices," and the new Finance Director said she was impressed by leadership's determination to address "fiscal sustainability and community quality of life." See the City's February 26, 2025 announcement here: [First Director of Finance](#). The City's FY26 budget materials acknowledge a continuing structural deficit and a reliance on Measure N revenue to cover it. See: [FY26 Budget Process](#). Mayor Armstrong's campaign platform emphasizes putting the community first, fiscal accountability, responsible budgeting, and long-term planning. See: [Armstrong for Mayor – Priorities](#). And the recent State of the City discussion again highlighted the structural deficit and the City's stated commitment to "live within our means." See: [State of the City 2026](#) and [local summary of the March 2026 address](#).

The public deserves more discussion of this issue and honest, transparent framing of the City's fiscal health, because that fiscal condition is plainly a major reason for this reworking of methodologies and fees.

The City Council must not accept this memo quietly.

Doing so would confirm — not correct — the City's growing reputation for weak fiscal governance.

The comments below explain why:

- A. The March 24, 2026 staff report is not a substantive Master Fee Schedule packet.
- B. The City's own staff report admits that the legal timing requirements for fee adoption were not met for March 24, which is deeply troubling considering the City Council's own norm, "do your homework."
- C. The City has now provided a separate public hearing notice for April 14, but that does not cure the substantive deficiencies in the current record.
- D. Agenda Item 8.1 and Ordinance 537 must be heard together in the same meeting because they are inseparable.
- E. The staff report does not meaningfully summarize the prior public meetings or workshops on the Master Fee Schedule and appeal fees.
- F. If staff intend to use a late PowerPoint or other late-distributed writings to supply the missing substance, that creates serious Brown Act and statutory-notice problems.
- G. The public still lacks the final proposed appeal-fee structure, cost basis, codified procedures, impartiality safeguards, and refund standards.

H. In the context of the City Council's 2026 Goals and Objectives and current Norms, the handling of this item falls well short of the City's own stated standards.

I. The City must be explicitly honest that these repeated fee and methodology changes are occurring in the context of structural fiscal stress and instability.

J. The City still has not justified the transportation-fee inflation methodology, which favors developer predictability over fiscal realism.

K. The City's repeated fee rewrites, procedural shortcuts, reactionary methodology changes, and overreliance on generic escalators reflect unstable management, not stable resident-serving municipal finance.

L. The City Council should discuss the deficiencies tonight, remove Agenda Item 5.11 from the Consent Calendar, and direct a full joint hearing with a complete and reviewable public packet before any adoption action proceeds.

Transparency, Access, and the Administrative Record

Any materials related to Agenda Item 8.1, and any prior materials related to the March 10, 2026 Master Fee Schedule item, the January 31, 2026 workshop, the companion Ordinance 537 item, and other prior appeal-fee or Master Fee Schedule 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, fee tables, draft resolutions, appeal-fee proposals, comparable-city analyses, cost-escalation and inflation-index assumptions, 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 City Council. All documents, emails, spreadsheets, memoranda, slide decks, 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 fuller background materials in the current packet.

A. This is not a substantive Master Fee Schedule packet.

The March 24, 2026 packet is not a meaningful fee-adoption record. It is, in substance, a placeholder.

The staff report does not attach:

- a draft resolution,
- the revised Master Fee Schedule,
- an updated appeal-fee table,

any revised successful-appeal refund language,

- any summary of the specific directions given by the City Council on March 10,
- any methodology memorandum,
- any cost data,
- or any presentation materials.

The report identifies **no attachments at all**.

That is extraordinary for a citywide Master Fee Schedule item, particularly one that still includes unresolved appeal-fee issues and follows an earlier meeting at which the City Council reportedly gave directions on those issues.

The report's statement that there is "**no fiscal impact resulting from this item**" only underscores the point. That may be technically true of the act of continuing the hearing, but it also confirms that this is not a substantive fee packet. It is a bare procedural placeholder.

B. The City's own staff report admits that the legal timing requirements for fee adoption were not met for March 24, which is deeply troubling considering the City Council's own norm, "do your homework."

The staff report expressly states that the legal timeline requirements can be met **by continuing the public hearing until April 14, 2026**.

That is an admission that the City was not yet in a proper position to proceed with adopting fees on March 24.

That timing matters because **Government Code section 66016** requires, before levying a new fee or approving an increase in an existing fee or service charge, that the local agency hold at least one open and public meeting and make available at least **10 days prior to the meeting** the data indicating the amount of cost, or estimated cost, required to provide the service and the revenue sources anticipated to provide the service, including General Fund revenues: [Government Code section 66016](#)

For planning-agency fees specifically, **Government Code section 65104** provides that such fees may not exceed the reasonable cost of providing the service and must be imposed pursuant to section 66016: [Government Code section 65104](#)

To the extent any new or increased fees are proceeding under the general Mitigation Fee Act notice provisions rather than a more specific statutory notice requirement, **Government Code section 66018** also requires a public hearing with published notice: [Government Code section 66018](#)

The City should therefore identify, before the return hearing, which fees are proceeding under section 66016, which under section 66018, and what specific notice and disclosure steps were taken for each.

But there is an even more basic concern here. The City Council's attached January 2026 norms expressly require City Councilmembers to **"Be Prepared"** and to **"do**

your homework." Either the City was unaware of the notice and posting requirements when it set this item for March 24, or it knew of them and still failed to manage them competently. Neither explanation is acceptable. Both are inconsistent with the City's own stated standards of preparedness and effective governance.

C. The City has now provided a separate public hearing notice for April 14, but that does not cure the substantive deficiencies in the current record.

The City has now separately posted a **Notice of Public Hearing** dated **March 23, 2026**, for the April 14, 2026, hearing on the FY2026-27 Master Fee Schedule. That notice states that the March 24 public hearing will be continued to April 14 to comply with public hearing notice requirements, identifies the proposed action, and states that a copy of the proposed Master Fee Schedule FY26-27 is available on the City's website. That separate notice is a necessary step.

But it does **not** cure the deeper problem.

A separate hearing notice does not supply:

- the missing draft resolution,
- the missing supporting staff analysis,
- the missing appeal-fee details,
- the missing cost basis,
- the missing summary of City Council direction,
- the missing transportation-fee escalation explanation,
- or the missing complete administrative record.

Nor does it eliminate the need for the City to clearly identify, for each fee category, which statutory notice regime applies and whether the materials on which the City intends to act are the same as those reflected in the noticed package.

If the proposed Master Fee Schedule, the supporting cost data, or the appeal-fee components materially change after the notice, then the City should clearly disclose those changes and explain what additional disclosure, if any, it has provided and why the noticed hearing remains valid on that revised record.

In other words, the separate notice is necessary but not sufficient.

D. Agenda Item 8.1 and Ordinance 537 must be heard together in the same meeting because they are inseparable.

This item should not be handled separately from the companion **Ordinance 537** item.

The Master Fee Schedule provides the operative fee amounts and annual implementation. Ordinance 537 supplies the structural Municipal Code framework that incorporates and relies upon the updated nexus methodology for multiple development fees. One is the operational schedule; the other is the legal

architecture. The two are plainly connected.

Separating them procedurally fragments the record, weakens public understanding, and makes it easier for the City to characterize each item as narrower or more technical than it really is.

That is particularly troubling here because the companion Ordinance 537 item has been placed on the **Consent Calendar**. In contrast, this item is being continued due to the City's missed notice and posting deadlines for March 24. That procedural split only reinforces the impression of unstable, piecemeal governance.

The public deserves a single, coherent presentation of both the code changes and the consequences of the fees. These items should be heard together in the same meeting, with full public deliberation, so that the administrative record reflects continuity rather than procedural fragmentation.

E. The staff report does not meaningfully summarize the prior public meetings or workshops on the Master Fee Schedule and appeal fees.

The March 24, 2026 staff report says the City Council received presentations on March 10 regarding the FY27 Master Fee Schedule, the 2026 Nexus Fee Study, and the appeal fee structure, and that the City Council gave directions on the appeal fee structure.

But the report does not tell the public what that direction was.

It does not summarize:

- what final appeal-fee amounts are now proposed;
- whether the City retained or changed the deposit structure;
- whether the City adopted a final tiered structure;
- whether the City modified the successful-appeal refund policy;
- whether any resident/community appeal differentiation is being proposed;
- whether any hardship concept remains under consideration;
- whether the City Council directed codification of the appeal process;
- whether the City Council directed impartiality safeguards for appeals;
- or what remains unresolved.

That omission matters because the public cannot meaningfully review or comment on "directions" that have not been described.

The current report is therefore not just brief. It is substantively deficient.

F. A late PowerPoint or late-distributed writings cannot lawfully substitute for the missing substance.

The present packet is so bare that it strongly suggests staff may intend to rely on a

later presentation, a same-night PowerPoint, or other late-distributed writings to supply the missing substance.

If that is what the City intends, the current record presents a serious public process problem.

Government Code section 54954.2 requires that agendas for regular meetings contain a brief general description of each item of business to be transacted or discussed, be posted at least 72 hours beforehand, and generally bars discussion or action on items not appearing on the posted agenda except in narrow circumstances: [Government Code section 54954.2](#)

The current agenda item is described only as a continuation of the adoption of the FY27 Master Fee Schedule to April 14, 2026. If the City intends to do anything tonight beyond a simple continuance—especially if it intends to unveil substantive new fee information, revised appeal-fee proposals, or new justifications—then the agenda as posted does not fairly inform the public of that substantive content.

Government Code section 54957.5 also requires that if a writing related to an agenda item is distributed to all or a majority of the members of the legislative body less than 72 hours before the meeting, that writing must be made available for public inspection at the time of distribution, and, where an initial staff report was timely posted, immediately on the City's website: Government Code section 54957.5

But even immediate posting would not cure a separate fee-notice problem. If a late PowerPoint contains substantive fee data, revised cost assumptions, or new methodology explanations on which the City intends to rely at the return hearing, then the City cannot use a late slide deck to bypass the **10-day data disclosure requirement** in Government Code section 66016.

A late PowerPoint is not a substitute for a lawfully disclosed fee record.

G. The public still lacks the final proposed appeal-fee structure and the reforms that remain necessary.

The public has not yet received the final, reviewable appeal-fee proposal in the current packet.

Before any adoption hearing proceeds, the City must publicly disclose:

- the final proposed appeal-fee amounts and categories;
- whether each appeal category is a flat fee, deposit, or some hybrid;
- the action-specific cost basis for each appeal category;
- the actual staff, hours, legal-review assumptions, and hearing assumptions used;
- the final successful-appeal refund standards, including partial-success scenarios;
- the full codified appeal process in the Municipal Code/Zoning Ordinance;

- clear standing, deadline, and filing requirements;
- whether and how the City will differentiate between resident/community appeals and developer or applicant-initiated appeals; and
- what impartiality safeguards will apply so that the same staff who advocated for the original action are not effectively given repeated opportunities to re-argue their own prior work on appeal.

That last point is essential. An appeal process must be fair to all parties. Some level of impartiality is required. The appellate body should receive a neutral procedural summary and full record, not merely another round of advocacy from the same source whose work is being challenged.

None of that is in the current March 24 packet.

H. In the context of the City Council's 2026 Goals and Objectives and current Norms, the handling of this item falls well short of the City's own stated standards.

The attached **2026 City Council Goals and Objectives** and **January 2026 City Council Norms** make this problem even more serious.

If the City Council is serious about **maintaining a secure financial base**, then it cannot allow major fee items to proceed through skeletal packets and delayed disclosures.

If the City Council is serious about **providing cost-effective and responsive services to sustain quality of life**, then it cannot separate fee methodology, code structure, and appeal-process reforms in a way that obscures their full impact on residents.

If the City Council is serious about **enhancing engagement and communication with residents and the business community**, then it cannot ask the public to reconstruct the record from scattered prior meetings and anticipated late materials.

If the City Council is serious about **balancing land-use planning for housing, retail, jobs, and open space, it must treat the Master Fee Schedule and Ordinance 537 as part of a single integrated policy framework, not as two disconnected agenda items pursued on separate tracks.**

And if the City Council is serious about its norms, "**Do What Is Best for the Community, Be Prepared, and Conduct Effective Meetings** — then it must insist on a lawful, complete, and transparent record before the adoption hearing proceeds.

This item, as currently handled, falls short of the City's own standards.

I. The City must be explicitly honest about structural fiscal stress and stop pretending this is routine housekeeping.

The City should stop pretending that these repeated changes to fees and methodologies are just routine annual maintenance.

The City's own official budget materials state that, over the past five fiscal years, San Ramon has seen an average increase in the structural deficit of **5% per year**, that expenditures have grown by an average of **9% per year** while revenues have grown by an average of **4% per year**, and that **\$10 million** in Measure N funds were allocated in FY 2025/26 to cover the structural deficit, with another **\$1.9 million** appropriated to discretionary expenditures: [FY26 Budget Process](#).

The City's own Measure N update likewise states that voters approved a **1% increase in local sales tax** effective April 1, 2025, that the City is approaching those funds as **10 one-time sources of revenue**, and that those funds will help balance the City's budget while it explores options for long-term financial resilience: [Measure N Update: April 1–June 30, 2025](#)

If structural fiscal stress is a real driver behind these repeated changes in fee methodologies, then the City should say so openly.

Residents are entitled to an honest explanation, not procedural minimalism.

J. The City still has not justified the transportation-fee inflation methodology, which favors developer predictability over fiscal realism.

The Master Fee Schedule discussion also remains deficient because it does not squarely explain the inflation and escalation methodology being used for transportation-related development fees, even though those assumptions materially affect whether the City is recovering infrastructure costs over time.

The regional **Tri-Valley Transportation Development Fee** framework relies on an annual automatic adjustment based on the **Engineering News-Record San Francisco Bay Area Construction Cost Index (CCI)**. In April 2025, TVTC materials stated that the December 2024 San Francisco Bay Area CCI was **-0.7%**, and therefore recommended continuing the same TVTDF schedule for FY 2025/26 rather than increasing it. Earlier TVTC methodology materials also explained that TVTDF rates were intentionally *set at only a fraction of the maximum supportable rates* and then adjusted annually by CCI. See the official TVTC materials here: [FY 2025/26 TVTDF CCI adjustment memo](#), [April 2025 TAC memo on CCI adjustment](#), [2021 TVTDF methodology memorandum](#), and [2020 Nexus Fee Update Study](#).

That may be an accepted **regional** mechanism for the TVTC fee. But San Ramon should not be allowed to hide behind that regional mechanism — or behind similarly generic CPI, CCI, or CCCI adjustments — when it presents a citywide Master Fee Schedule as though it reflects the actual cost of growth. A generic regional index does not necessarily track what it costs San Ramon to deliver local transportation improvements, signals, circulation work, traffic-calming measures, street rehabilitation, consultant work, or construction support in this city.

On the City's own public procurement page, San Ramon states that its **On-Call Traffic & Transportation Consulting Services** may be used to review plans, specifications, cost estimates, and submittals; provide design services; assist with grant applications; update traffic impact fee studies; and prepare and update transportation master plans. That confirms the City has access to detailed local transportation cost-estimate work and traffic-fee consulting support. See the City's

RFQ page here: [On-Call Traffic & Transportation Consulting Services](#).

In addition, the Bay Area already has more locally grounded infrastructure-management tools than a blunt annual escalator. MTC's **StreetSaver®** platform is specifically designed to help cities and counties make roadway maintenance decisions that stretch pavement budgets further, document budget needs and shortfalls, and predict future pavement condition at different funding levels. MTC's **Pavement Management Technical Assistance Program (P-TAP)** likewise helps Bay Area jurisdictions make cost-effective improvements to streets and roads, provides accurate pavement-condition data to local decision-makers, and recognizes that local roads also require investment in signs, storm drains, curbs, and gutters, traffic signals, and streetlights. See MTC here: [StreetSaver®](#) and [Pavement Management Technical Assistance Program \(P-TAP\)](#).

The point is not that the City must adopt StreetSaver as an inflation index. The point is that San Ramon has not explained why it continues to rely on low, generic transportation-fee escalators instead of using a methodology grounded in its **own** construction history, consultant costs, bid tabs, and local infrastructure experience — or at a minimum, a methodology more closely tied to the kind of local infrastructure-condition and funding-gap analysis reflected in MTC's Bay Area tools.

Absent that explanation, the current approach looks less like fiscal realism and more like a pro-developer preference for fee predictability and restrained annual increases. The City's own FY26 budget materials, which acknowledge a continuing structural deficit and rising expenditure pressure, only make that omission more serious. See: [FY26 Budget Process](#)

K. These repeated fee and methodology swings reflect unstable management, not stable resident-serving municipal finance.

Municipal finance should be stable, transparent, predictable, and heavily oriented toward serving and protecting residents, if not affirmatively enhancing quality of life.

That is not what this looks like.

What this looks like is a city repeatedly rewriting fee structures, recalibrating methodologies, adjusting appeal-fee approaches, changing process rules, and relying on low, generic escalators in a reactive attempt to deal with fiscal strain, legal exposure, and prior policy mistakes.

That is not long-range fiscal stewardship. **It is unstable.**

And that instability is worsened when the City pares down public-facing records, withholds meaningful summaries of prior discussions, appears willing to backfill missing substance later through presentations and late-distributed materials, and uses inflation methods that appear designed more to dampen fee growth than to reflect actual local cost experience.

The planning profession's own ethics framework points in the opposite direction. The **American Planning Association (APA) Ethical Principles in Planning** state that planning exists to serve the public interest and that citizens are entitled to full, clear, and accurate information: [APA Ethical Principles in Planning](#)

The **American Institute of Certified Planners (AICP) Code of Ethics and Professional Conduct** likewise emphasizes service to the public interest, integrity, clear information, meaningful participation, and fair and independent professional judgment: [AICP Code of Ethics and Professional Conduct](#).

The City's current posture does not reflect those principles.

L. The City Council should discuss the deficiencies tonight, remove Agenda Item 5.11 from the Consent Calendar, and direct a full joint hearing with a complete and reviewable public packet before any adoption action proceeds.

The City Council should not simply quietly continue Agenda Item 8.1.

Instead, the City Council should use tonight's discussion to do four things on record:

1. acknowledge that the City failed to meet the notice and posting requirements necessary to proceed with fee adoption at this meeting;
2. acknowledge that Agenda Item 8.1 and Agenda Item 5.11 are intrinsically linked and should not be procedurally separated;
3. remove Agenda Item 5.11 from the Consent Calendar; and
4. direct staff to return with both items together at the same meeting, accompanied by a complete Master Fee Schedule, including appeal fees, and a staff report documenting the entire administrative record.

That return packet should include, at a minimum:

- the draft resolution;
- the full proposed FY2026-27 Master Fee Schedule;
- all revised appeal-fee categories and amounts;
- all cost data and methodology required by Government Code section 66016;
- a substantive summary of the March 10, 2026 discussion and earlier public discussions, the City is relying upon;
- the final successful-appeal refund proposal;
- a clear explanation of any changes made since March 10;
- a memorandum identifying which fees are proceeding under Government Code section 66016 and which under section 66018;
- any PowerPoint or presentation materials staff intends to use;
- a clear explanation of how the appeal process will be codified, made impartial, and made accessible to the public;

- a candid fiscal memorandum explaining how these fee changes relate to the City's structural fiscal condition, what costs remain unrecovered, and why residents are simultaneously being asked to backfill essential services through Measure N; and
- a full memorandum identifying every inflation index and automatic escalator proposed for transportation-related fees, the historic annual adjustments under each, why those indices are more appropriate than San Ramon-specific construction-contract tracking, and why the City is not using local bid history, consultant cost-estimate data, or more locally grounded Bay Area infrastructure-condition tools to calibrate transportation-fee updates.

If the City cannot produce that material in time for lawful and meaningful public review before April 14, then the hearing should be continued. The answer to a deficient record is not to accelerate discussion on an incomplete packet. It is to provide the public with the record first.

Conclusion

The March 24, 2026 staff report for Agenda Item 8.1 is not a substantive fee-adoption record.

It is a continuance notice.

It contains no attachments.

It does not summarize the actual appeal-fee direction previously given.

It does not disclose the revised fee proposal.

It does not provide the cost basis.

It does not explain the refund rules.

It does not codify the appeal process.

It does not address impartiality on appeal.

It does not justify the transportation-fee inflation methodology.

And it does not candidly explain how all of this fits within the City's continuing structural fiscal stress.

The City Council, therefore, should not take substantive adoption action on Agenda Item 8.1 tonight. But it also should not let this item pass as a quiet procedural continuance. The City Council should openly discuss the deficiencies in the current record, remove Agenda Item 5.11 from the Consent Calendar, and direct that both items return together at the same meeting with a full Master Fee Schedule, including appeal fees, and a staff report documenting the entire administrative record.

That is what diligence requires.

That is what transparency requires.

That is what stable municipal finance requires.

And that is what the City Council's own Goals, Objectives, and Norms require.

The City must stop treating major fees and process changes as though they can be supplied later through skeletal reports and late presentations.

That is not transparent governance.

That is not stable municipal finance.

That is not resident-serving planning.

And it is not an adequate administrative record for the adoption of the Master Fee Schedule.

Respectfully submitted,

Brian C. Swanson, AICP

San Ramon Voter, Taxpayer, and Resident

On Fri, Mar 20, 2026 at 3:31 PM City of San Ramon <casramon@service.govdelivery.com>
wrote:

The **City Council meeting** will begin at 7:00 p.m. on **Tuesday, March 24, 2026.**

The meeting agenda is now available at,
<https://sanramonca.portal.civicclerk.com/event/24/files/agenda/1204>

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Brian Swanson <briancswanson@gmail.com>

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 <briancswanson@gmail.com>

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/3EulxwT>

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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 on. Written public comment will not be read aloud during the meeting.

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Brian Swanson <briancswanson@gmail.com>

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

1 message

Brian Swanson <briancswanson@gmail.com>

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

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 complacency. 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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WRITTEN COMMUNICATION BY EMAIL

Public comments may be submitted via e-mail to cityclerk@sanramon.ca.gov. Any public comments received up until two (2) hours prior to the 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.

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.

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](https://www.youtube.com/sanramon)



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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](#).

City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973-2500 | www.sanramon.ca.gov



Brian Swanson <briancswanson@gmail.com>

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.

Brian Swanson <briancswanson@gmail.com>

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>



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.
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- 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 PARTICIPATE IN THE MEETING;

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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.

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



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2 attachments



04.22.2025 - BSwanson_PublicComment_AgendaItem8.1–AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFY2025_26-City Council Meeting.pdf
366K



11.25.2025 - BSwanson_PublicComment_AgendaItem9.2-DiscussionoftheCity’sAppealFeeStructure-CityCouncilMeeting.pdf
468K



Brian Swanson <briancswanson@gmail.com>

Public Comment: Agenda Item 9.1 - Appeal Fees and Successful Appeal Refund Provisions (specifically) - City Council Meeting - March 10, 2026

1 message

Brian Swanson <briancswanson@gmail.com>

Tue, Mar 10, 2026 at 1:38 PM

To: Clerk City <CityClerk@sanramon.ca.gov>, Council City <CityCouncil@sanramon.ca.gov>

Cc: planningcommission <planningcommission@sanramon.ca.gov>, Planning Services <PlanningPublic@sanramon.ca.gov>



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§ionNum=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§ionNum=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§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65009, and Public Resources Code section 21167: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65104
- https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=66014
- https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=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.ca.gov/faces/codes_displaySection.xhtml?article=XIII+C&lawCode=CONS§ionNum=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

Public comment may be submitted via e-mail to cityclerk@sanramon.ca.gov. Public comment received until two (2) hours prior to the 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.

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.

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](https://www.youtube.com/c/cityofsanramon)

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).



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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](#).

City of San Ramon | 7000 Bollinger Canyon Road, San Ramon, CA 94583 | (925) 973-2500 | www.sanramon.ca.gov

3 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**
378K

 **11.25.2025 - BSwanson_PublicComment_AgendaItem9.2-DiscussionoftheCity'sAppealFeeStructure-CityCouncilMeeting.pdf**
468K

 **04.22.2025 - BSwanson_PublicComment_AgendaItem8.1-AdoptingtheMasterFeeScheduleforVariousMunicipalServicesforFYear2025_26-City Council Meeting.pdf**
366K

San Ramon Senior Citizens Advisory Committee



Annual Report 2025/2026

Presented by:
Colette Clark

Senior Advisory Committee Members

- Udaya Rajbhandari– Chair
- Junming (Jim) Tu – Vice Chair
- Colette Clark
- Sandra March
- Judith Murphy
- Xeno Rasmusson



Object and Charge of Committee

- A. Provide recommendations to the staff, the Commission and City Council on programs for seniors and San Ramon Senior Center Policies.
- B. Be a channel of communication between the staff, the Senior Center participants and the senior community.
- C. Appoint appropriate sub-committees, as necessary, to further the work of the Center's programs and the efforts of the committee.
- D. Receive input from the senior community involving current and future needs.
- E. Advocate senior issues within the entire community and act as a liaison for senior issues to governmental and private organizations.
- F. Identify problems of service and recommend appropriate solutions.



Accomplishments and Actions 2025/2026

Evaluated the Encore! newsletter's effectiveness for the 55+ community and recommended improvements based on user feedback.



Accomplishments and Actions 2025/2026

Helped develop survey questions, supported outreach, and reviewed results of survey to improve senior programs and services.



Accomplishments and Actions 2025/2026

Partnered with local organizations that help connect seniors with services in San Ramon.



Accomplishments and Actions

2025/2026

Reviewed the Senior Citizens Advisory Committee bylaws and recommend changes.



Liaisons

City Council and Parks and Community Services Commission

Planning Commission, Transportation Advisory Committee, Teen Council, Library Advisory Committee, Housing Advisory Committee, Arts Advisory Committee

Senior Center Foundation and Senior Outreach Committee



Goals and Objectives 2026/2027

1. Evaluate Senior programs, facilities, and services using an age-friendly approach and recommend improvements to help San Ramon become a more age-friendly community.

MPG 3.1A, 3.1 B, 3.3A 3.3B

2. Enhance and expand senior resources to establish San Ramon as a central hub of services for the senior community.

MPG 3.1A, 3.3A, 3.3B



Goals and Objectives 2026/2027

3. Expand meaningful volunteer opportunities for older adults across City programs.

MPG 3.3B



4. Host community walks and talks in parks and neighborhoods to engage older adults.

MPG 3.1A, MPG 3.1B



Senior Programs & Services Make San Ramon Lives Better!

Questions?



**Parks
Make
Life
Better!** SM

City of San Ramon



City Council Budget Kickoff

FY27 BUDGET

MARCH 24, 2026

Presentation Outline

☐ FY26 Mid-Year Budget

☐ FY27

- ✓ Fiscal Situation
- ✓ Budget Direction
- ✓ Budget Calendar



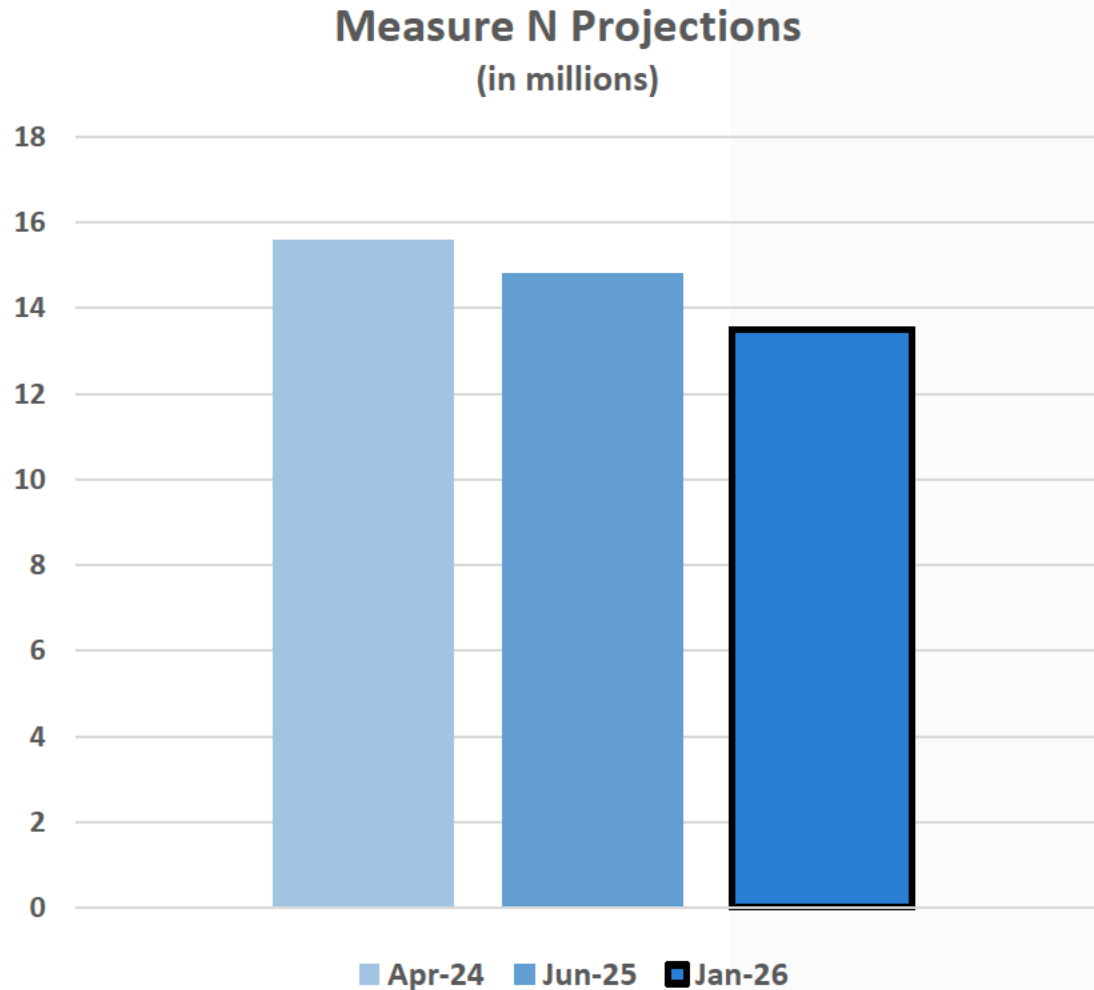
FY26 Mid-Year Budget



FY26 Mid-Year Operating Budget

General Fund Revised Budget	(in millions)
Revenues	\$80.9
Expenditures	(71.8)
Other Financing Sources (Uses)	(6.2)
Net Change in Fund Balance	\$2.9
Reserve Calculation	
Expenditures, plus Transfer Out to DVF (\$4.1m)	\$75.9
36% Target	\$27.3
Actual- 41.6%	\$31.6

Financial Impacts Since Mid-Year:



- Revised Measure N FY26 projection
 - \$15.6m April 2024
 - \$14.8m June 2025 (budget)
 - \$13.5m January 2026
- Franchise fee revenue (\$950,000)
- Fuel prices (\$??)
- Higher property tax than the 3.5% projected

FY27 Fiscal Situation



Measure N

General Fund	FY 26 Revised Budget (in millions)
Revenues	\$66.1
Expenditures	(\$71.8)
Other Financing Sources (Uses)	(\$6.2)
Net Revenue (before Measure N)	(\$11.9)
Measure N Revenues	\$14.8
Net Revenue (with Measure N)	\$2.9



- The City needs to increase revenues and contain costs to balance the budget by April 1, 2035 when Measure N expires.
- The City has little control of revenues, therefore must focus on expenditures.

Measure N was passed by voters to address the City's negative net revenue. Measure N provides the City with time to take the necessary steps to balance the operating budget.

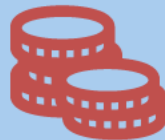
Addressing the Annual Deficit Through Operations



Increase Revenues Where Possible



Keep Expense Growth Less Than Revenue Growth



Use Available Measure N Monies to Fund One-Time City Needs

Fiscal Modeling

General Fund Budget -- High Level Forecast

	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35	FY36
Revenues	\$66.2	\$68.8	\$71.6	\$74.5	\$77.4	\$80.5	\$83.8	\$87.1	\$90.6	\$94.2	\$98.0
T/I	\$1.8	\$1.8	\$1.9	\$2.0	\$2.1	\$2.1	\$2.2	\$2.3	\$2.4	\$2.5	\$2.6
Measure N	\$14.8	\$15.4	\$16.0	\$16.6	\$17.3	\$18.0	\$18.7	\$19.5	\$20.3	\$15.8	\$0.0
Total Revenues	\$82.8	\$86.1	\$89.5	\$93.1	\$96.8	\$100.7	\$104.7	\$108.9	\$113.3	\$112.5	\$100.6
Expenditures	\$71.9	\$73.6	\$75.2	\$77.0	\$78.7	\$80.6	\$82.4	\$84.3	\$86.2	\$88.2	\$90.3
T/O	\$8.0	\$8.2	\$8.4	\$8.6	\$8.7	\$8.9	\$9.2	\$9.4	\$9.6	\$9.8	\$10.0
Total Expenditures	\$79.9	\$81.7	\$83.6	\$85.5	\$87.5	\$89.5	\$91.6	\$93.7	\$95.8	\$98.0	\$100.3
Net Operating Revenue	\$2.9	\$4.4	\$5.9	\$7.6	\$9.3	\$11.2	\$13.2	\$15.2	\$17.4	\$14.5	\$0.3

Grows at historical
rate of 4% per
year

Set at 2.3% per year to
balance by FY36

Annual Net Revenue can be used to
fund maintenance and community
investments

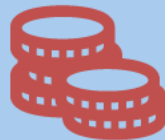
Addressing the Annual Deficit Through Policy



Revisit Pension and Other Post
Employment Benefits (OPEB)
Funding Policies



Review the General Fund
Reserve Policy

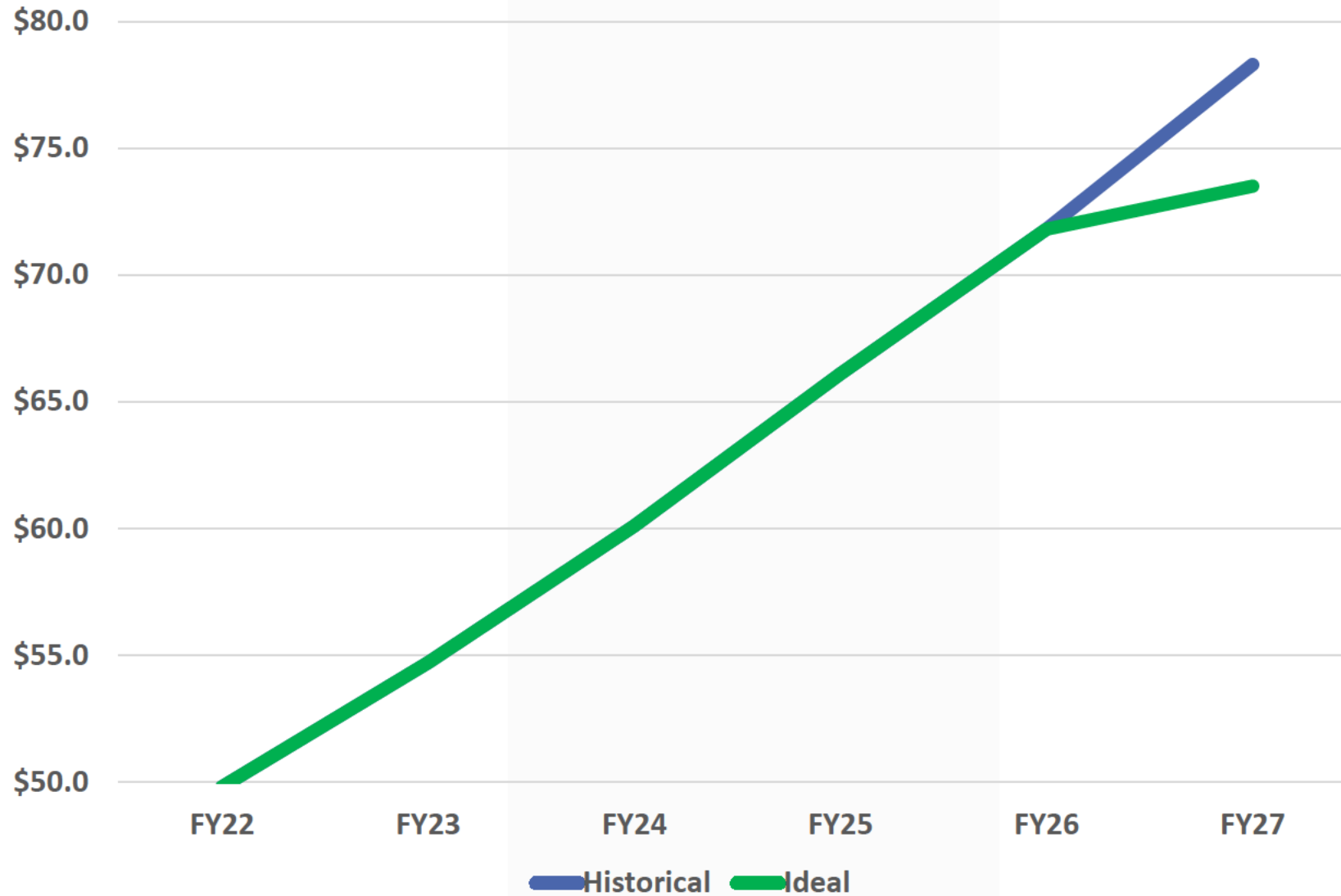


Establish an Infrastructure
Policy

FY27 Budget Direction



FY27 Expenditure Trend Lines (In Millions)



FY27 Budget Guidelines

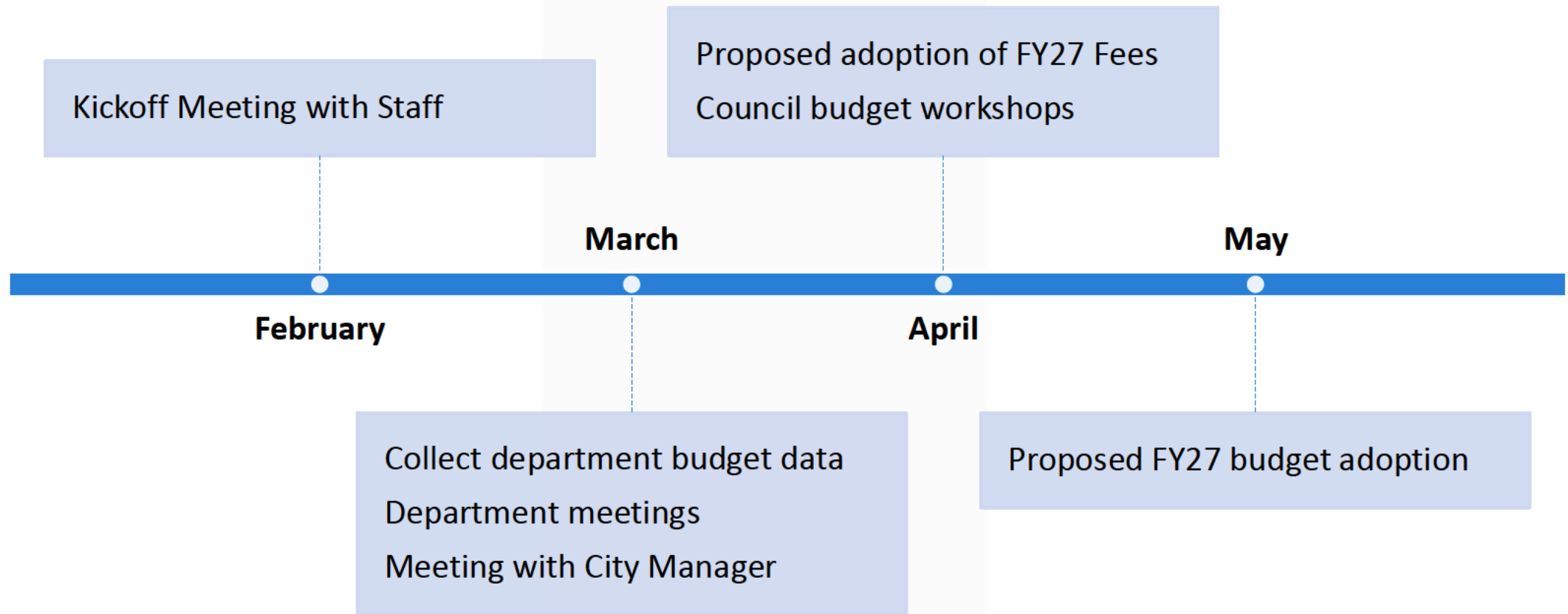
- No new positions/programs without tradeoffs
- No spending money the City doesn't currently have
- No unsustainable commitments



FY27 Budget Calendar



FY27 Budget Calendar



Thank you

QUESTIONS?