



Mark Armstrong, Mayor
Marisol Rubio, Vice Mayor
Richard Adler, Councilmember
Robert Jweinat, Councilmember
Sridhar Verose, Councilmember

City of San Ramon City Council Agenda

**San Ramon City Hall
Council Chamber
7000 Bollinger Canyon Road**

**April 7, 2026
7:00 PM
Special Meeting**

Agenda Questions: Contact the City Clerk (925) 973-2539 or email to cityclerk@sanramon.ca.gov.

Please refer to the end of the agenda to review options for participation in the meeting. This agenda is posted in accordance with Government Code Section 54954.2(a). Unless stated otherwise, every item on the agenda is exempt from CEQA Guidelines § 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code § 21065.

1. Call to Order/Roll Call

2. New Business

2.1. Public Hearing: Appeal of Planning Commission Resolution No. 02-26 approving the Orchards Development Project (MJ 2024-0004, DP 2024-0006, DP 2024-0008, AR 2024-0013, TRP 2024-0009, and ENVR 2025-0003); located at 6001 Bollinger Canyon Road

Recommendation: Receive the staff report, receive testimony from the Applicant and the Appellant, open public comment, receive public testimony, close public comment and public hearing, discuss and deliberate, and adopt Resolution No. 2026-040 denying the appeal filed by Brian Swanson; and approving the Orchards Development Project MJ 2024-0004, DP 2024-0006, DP 2024-0008, AR 2024-0013, TRP 2024-0009, and ENVR 2025-0003; located at 6001 Bollinger Canyon Road, subject to the Project Findings and Conditions of Approval.

Staff Report by Cindy Yee, Planning Division Manager

3. Adjournment

How to View or Participate in the Meeting

In Person:

Members of the public may provide comments in-person at the meeting. For disability related accommodations, please contact the City Clerk's Office at least 48 hours in advance.

Written Communication by Email:

Email public comments to cityclerk@sanramon.ca.gov. Comments received up to **two hours before** the meeting will be emailed to the City Council, placed in the red binder at the meeting, and posted online at https://www.sanramon.ca.gov/public_comment. Comments received after the cutoff will be provided to the Council the following day. Please include **"Public Comment"** in the subject line and your **name** and **agenda item** in the body. Written comments will not be read aloud.

To View or Listen Only:

As a courtesy, the public may view the meeting via one-way video or audio, as technology permits. Remote access is not guaranteed; if technical issues occur, the meeting will continue as long as in-person attendance is available. Those wishing to provide comments are encouraged to attend in person or submit written comments in advance.

Join Zoom: <https://cityofsanramon.zoom.us/j/95743924715> ID: 957 4392 4715

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

View on YouTube: www.sanramon.ca.gov/YouTube

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:

- a. No profanity or obscenity.
- b. Refrain from personal threats or attacks.
- c. Refrain from hateful epithets and demeaning language based on any person's race, religion, sexual orientation, ethnicity, gender, or disability.
- d. 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:

- a. Exceeding the allotted time to speak;
- b. Yelling, screaming, or other behavior that renders this Council unable to continue the meeting;
- c. Excessive profanity or slander;
- d. Specific threats or "fighting words" that incite violence; or
- e. 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 upholds the First Amendment rights of all participants, we do not accept or endorse offensive or hateful comments made during our meetings. We celebrate the diversity of our community and strive to maintain a welcoming and inclusive environment for all.

CITY COUNCIL STAFF REPORT



DATE: April 7, 2026

TO: City Council

FROM: Lauren Barr, Community Development Director
By: Cindy Yee, Division Manager

SUBJECT: Public Hearing: Appeal of Planning Commission Resolution No. 02-26 approving the Orchards Development Project (MJ 2024-0004, DP 2024-0006, DP 2024-0008, AR 2024-0013, TRP 2024-0009, and ENVR 2025-0003); located at 6001 Bollinger Canyon Road

EXECUTIVE SUMMARY

On February 3, 2026, the Planning Commission adopted Resolution No. 02-26 approving the Orchards Development Project applications located at 6001 Bollinger Canyon Road. Within the 10-day appeal period following the approval, the City received an appeal on February 12, 2026 from Brian Swanson contesting the Commission’s action related to eight specified points as shown in Attachment O and P.

The Project is subject to the review criteria under the State Housing Accountability Act (HAA), as modified by SB 330, which establishes limitations to a local government’s scope of review of a housing development project if the project is consistent with objective local development standards.

The Planning Commission conducted three public hearings (December 16, 2025; January 20, 2026; and February 3, 2026) on the proposed Project. This City Council public hearing will be the fourth (4th) of the maximum five public hearings allowed under the HAA.

Pursuant to Zoning Ordinance Section D7-12(C), this appeal hearing must be conducted as a “de novo” hearing, and the City Council may consider new materials and testimony in addition to the Planning Commission record of decision for the approved application, plans, and related project materials.

RECOMMENDED ACTION

Receive the staff report, receive testimony from the Applicant and the Appellant, open public comment, receive public testimony, close public comment and public hearing, discuss and deliberate, and adopt Resolution No. 2026-040 denying the appeal filed by Brian Swanson; and approving the Orchards Development Project MJ 2024-0004, DP 2024-0006, DP 2024-0008, AR 2024-0013, TRP 2024-0009, and ENVR 2025-0003; located at 6001 Bollinger Canyon Road, subject to the Project Findings and Conditions of Approval.

INTRODUCTION

Applications:

- MJ 2024-0004 Major Subdivision (Vesting Tentative Map 9693) application to subdivide the existing 92-acre project area into 191 new lots and three Districts with a Vesting Tentative Map.
- DP 2024-0006 Development Plan application to allow for the development of the Neighborhood District consisting of 230 single-family homes, 138 multi-family townhomes, and 58 optional accessory dwelling units (ADUs), along with associated site and landscape improvements within this District;
- DP 2024-0008 Development Plan application for the approval of the Orchards Development Master Plan comprised of three Districts totaling 2,452 dwelling units with 58 optional accessory units at an overall sitewide residential density of 46.3 dwelling units per net acre (without ADUs) and 125,000 sq. ft. pf ground floor retail, entertainment, and commercial uses.
- AR 2024-0013 Architectural Review application for the proposed architectural design, site layout, and landscape improvements.
- TRP 2024-0009 Tree Removal Permit application for the removal of trees on site and the establishment of new trees through a comprehensive landscape plan.
- ENVR 2025-0003 Environmental Review application for compliance with the Guidelines for the California Environmental Quality Act of 1970, as amended (CEQA Guidelines).

Location:

6001 Bollinger Canyon Road (APN: 213-120-008) - See Vicinity Map, Attachment A

Applicant/Property Owner:

BR6001, LLC
c/o Stephanie Hill, Sunset Development Co.
2600 Camino Ramon, Suite 201
San Ramon, CA 94583

General Plan Designation:

Downtown Mixed Use-South (DMU-S)

Zoning Designation:

Downtown Mixed Use-South (DMU-S)

Site Description:

The subject property is an approximately 92-acre parcel located at 6001 Bollinger Canyon Road

(formerly the Chevron Corporation Office Park). The site is bordered by Bollinger Canyon Road and retail shopping to the north, the I-680 freeway to the west, single-family residential homes to the south, and office and mixed use to the east.

Environmental Review/California Environmental Quality Act (CEQA)

CEQA Guidelines Section 15183 provides a specific CEQA review process for qualifying projects that are consistent with a general plan, community plan, or zoning. Under these regulations (reflected in California Public Resources Code (PRC) Section 21083.3 and CEQA Guidelines Section 15183), projects that are consistent with the development density of existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified shall be exempt from additional CEQA analysis except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. As required by CEQA, the City prepared a Final EIR, which analyzed the environmental impacts of the GPU (SCH No. 2022060549). On December 13, 2023, the City Council certified an EIR for the 2040 GPU.

The Project will not increase density on the parcel. The DMU-S land use designation in the 2040 General Plan stipulates a maximum density of 60 units per net acre. The Project proposes 46.3 dwelling units per net acre (without ADUs). Therefore, the Project does not propose an increase in density over the existing land use designation and is consistent with the impacts evaluated in the 2040 General Plan Update (GPU) EIR.

The City has prepared a CEQA Guidelines Section 15183 Consistency Checklist to determine whether there are project-specific significant effects that are peculiar to the Project or to the site. As mandated by the CEQA Guidelines Section 15183, this checklist identifies whether environmental effects of the project:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the land use, general plan, or community plan, with which the project is consistent;
3. If environmental effects are identified as peculiar to the project and were not analyzed in a prior EIR, are there uniformly applied development policies or standards that would mitigate the environmental effects;
4. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the General Plan, community plan, or land use; or
5. Are there previously identified significant effects which, because of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Attachment G contains an Environmental Checklist that examines the project's potential for project-specific environmental effects that are peculiar to the project or its site within the parameters outlined at CEQA Guidelines Section 15183(b). Impacts that were analyzed in the 2040 GPU EIR are not peculiar to the Project or its site and do not require further review. The

City's consultant FirstCarbon Solutions will provide an overview presentation at the meeting to review the analysis prepared and findings. The Orchards Project CEQA Guidelines Section 15183 Consistency Checklist including appendices can be accessed at the following weblink: <https://docs.sanramon.ca.gov/WebLink/Browse.aspx?id=20812248&dbid=0&repo=sanramon>

Public Outreach/Notification

On March 27, 2026, City staff mailed a notice of a City Council public hearing for April 7, 2026 to the Appellant and property owners in the project vicinity which exceeds the minimum 300-ft. mailing radius established by Zoning Ordinance Section D7-24 Notice of Hearing.

BACKGROUND

Orchards Development Project Review To-Date

In the fall of 2022, Sunset Development Co. purchased the 92-acre Project site, home to the 1.3-million-square-foot "Chevron Park" office campus in Bishop Ranch. A series of public study sessions on the potential redevelopment of the property were held in 2022 and 2023 with the City Council, Planning Commission, Economic Development Advisory Committee, and Housing Advisory Committee (December 6, 2022, January 24 and 31, 2023, March 7 and 8, 2023, April 14, 2023, and July 18, 2023). Based on feedback received from the public as well as elected and appointed officials during the study sessions, the Applicant refined their land use plan for the project site and requested the City consider incorporating their land use plan into the General Plan 2040 Update (GP 2040).

On December 12, 2023, the San Ramon City Council approved GP 2040, which included the new land use designation and re-zone of the Chevron Park property ("The Orchards") from Administrative Office to DMU-S. The land use plan diagram shown in Figure 1 was incorporated into GP 2040 and GP 2040 Policy No. 4.7.I-5 includes the following program description for DMU-S and Orchards:

DMU-South Zoning District:

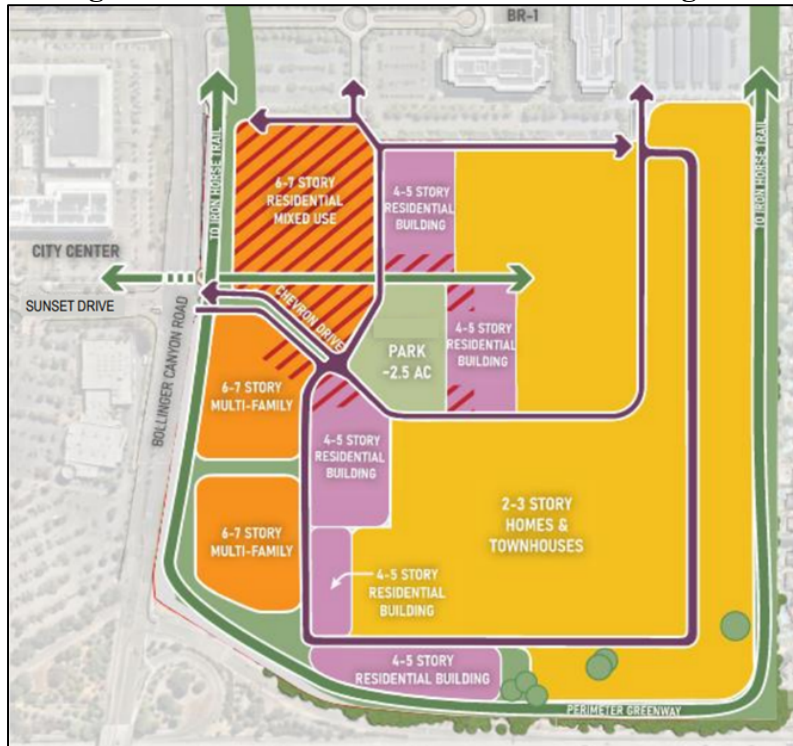
- Up to 2,900 units in the DMU-South project area including Orchards and Bishop Ranch 1
- A landscape corridor (a minimum of 60' with an average of 75') to serve as a buffer to the existing neighborhood to the south
- Provide connectivity to the Iron Horse Trail and as an extension of the Walking District

Orchards:

- A variety of housing typologies such as multi-family apartments, stacked flats, townhomes, single-family homes, and vertical mixed-use units.
- A minimum of 125,000 sq. ft. of new retail/commercial/entertainment uses.
- Residential and nonresidential vertical mixed-use configuration closer to Bollinger Canyon Road, including a retail lined boulevard to the centralized park.
- A centralized park space of approximately 2.5 acres.
- Additional pocket parks with recreational amenities and pedestrian pathways, running in a north/south and east/west direction, throughout the project area.

- The preservation of the site’s heritage oak trees, consistent with City standards and arborist’s recommendations.

Figure 1: General Plan DMU-S Land Use Diagram



Additional information on the Project history prior to the Applicant filing their formal applications can be found on the City’s website: <https://www.sanramon.ca.gov/Orchards>

On November 21, 2024, Sunset Development Company submitted formal applications for the Orchards Development Project which included:

- General Plan Amendment (GPA) to amend the DMU-S Minimum Sitewide Floor Area Ratio (FAR) from 1.25 to 0.5;
- Zoning Ordinance Text Amendment (TA) to amend the DMU-S Minimum Sitewide FAR from 1.25 to 0.5;
- Major Subdivision/Vesting Tentative Map (MJ) to divide the existing 92-acre site into 191 lots and three Districts;
- Two Development Plan (DP) applications to allow for the development of 1) Orchards Development Master Plan, and 2) the Neighborhood District consisting of 230 single-family homes, 138 multi-family townhomes, and 58 optional accessory dwelling units (ADUs), along with associated site and landscape improvements within this District;
- Development Agreement (DA) to ensure the ability to implement the project over a 20-year period in exchange for additional communitywide benefits;
- Architectural Review (AR) for the proposed building’s architectural design, site layout and landscape improvements; and
- Tree Removal Permit (TRP) for the removal of existing trees on site to accommodate the proposed Project.

The above applications were deemed complete on March 26, 2025. The Architectural Review Board (ARB) held three public meetings to discuss the proposed Project plans on May 1, May 8, and June 5, 2025. The Board received the Applicant's presentation and public comments at the three meetings and provided Architectural Review comments and recommendations to the Applicant.

On June 24, 2025, the Applicant rescinded their General Plan Amendment and Zoning Ordinance Text Amendment applications and submitted a Preliminary Housing Development (PHD) Application for the Project. The removal of the GPA and ZO TA applications (which would have required legislative approval to change the City's General Plan and Zoning Ordinance), and the addition of a PHD application provides the amended Project the ability to be reviewed under the Senate Bill (SB) 330 process. The number of proposed units, site design, and layout remain unchanged from the initial Project submittal (see Attachment D and F). On July 15, 2025, the Planning Commission held a study session and provided feedback on the PHD and revised Project applications filed by the Applicant. The revised applications were deemed complete on July 15, 2025. Because the PC study session and ARB meetings were conducted prior to the Project being deemed complete, those meetings do not count towards the SB 330 five meeting limitation.

On December 16, 2025, the Planning Commission held their first public hearing on the Project applications, received public comments, and provided feedback to Staff and the Applicant. The Commission requested that Staff and the Applicant return on January 20, 2026 to 1) answer questions the Commission raised at the December 16th meeting, and 2) provide draft Conditions of Approval (COA) so that the Commission can discuss how Project issues will be addressed. The agenda packet, meeting minutes, and video recording of the December 16th meeting can be accessed at the following link on the City's website:

https://sanramonca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=5275

On January 20, 2026, the Planning Commission held their second public hearing on the Project applications, received public comments, and provided feedback to Staff and the Applicant. The Commission requested that Staff and the Applicant return on February 3, 2026 with a draft resolution and updates to the COAs for their consideration. The agenda packet, meeting minutes, and video recording of the January 20th meeting can be accessed at the following link on the City's website: https://sanramonca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=5305.

On February 3, 2026, after receiving public comments, the Planning Commission closed the public hearing, deliberated, and adopted Resolution No. 02-26 (Attachment C) approving the Orchards Development Project applications (note: no action on the proposed Development Agreement (DA 2024-0001) was taken as part of Resolution No. 02-26 and review has been deferred to a future Planning Commission meeting). If/when the Project is approved, the DA will be reviewed by the Planning Commission and recommendations forwarded to the City Council for consideration.

Brian Swanson's Appeal

Within the 10-day appeal period following the Planning Commission's approval, the City received an appeal on February 12, 2026 from Brian Swanson contesting the Planning Commission's action. The reasons for Brian Swanson's Appeal are detailed in Attachment O.

The appellant also provided a supplement to their appeal (“Supplement #1”) on February 13, 2026 (Attachment P) and appeal exhibits A through H on March 30, 2026.

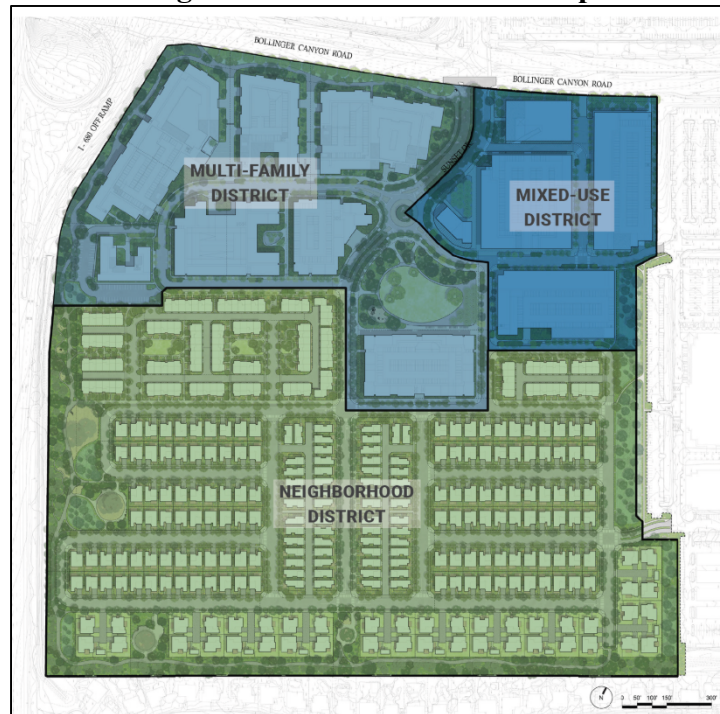
DISCUSSION/ANALYSIS

Master Plan Project Description

The proposed Orchards Master Plan consists of three districts totaling up to 2,510 residential units at an overall sitewide residential density of 46.3 dwelling units per net acre (without ADUs):

- Mixed-Use: 619 dwelling units with 125,000 sq. ft. of ground floor retail, entertainment and commercial uses complementary to City Center Bishop Ranch across Bollinger Canyon;
- Multi-Family: 1,465 dwelling units that may be developed into apartments, condominiums, senior or affordable housing, offering a variety of housing options; and
- Neighborhood: a lower-density neighborhood of 368 single-family townhomes and detached homes plus 58 optional ADUs oriented along a network of streets, mews and pocket parks.

Figure 2: Orchards District Map



These districts are connected through parks and open space and a coordinated streetscape with approximately 15 acres of open space:

- The Mixed-Use District has two retail-lined streets, one north-south and one east-west, leading to Standard Park. The retail streets have wide sidewalks and are lined with active, pedestrian-oriented uses including retail shops, restaurants and outdoor seating.

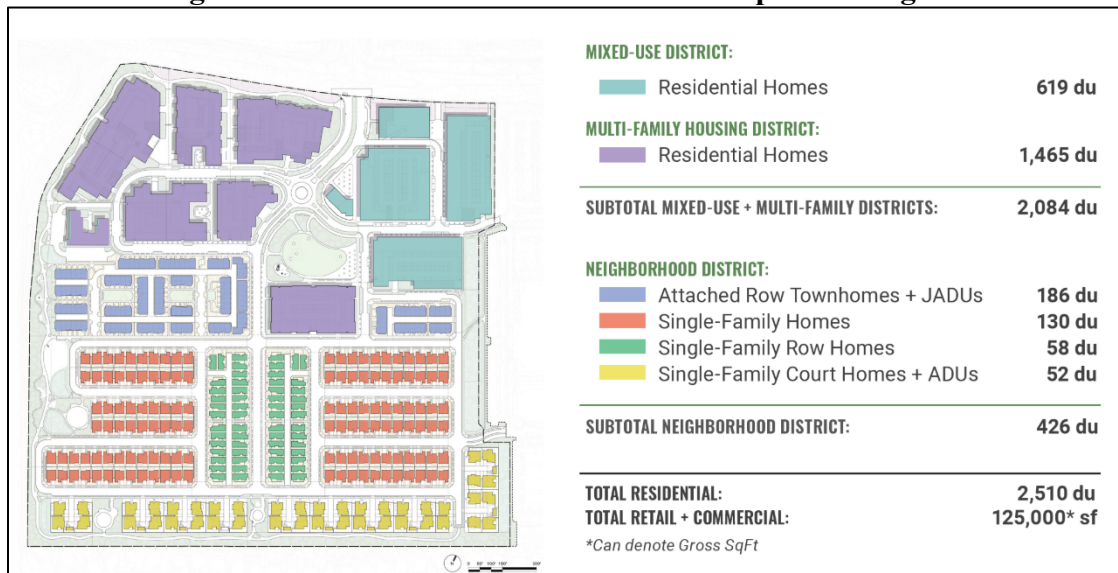
- Standard Park, a 2.5-acre park, is a gathering place for residents and visitors. It is activated by the retail district and offers playground amenities for children and a flexible lawn allowing for a variety of uses.
- A greenway wraps the perimeter of Orchards with connections to the Heritage Oak Tree Parks, which are designed around the existing heritage oak trees on site. The greenway is a new addition to the City’s Walking District.
- A wide, multi-use pathway along Sunset Drive connects the Mixed-Use and Multi-Family Districts with the Neighborhood District to the south.
- Pedestrian paseos and neighborhood parks offer additional outdoor recreational opportunities.

As part of the Project, the Applicant is proposing a 20-year master development plan that will establish the Multi-Family, Mixed-Use and Neighborhood districts, and specific entitlement approval for the Neighborhood District’s four single family/townhome residential neighborhoods. Future development plan applications will be filed (in accordance with the 20-year term DA) for the Multi-Family and Mixed-Use Districts and associated site, architecture, and landscape plans and are not being approved as part of this Project.

The Applicant has prepared the Orchards Design Guidelines which conveys the design parameters to implement the shared vision for the Orchards community (Attachment E) through the Master Plan’s buildout period. These Design Guidelines will be used for the Project in lieu of the City’s adopted Objective Design and Development Standards. The Guidelines provide the Master Plan’s Open Space Goals, Strategies, and Site Systems; the Plan’s Circulation, Streetscape, and Lighting design; and each District’s Layout and Building Design.

Figure 3 from the Orchards Design Guidelines provides an overview of where residential units will be located within the Project area. The Project Plans in Attachment F provide additional information on the site design, landscaping and architecture.

Figure 3: Orchards Illustrative Plan Development Program



Project Land Use and Development Standards

The Project site has a GP 2040 and zoning designation of DMU-S. The purpose of the DMU-S zone is to encourage an integrated transit-oriented and mixed use neighborhood, extending the activity of City Center across Bollinger Canyon Road with shops, offices, and a diversity of housing opportunities set in an urban environment of walkable streets, parks and trails. The intent is to promote a broad mix of uses which incorporates a transition of primarily commercial uses adjacent to the freeway and Bollinger Canyon Road, with residential uses located behind or above the primary commercial uses in close proximity to transportation networks. The allowed density in the DMU-S zone is 20 to 60 dwelling units per acre. Development is generally intended to be more vertical in nature and allowance for higher density closer to the arterial roadway, with an appropriate transitional buffer adjacent to existing residential uses located to the south. Commercial uses (i.e. restaurants and retail) are encouraged along major streets. Development could be stand-alone, vertical, or horizontal mixed-use configurations.

The Project is within the DMU-S zoning district. Table 1 below identifies the development standards for the subject property:

Table 1: Project Development Standards

Development Feature	City Standard (DMU-S)	Proposed Project
Minimum lot size	Determined through subdivision process	Varies
Setbacks	Minimum 10 feet for front setback. Setbacks for side-interior, side-corner, rear, and accessory structure is determined through project review and approval.	Varies
Density	Minimum density of 20 dwelling units per acre and maximum density of 60 dwelling units per acre. The actual number of units allowed will be determined through subdivision or land use permit approval.	46.3 dwelling units per net acre
Floor Area Ration (FAR)	Sitewide minimum of 1.25 and sitewide maximum of 2.75.	0.79 minimum (State Density Bonus Waiver)
Maximum height	85 feet, except as limited by Daylight Plane Requirements (D2-15.A) and Section D3-6 (Height Limits and Exceptions)	30 feet for SFDU 40 feet for Townhomes
Landscaping	Minimum 15% of the lot.	17.6% provided
Parking	786 spaces based on Zoning Code Parking requirements (460 covered spaces for SFDU, 276 covered spaces for Townhomes, 50 guest stalls for non-driveway subdivision)	1,620 provided (501 covered spaces for SFDU, 368 covered spaces for Townhomes, 344 driveway spaces)

Development Feature	City Standard (DMU-S)	Proposed Project
		for SFDU, 407 on-street uncovered/guest spaces)

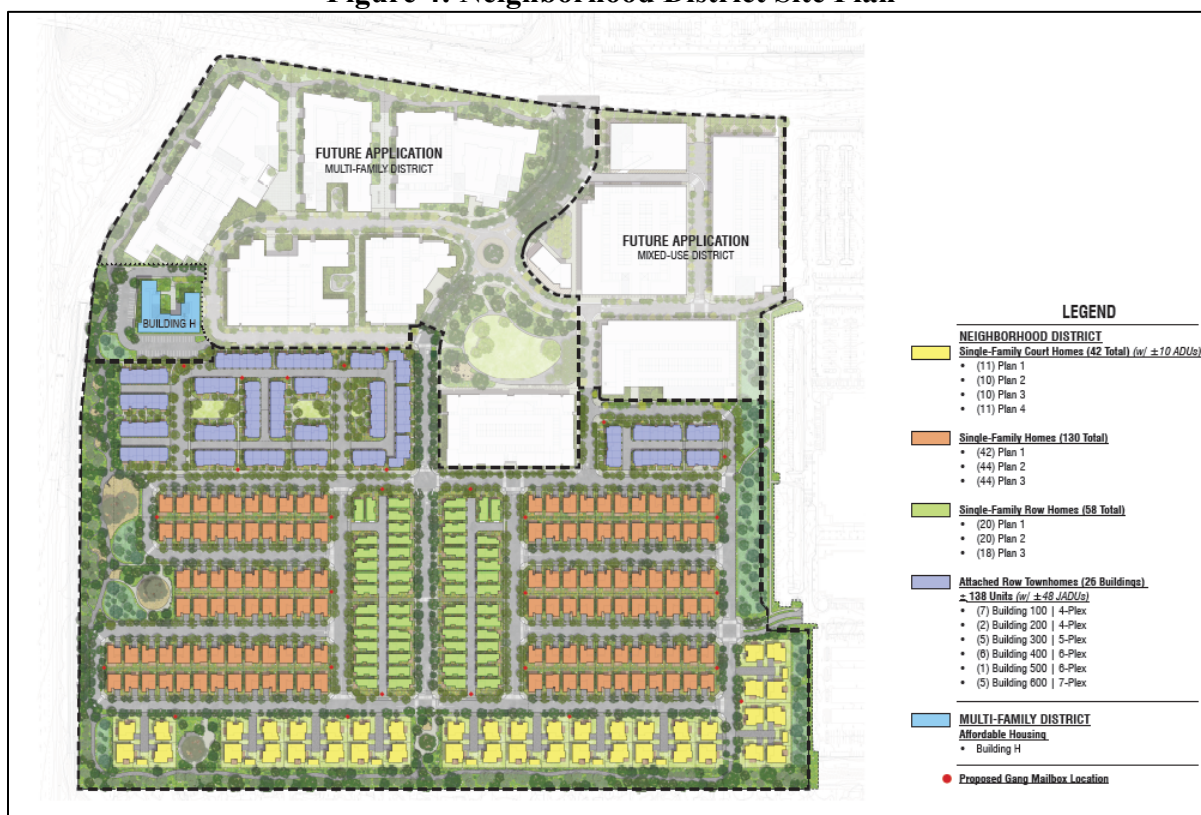
The Project complies with the DMU-S development standards, with the exception of FAR. The DMU-N sitewide FAR range is 1.25 to 2.75; however, the Project requests a wavier under the State Density Bonus Law for the minimum sitewide FAR of 0.79 as compliance with the DMU-S development standard for FAR would make construction of the Project physically infeasible.

Neighborhood District Development Plan

The Neighborhood District consists of 368 total units and 58 optional ADUs. Figure 4 (from the Project Plans) provides a color-coded breakdown of the types of units within the District:

- 42 Single-Family Court Homes plus 10 ADUs
- 130 Single-Family Homes
- 58 Single-Family Row Homes
- 136 Attached Row Townhomes plus 48 Junior ADUs

Figure 4: Neighborhood District Site Plan



Single-Family Court Homes (yellow color) have four plan types and are generally organized as a group of four single-family detached units with a shared court driveway with one ADU located at the end of the court. Single-Family Homes (orange color) have three plan types and are detached single-family units with a minimum 20' driveway. Single-Family Row Homes (green color) have three plan types with garages access via an alleyway and front doors facing the street. Attached Row Townhomes (purple color) are organized in 26 buildings with four to seven units per building and garage access through a shared alleyway.

Figure 5: Proposed Vesting Tentative Map



Building Layout and Setbacks:

Aside from the 10-foot minimum front setback, the building setbacks do not have a specific numeric requirement but rather are set by the project design. See Table 2 for the Proposed Neighborhood Development Standards

Table 2: Proposed Neighborhood District Standards

Downtown Mixed-Use-South (DMU-S) Development Standards						
Minimum Lot Size	Requirement	Proposed (Neighborhood District)				
		Single-Family Court Homes	Single-Family Homes	Single-Family Row Homes	Attached Row Townhomes	Accessory Dwelling Unit
Area (Lot Area-Typ.)	project review	6000	4000	2880	N/A	N/A
Width	project review	75	50	36	N/A	N/A
Depth	project review	80	80	80	N/A	N/A
Setbacks (Minimum)						
Front (Primary Structure)	10	10	10	8	10	10
Front (Porch)	project review	10	5	5	5	project review
Side-Interior (Each)	project review	5	5	4	3	4
Side-Corner (Street)	project review	10	10	5	5	project review
Rear	project review	10	10	4	0	4
Lot coverage						
Maximum	N/A	N/A	N/A	N/A	N/A	N/A
Height limit [1]						
Maximum	85	30	30	30	40	16

Project Review= Determined through project review and approval
 [1] Height measured to Midpoint of Roof Plane

Building Architecture and Landscape:

Architecture:

The proposed architectural concept combines traditional gable forms found throughout the City of San Ramon, with a contemporary flair. While there are four home types in the Neighborhood District, each home type follows a similar architectural style in terms of colors, materials, and accents. The Project would utilize 15 color schemes, which include earth tones, greens, blues, and greys as well as accents of red, oranges, and blues/teals. The initial color scheme contemplated for the proposed Project is included found in the Project Plans.

The proposed Project’s exterior materials include composition shingle roofing, fiber cement board and batten, lap siding, stucco wall finishes, and decorative garage doors. Additional architectural accents include porches and balconies with metal railings. Figure 5 provides typical Architectural styles within the Neighborhoods District. For additional details on architectural elevations, floor plans, and typical site layout, refer to Attachment F.

Figure 5: Typical Neighborhood District Architecture

Single-Family Court Elevations



Single-Family Home Elevations



Single-Family Row Home Elevations



Attached Townhome Elevations



Front Elevation

Parking

As described above, the project includes a total of 1,620 parking spaces for residents and guests, 501 covered spaces for single-family dwelling units, 368 covered spaces for townhomes, 344 driveway spaces for single-family dwelling units, 407 on-street uncovered/guest spaces are provided by the Project where 786 parking spaces are required by the Zoning Ordinance (effective November 2025). The parking provided will meet the requirements for parking associated with the proposed unit mix and guest spaces.

Landscape Design

The Applicant has provided a conceptual landscape plan layout that identifies the specific planting areas in relation to the Project site including landscape paths, pocket parks, heritage oak tree parks, and bio treatment areas as shown in Figure 6 (from Project Plans).

Figure 6: Conceptual Neighborhood District Landscape Plan



The Project will have a proposed tree and understory plant palette and compliance with the Model Water Efficiency Landscape Ordinance (MWELo) will be required. Use of reclaimed water, if available, will also be a consideration and may impact the final plant selection.

Parkland Dedication

In order to offset the impact of additional residents to City parks, each residential development project is subject to the City's Parkland Dedication Ordinance. The Ordinance allows for a combination of land dedication and/or payment of fees to meet this obligation. The Project has been conditioned to meet the Parkland Dedication Ordinance; additionally, parkland contributions will be further discussed through the Project's Development Agreement review process

Architectural Review

On May 1, May 8, and June 5, 2025, the ARB reviewed the project and provided a recommendation for Final Architectural Review approval with comments to the Applicant for consideration. These comments generally relate to adding enhancements and connectivity to pedestrian and greenway areas, site layout and orientation, and suggestions to modify exterior treatments on the single-family homes.

The Applicant has assessed the comments and incorporated changes primarily related to enhancements to the pedestrian pathways, including enhancements to the east-west path

connecting to a Heritage Oak Tree Park, pedestrian safety features, and expanded the landscape plan. Additionally, architectural updates have been made to the single-family homes including porch expansions and rotating the ADU. The Applicant has submitted revised project plans (Attachment F) and a response to the ARB comments (Attachment H).

Project Consistency Determination

Pursuant to Government Code Section 65589.5, subdivision (j)(2), local agencies must provide written notification and documentation of any inconsistency, noncompliance, or inconformity with any applicable objective standards or criteria contained within a City plan, program, policy, ordinance, standard, requirement, or other similar provisions. On August 15, 2025, within 90 days of the Project's completeness determination, Planning Services staff identified inconsistencies with the Zoning Ordinance and Objective Design and Development Standards and issued a Project's Consistency Determination letter. On December 4, 2025, within 90 days of the Project's resubmittal of the Project's Design Guidelines and Affordable Housing Plan, the City issued an updated Project's Consistency Determination letter. As such, the Project, based on the application materials, qualifies for State Density Bonus Law concessions and waivers (Gov. Code, §65915 et seq) and has been determined to be compliant with the applicable objective standards or criteria contained within the City plans, programs, policies, ordinances, standards, requirements, or similar provisions, with the exception of six requested waivers, which will be approved unless the City makes a denial finding(s) under Gov. Code § 65915(e)(1). Consistent with the adopted procedures, the Compliance Determination letter has been posted to the Pending Housing Project webpage and has been provided as Attachment I.

Density Bonus and Affordable Housing

Projects that propose affordable housing may be eligible for a density bonus under State Density Bonus Law (SDBL) (Government Code Section 65915 et seq.) and San Ramon Municipal Code Section D4-76 which allows developers to exceed the maximum allowable density in the General Plan and Zoning Code and seek modifications of certain development standards if the project includes a certain number and type of affordable units.

The City's Inclusionary Housing Ordinance (IHO) requires that 15 percent (368 homes) of the Orchards' project be deed-restricted as affordable consistent with Section C4-177 of the City's Ordinance. The IHO income targets differ depending on whether a residential unit is a for-sale or rental unit as follows:

- For-Sale: Very low (3%), Low (4.5%) and Moderate (7.5%) income levels
- Rental: Very low (7.5%) and Low (7.5%) income levels

Because Orchards has diverse housing types and densities, the Project intends to meet its affordable housing requirement (see Attachment J) through a combination of methods as allowed under the Alternative Means of Compliance Section C-4 179(E) of the IHO. The two methods to comply with the project's affordable obligations are:

- On-Site inclusionary construction within Orchards

- A Land Dedication within Orchards to a local non-profit housing developer for an affordable multifamily development.

The Project will provide a minimum of 5% of the overall units to very low-income households which qualifies Orchards for State Density Bonus which includes the ability for concessions and waivers, as well as a reduction in parking requirements. The Applicant has identified their Project will need six waivers: 1) waiver from the minimum sitewide Floor Area Ratio (FAR), 2) a waiver to use the Orchards Design Guidelines dated November 14, 2025 in lieu of the City’s Objective Design and Development Standards (ODDS), 3) a waiver from Zoning Ordinance standard for Landscaping (D3-21) Plant Materials Trees, 4) a waiver from Zoning Ordinance standard for Landscaping (D3-21) Plant Materials Shrubs, 5) a waiver from Zoning Ordinance standard for Parking and Circulation (D3-37-B.1), and 6) a waiver from Zoning Ordinance standard for Parking and Circulation (D3-37-B.6) (see Attachment J for project waivers request).

For the Neighborhood District’s 368 Single-Family Homes, the IHO requirements will be met as follows:

Table 3: Neighborhood District Affordable Housing Commitment

District	Homes	Market Rate	Affordable	
			Very Low	Low
			50% AMI	80% AMI
Neighborhood District	368	368	-	-
Orchards Affordable (a)	100	1	25	74
Total	468	369	25	74
	100.0%	78.8%	5.3%	15.8%

Notes

(a) The average affordability will not exceed 60% AMI with at least 5 percent of the units at 50% AMI or less.

At full Project buildout of 2,452 homes (excluding ADUs), Orchards will meet the IHO requirements as follows:

Table 4: Orchards Project Affordable Housing Commitment at Buildout

District	Homes	Market Rate	Affordable		
			Very Low	Low	Moderate
			50% AMI	80% AMI	120% AMI
Neighborhood District	368	368	-	-	-
Orchards Affordable (a)	100	1	25	74	-
Multi-Family District (b)	1,365	1,160	91	92	22
Mixed-Use District - Rental	619	526	47	46	-
Total	2,452	2,055	163	212	22
	100.0%	83.8%	6.6%	8.6%	0.9%

Notes

(a) The average affordability will not exceed 60% AMI with at least 5 percent of the units at 50% AMI or less.

(b) Includes a mix of for-sale and rental homes.

An Affordable Housing Agreement and Development Agreement will be recorded on the Orchards Project outlining the specific location, number, type, size, and phasing of all affordable units, the occupancy requirements, the eligibility requirements, the provisions for income certification and screening of potential renters or owners of units, consistent with this Affordable Housing Plan. The affordable units will be deed-restricted at their respective affordability levels pursuant to the San Ramon Municipal Code section.

The Project exceeds the City’s 15% Inclusionary Housing Ordinance requirement and will provide a greater benefit in the form of more low- and very low-income units (higher affordability level) consistent with the alternative compliance considerations under Section C4-179 of the Municipal Code. The project will provide deeper affordability which will implement the City’s Housing Element and make further progress towards meeting the City’s Regional Housing Needs Allocation (RHNA) numbers.

Traffic Operations Analysis and Vehicle Miles Traveled (VMT)

As of July 1, 2020, Senate Bill 743 (SB 743) requires agencies analyzing the transportation impacts of new projects look at a metric known as Vehicle Miles Traveled (VMT) instead of Level of Service (LOS). Essentially, auto delay, on its own, is no longer an environmental impact under CEQA. Locally, San Ramon General Plan 2040 Policy 5.1-I-3 requires a traffic impact study when a project generates 50 or more net new peak hour vehicle trips as a means of disclosure, but is not required to be mitigated. The Applicant has provided transportation analysis, prepared by Fehr and Peers, that analyzes the Project traffic operations, and VMT. The Orchards Traffic Operations Report, dated November 10, 2025 (Attachment K) documents the effect of the Project trips on traffic. The Project is expected to generate more automobile trips than a fully occupied corporate headquarters for a typical weekday, although fewer in the AM and PM peak hours. The directionality of the Project trips would be more aligned with the prevailing travel which is toward I-680 in the morning, and away from it in the afternoon, whereas the corporate headquarters use generated travel demand that more generally counterbalances prevailing traffic flows. The Project’s trip generation accounts for internal

capture and for walking, biking, and transit use.

Currently, existing intersection levels of service in the Project vicinity are all LOS D or better, which is within the City's standard of LOS E or better. The addition of project trips would result in average delay worsening to LOS E during some periods at the main project driveway intersection at Chevron Drive-Sunset Drive/Bollinger Canyon Road, and to the adjacent east at Bollinger Canyon Road/Bishop Ranch 1-Camino Ramon, although this would remain within the City's standard. At rare cases in the peak hours, drivers may experience long queues, but they would still be served by the first green light that they experience. In conclusion, the Project's traffic would generally be adequately accommodated under existing capacity. The Traffic Operations Report does recommend incorporating three measures to reduce queues and automobile delay which include re-striping, updating the adaptive signal system, and adjusting the traffic signal settings.

Under General Plan 2040 cumulative conditions including the Project, traffic is projected to grow by 1.3% annually between 2025 and 2040. Intersection LOS in the Project vicinity would generally be similar to existing with project conditions with the exception of LOS F conditions (exceeding capacity) at Chevron Drive-Sunset Drive/Bollinger Canyon Road, and Bollinger Canyon Road/Bishop Ranch 1-Camino Ramon, with extensive vehicular queuing spilling back to upstream intersections. With the adaptive signal system designed to preserve vehicular progression along Bollinger Canyon Road, much of the delay would be experienced by side-street drivers. Over time, some drivers may adapt where and when they drive when faced with this amount of delay; the traffic model does not capture this type of behavior change, so peak hour delay and queuing in the report can be seen as a worst-case scenario.

Fehr and Peers also prepared a technical memorandum on the effects of the Orchards Project on VMT, dated November 10, 2025 (Attachment L). Because the Project's density is consistent with the development density established in the City's 2040 General Plan, the Project's VMT has already been analyzed and disclosed in the 2040 General Plan EIR. That EIR disclosed a *Significant and Unavoidable* VMT impact and provides Mitigation Measure TRA-2, which reduces VMT impacts through the application of Transportation Demand Management (TDM) measures and project design features that would reduce VMT and participation in a regional VMT impact fee program or exchange/banking program, if and when one is implemented. No project-level VMT analysis is required due to the Project relying on the 15183 exemption. However, the VMT project-level analysis has been prepared for use in case there is a "peculiar characteristic" of the project which means it does not generally fit within the GP EIR analysis.

According to the VMT project-level analysis, it identified that the Project's home-based VMT per capita would result in a significant CEQA transportation impact. If the Project mitigates over 5 percent of its home-based VMT, it will result in a less-than-significant impact. As shown in Attachment L, the Project will reduce VMT from TDM by 6.1%.

The City Traffic Engineer has reviewed the proposed Project and Transportation Analysis provided and agrees with the methodology and conclusions provided in the Traffic Operations Report and VMT Analysis.

‘No Net Loss Law’ Findings

The Project site area is not identified in the adopted and State-certified 2023-2031 Housing Element Sites Inventory as a potential site for future affordable housing development to satisfy the City’s Regional Housing Needs Allocation (RHNA). Therefore, the State ‘No Net Loss Law’ would not apply to the site and the findings identified in Government Code §65863(b) are not required to be made.

Pre-emptions of Local Government Land Use Decisions:

The proposed Project has the potential to impact services, which are considered as part of the City review process. The City has limited discretion regarding the following development factors:

Public Schools

San Ramon Valley Unified School District (SRVUSD) is the responsible agency for determining if adequate school resources exist or a project could lead to an “Overcrowding” condition in accordance with California Government Code Title 7, Division 1, Chapter 4.7, “School Facilities” (Section 65970 – 65981). The SRVUSD has not identified any potential “overcrowding” condition with the proposed Project and confirmed the Project will be required to pay established school impact fees prior to issuance of a building permit.

Water Service

East Bay Municipal Utility District (EBMUD) is the responsible agency for preparing a water demand assessment in accordance with Section 15155 “City or County Consultation with Water Agencies” of the CEQA Guidelines. EBMUD has prepared a Water Supply Assessment for the full 20-year buildout of the Project and indicated that the Project’s water demand can be met. A copy of EBMUD’s Water Supply Assessment is provided as Attachment M.

Housing Accountability Act (HAA)

The City’s review of the proposed Project is subject to the requirements of the Housing Accountability Act (HAA) (Government Code section 65589.5), as amended by State laws such as SB 330 (Housing Crisis Act 2019) and SB 8 (2021). These State laws establish strict limitations on a local government’s authority to deny, reduce the density of, or make infeasible housing development projects. Specifically, the HAA allows local agencies to establish and enforce “appropriate design review standards,” but only on the condition that “those standards must be objective and they must be in place at the time an application is complete.” (*California Renters Legal Advoc. & Educ. Fund (“CARLA”) v. City of San Mateo* (2021) 68 Cal.App.5th 820, 846.)

If a city denies a project based on subjective (as opposed to objective) standards, the denial would be in violation of the HAA, leaving the city vulnerable to legal challenge from the developer, a housing advocacy group, or the State of California. If a court finds that the City improperly denied a project, it can order the City to re-hear the project or, in some cases, simply

order approval of the project. A prevailing plaintiff in a lawsuit under the HAA is also entitled to attorney's fees from the City. If the City fails to comply with a court order to approve a project under the Housing Accountability Act, the City will face a minimum fine of \$10,000 per unit of housing in the project that the City improperly denied, with fines up to \$50,000 per unit being possible. (See CA Gov. Code § 65589.5(k).) However, the HAA does not prohibit the City from imposing conditions of approval based on subjective standards, provided those conditions of approval do not have the effect of denying the project, do not impact the project's ability to provide housing at the density proposed and allowed by the zoning, do not constrain a local government's ability to achieve its RHNA housing targets, and do not run afoul of other State and Federal requirements, such as nexus, rough proportionality, and Equal Protection.

Objective vs. Subjective Standards

The HAA provides that, "nothing in this section shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need." (CA Gov. Code § 65589.5(f)(1).) When a housing development project complies with applicable, objective development standards, the City may not deny the project or impose a condition that it be developed at a lower density without making specific findings that the project would otherwise have a specific, adverse impact on public health and safety that cannot be mitigated. The threshold question, then, is what qualifies as an objective standard.

For a standard to be objective, it must be "uniformly verifiable," which means that "there is little to no room for reasonable persons to differ on whether a project complies with [an external and uniform] benchmark." (*CARLA*, 68 Cal.App.5th at 845.) By contrast, standards that are "so malleable that reasonable minds could differ on whether they are met" are not objective, and may not be used to evaluate housing development projects under the HAA. (*CARLA*, 68 Cal.App.5th at 851.) If a standard requires any level of "after-the-fact interpretive gloss," it is not sufficiently objective. (*CARLA*, 68 Cal.App.5th at 841-842.)

The HAA also provides that a project shall be deemed consistent with City standards if there is evidence sufficient for a reasonable person to conclude the project is consistent. (CA Gov. Code § 65589.5(f)(4).) Moreover, this evidence can come from anywhere in the record, including staff reports, public testimony, and analysis from the project sponsor; a reviewing court is not limited to the approval body's findings when assessing whether there is evidence that a project complies with objective standards. (*CARLA*, 68 Cal.App.5th at 852-854.) In practice, this means that if the City is challenged by a developer for denying a housing project, the City does not receive the normal amount of deference from a reviewing court for its decisions. It is therefore not sufficient for the city to find a basis for denial; it must also find that there is *no reasonable basis for approval*. This is a much higher threshold for denial than the traditional rational basis that has previously applied to city review for consistency.

Brian Swanson's Appeal, Appeal Supplement, and Appeal Exhibits

Mr. Swanson's appeal reasons are copied verbatim in the italicized paragraphs below from 1) the

Ground for Appeal section of his appeal letter dated February 12, 2026 (Attachment O), and 2) from the Supplement #1 section of his appeal supplement letter date February 13, 2026 (Attachment P). Mr. Swanson has also provided appeal exhibits for the record (Attachment Q). Following the appeal reasons section, City Staff has provided responses to the appeal.

Reason 1 for Appeal:

4.1. CEQA Guidelines section 15183 is being treated as long-term "environmental clearance" for a 20-year phased master plan, contrary to CEQA's intent and the City's own record.

The City's record frames CEQA Guidelines section 15183 as a basis to conclude that "impacts that were analyzed in the 2040 GPU 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 pp. 8-9.)

However, the City's approvals are not limited to a single, near-term construction permit. They approve a long-range master plan that the City states is anticipated to be developed over approximately 20 years. (February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, Packet p. 15.)

The applicant's own presentation depicts phasing in multi-year increments, including delivery of the "Orchards Neighborhood" in Year 7 and additional districts extending through Year 20. (January 20, 2026 Planning Commission Agenda Packet, Orchards Phasing Scenario slide, Packet p. 47.)

The applicant's traffic consultant (Fehr & Peers) expressly recognizes the implications of phasing and changing conditions over time. In the Traffic Operations Report conclusion, Fehr & Peers states: "We recommend that the need for mitigation measures is re-assessed after occupation of each phase of development." (Fehr & Peers, Bishop Ranch Orchards Traffic Operations Report, November 10, 2025, p. 18.)

That admission is fundamentally inconsistent with a blanket "no further review" posture for a 20-year phased master plan. If mitigation needs must be reassessed after each phase, then by definition the Project's impacts, assumptions, and/or effectiveness of mitigation are expected to change over time. A CEQA approach that treats a December 2023 program-level EIR and a December 2025 consistency checklist as sufficient for the full 20-year buildout is not procedurally sound without enforceable, phase-based triggers for further environmental review when conditions materially change.

Accordingly, the City must establish (in the approval record itself, not informally) clear, realistic, enforceable expectations for when additional environmental review will occur as the master plan is phased, districts are entitled, and conditions change- especially for transportation, air quality, greenhouse gas emissions, and noise

impacts that are directly tied to travel behavior and cumulative development over time.

City's Response to 4.1:

1) Section 15183 Is Not a Blanket or Perpetual Clearance

CEQA Guidelines Section 15183 mandates that projects consistent with development density established by a certified EIR do not need further environmental review, except in certain cases. See *Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890. However, Section 15183 does not operate as a generalized “environmental clearance.” Rather, it is a statutory streamlining mechanism and potential statutory exemption that applies when a project is consistent with the development density and intensity assumptions evaluated in a previously certified program-level EIR. In this case, the San Ramon General Plan 2040 EIR, certified in December 2023.

Consistent with streamlining future environmental review for projects within the scope of a program EIR, Section 15183 states that projects consistent with a general plan “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” (CEQA Guidelines, § 15183(a).) Thus, environmental review of a project that is consistent with the land use designation of a general plan for which an EIR was certified must be limited to examination of significant effects it determines:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse effect than discussed in the prior EIR.” (CEQA Guidelines, § 15183(b)(1)-(4).)

The City evaluated these legal requirements in the CEQA Guidelines Section 15183 Consistency Checklist. The Checklist evaluates both:

- project-level actions approved at this time (demolition, grading, and development of the Neighborhood District), and
- program-level designation of the Mixed-Use and Multi-Family Districts, for which no site-specific development approvals are granted.

Accordingly, the City's use of the exemption for this Project does not authorize approval of unknown future projects without appropriate environmental review. The Mixed-Use and Multi-Family Districts are not approved for construction; they are designated programmatically and expressly subject to future discretionary entitlements, at which time CEQA applicability will be independently evaluated based on the circumstances they present.

Rather, the City is applying Section 15183 to determine whether the approvals currently before it require additional CEQA documentation beyond reliance on the certified General Plan EIR.

2) Approval of a Master Plan Does not Foreclose Future City Discretion

The City's approval of a master plan establishing a conceptual, phased framework does not alter the CEQA analysis required at this stage. CEQA evaluates discretionary actions, not abstract future possibilities. The Neighborhood District is approved with sufficient design detail to support project-level analysis, which the City conducted.

Again, the Mixed-Use and Multi-Family Districts are not approved for construction; they are designated programmatically and expressly subject to future discretionary entitlements, at which time CEQA applicability will be independently evaluated based on the circumstances they present.

CEQA does not require a lead agency to speculate now about future projects where design, timing, and intensity are unknown. To the contrary, CEQA prohibits speculative analysis and directs agencies to defer site-specific review until a concrete proposal is before them.

3) Project Phasing Does Not Preclude Reliance on Section 15183

Nothing in CEQA Guidelines Section 15183 limits its applicability to short-term or single-phase projects. Large, phased developments are appropriately evaluated under Section 15183 when they are consistent with a certified General Plan EIR and do not present impacts peculiar to the project or the site.

Section 15183 does not include any limits with respect to how long a project may take to build. Rather the streamlining provisions and exemption in 15183 consider whether the environmental effects of the approved actions were adequately analyzed at the program level, and whether the proposed project or project site introduces new or peculiar impacts beyond that analysis.

The City's record demonstrates that the Orchards Project's density, land use mix, circulation framework, and infrastructure demands fall squarely within the development envelope evaluated in the General Plan 2040 EIR. The phased nature of implementation is not "peculiar" and does not, by itself, create new environmental impacts.

4) The Traffic Consultant's Recommendation Does Not Undermine the City's CEQA Determination

The appellant relies heavily on a statement in the Traffic Operations Report recommending that the City “reassess” mitigation needs after occupation of each phase. This recommendation does not conflict with the City’s reliance on Section 15183. CEQA does not require that all future operational adjustments be resolved through environmental review. Ongoing traffic monitoring and operational refinements are standard transportation engineering practices and are routinely implemented through conditions of approval, capital improvement programming, or permit-level requirements without requiring additional environmental review.

Second, a recommendation to reassess traffic operations does not constitute an admission that impacts are significant, peculiar, or inadequately analyzed. Rather, it reflects prudent adaptive management in response to evolving real-world traffic conditions and, moreover, reflects conditions that the General Plan EIR expressly anticipated at a citywide level.

Third, CEQA distinguishes between environmental impacts (such as VMT), which are subject to CEQA review, and operational performance (i.e. LOS and other operational improvements), which may be managed through non-CEQA regulatory tools.

The City’s CEQA determination appropriately focuses on whether the Orchards Project creates new or more severe environmental impacts beyond those disclosed in the General Plan EIR. The record supports the conclusion that it does not.

5) No Additional CEQA “Triggers” Are Required to Be Pre-Established

The appellant suggests that the City must adopt explicit, enforceable, phase-based triggers for future CEQA review as part of this approval. CEQA imposes no such requirement.

CEQA already provides the governing standard: when a future discretionary approval is proposed, the City must determine whether that action is covered by prior environmental review or whether additional CEQA analysis is required due to changed circumstances, new information, or project-specific impacts. Embedding hypothetical future CEQA triggers into a current approval would be both unnecessary and inconsistent with CEQA’s project-specific framework.

In summary, the City’s reliance on CEQA Guidelines Section 15183 as an exemption is legally appropriate and procedurally sound. The City may appropriately rely on its recently certified General Plan EIR that evaluated the relevant development intensity. The City met its CEQA responsibilities by preparing and considering a comprehensive Section 15183 consistency analysis. Accordingly, the City is precluded from requiring further environmental review for the approvals currently before it because there are no effects peculiar to the project or the site. See, e.g., *Hilltop Group, Inc., et al v. County of San Diego*, et al. (2024) 99 Cal.App.5th 890 (finding lead agency erred in requiring an EIR when 15183 analysis found no substantial evidence of a peculiar impact). Nonetheless, the City retains full authority to conduct appropriate review for future discretionary approvals, if required.

Accordingly, there is no deficiency in the City’s CEQA compliance, and no changes to the environmental determination are required.

Reason 2 for Appeal:

4.2. The City's reliance on the 2040 General Plan Update Environmental Impact Report does not account for post-2023 regulatory baseline changes and more detailed post-certification entitlements affecting cumulative conditions.

The City's CEQA record emphasizes that the Project is consistent with the development density of the Downtown Mixed Use - South (DMU-S) land use designation and therefore consistent with impacts evaluated in the 2040 GPU EIR. (February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, Packet p. 15; Notice of Exemption for the Orchards Development Project, filed February 6, 2026, p. 2.)

But the City's own record also demonstrates that the regulatory baseline and operative development framework have evolved materially since the 2040 GPU EIR was certified on December 14, 2023. (February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, Packet p. 15; City Council Agenda Packet, October 14, 2025, Ordinance 534 Staff Report, Packet p. 14.)

For example, the City Council adopted Ordinance 529 on May 13, 2025, reducing the Downtown Mixed Use - Neighborhood (DMU-N) minimum sitewide floor area ratio from 1.25 to 0.5. (City Council Agenda Packet, May 13, 2025, Ordinance 529 Staff Report, Packet p. 105.)

The City Council also adopted Ordinance 534 on October 14, 2025, amending Title D Zoning) of the San Ramon Municipal Code, including amendments to parking standards as reflected in the redlined parking requirement tables for residential uses. (City Council Agenda Packet, October 14, 2025, Ordinance 534, Exhibit A-2 (Division D3 Redlines), Table 3-8- Parking Requirements by Land Use, Packet pp. 90-94.)

The Orchards Development Project itself has also relied on concessions, waivers, and alternative standards that change development intensity and operational characteristics in ways that matter for CEQA analysis. For example, the City's December 16, 2025 record lists applicant requests to reduce the minimum sitewide floor area ratio from 1.25 to 0.79, to use Orchards Design Guidelines in lieu of the City's Objective Design and Development Standards, and to obtain multiple waivers from landscaping and parking/circulation standards. (December 16, 2025 Planning Commission Agenda Packet, Applicant Requests slide, Packet p. 90.)

The Notice of Exemption further acknowledges that the Neighborhood District is requesting a waiver from the minimum floor area ratio requirement under the State Density Bonus Law, and asserts that CEQA Guidelines section 15183 consistency is based on density rather than floor area ratio. (Notice of Exemption for the Orchards Development Project, filed February 6, 2026, p. 2.)

Even if the City elects to define "consistency" for purposes of CEQA Guidelines section 15183 primarily through residential density, floor area ratio, parking supply, and objective standards waivers are not irrelevant to environmental impacts-especially transportation behavior, greenhouse gas emissions, air quality, noise, and cumulative effects across a multi-district, multi-decade buildout.

In addition, since certification of the 2040 GPU EIR, the City has made a series of discretionary approvals in "the downtown area core" that add substantial, project-level detail and change the cumulative development picture, including but not limited to approvals involving Bishop Ranch 1A, Bishop Ranch 3A, Bishop Ranch 7 (Bartlett-KB Home South Bay, Inc.), Bishop Ranch 8 (Canopy), Bishop Ranch 11 (Trumark Homes), Bishop Ranch 12 (Annabel), and Bishop Ranch Affordable Housing (Bishop Ranch Service Center). To the extent the City has relied on the 2040 GPU EIR and/or the City Walk Master Plan EIR including for Bishop Ranch 1A and Bishop Ranch 3A) for tiering and streamlining determinations, that post-certification, project-level detail cannot be ignored when assessing current cumulative conditions for this 20-year master plan approval. These references are provided solely for regulatory-baseline and cumulative-setting context relevant to the Orchards Development Project, and are not asserted as a separate, independent appeal or challenge to any other approval.

The City has also adopted updated San Ramon Climate Action Plan (CAP) and the CEQA Greenhouse Gas Emissions Thresholds and Guidance Report (June 10, 2025) post-dating certification of the 2040 GPU EIR, which should not be ignored in CEQA tiering decisions for any major discretionary approvals issued years after the December 2023 certification of the 2040 GPU EIR.

Given this additional information obtained from each project's development agreement and entitlement record, together with these regulatory and cumulative-setting changes, it is not credible to treat the December 2023 program-level EIR as a static "all-purpose clearance" for major, phased approvals issued years later-particularly where traffic patterns change over time and post-certification actions and ordinance amendments affect development intensity assumptions and cumulative impacts relevant to Vehicle Miles Traveled (VMT), air quality, greenhouse gas emissions, and noise, among others.

City's Response to 4.2:

As noted in the City's Response to 4.1, CEQA Guidelines Section 15183 mandates that projects consistent with development density established by a certified EIR do not need further environmental review, except in certain cases. See *Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890. However, Section 15183 does not operate as a generalized "environmental clearance." Rather, it is a statutory streamlining mechanism and potential statutory exemption that applies when a project is consistent with the development density and intensity assumptions evaluated in a previously certified program-level EIR. In this case, the San Ramon General Plan 2040 EIR, certified in December 2023.

The City does not use the General Plan 2040 EIR as an "all-purpose clearance." Each project

listed by the appellant in 4.2 has had its own independent CEQA analysis and conclusions on environmental impact prior to the City taking action on such projects. Those projects have been approved below the maximum density allowed in the General Plan and Zoning Ordinance (with the exception of the Bishop Ranch Affordable Housing at the Bishop Ranch Service Center which qualified for a density bonus) and resulted in no new significant impacts that were not already contemplated in the GP 2040 EIR.

Section 15183 states that projects consistent with a general plan “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” (CEQA Guidelines, § 15183(a).) The Orchards Development Project’s CEQA Guidelines Section 15183 Consistency Checklist (Attachment G) evaluated whether there would be project-specific significant effects that are “peculiar” to the site and concluded there are none.

Regarding the project’s waiver requests, including the request to reduce the minimum sitewide floor area ratio, California State Density Bonus Law requires that if any city development standard physically prevents a project from being built at the permitted density, the developer may propose to have those standards waived or reduced. The city is not required to waive or reduce development standards that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. The Orchards Development Project’s CEQA Guidelines Section 15183 Consistency Checklist (Attachment G) identified no environmental problems due to the Project’s proposed waivers, including the reduction to the floor area ratio.

Reason 3 for Appeal:

4.3. Transportation and Vehicle Miles Traveled: the record acknowledges uncertain thresholds, potentially significant impacts, and mitigation that is not shown to be fully enforceable or effective, especially for a phased, long-term buildout.

The December 16, 2025 Planning Commission staff report states that "no project-level VMT analysis is required due to the Project relying on the 15183 exemption," but also acknowledges that a project-level analysis was prepared "for use in case there is a 'peculiar characteristic' of the project which means it does not generally fit within the 2040 GPU EIR analysis." (December 16, 2025 Planning Commission Agenda Packet, Staff Report discussion of Vehicle Miles Traveled, Packet p. 70.)

Fehr & Peers' Vehicle Miles Traveled memorandum further states that, at the time of preparation, "the City of San Ramon has not yet formally adopted its own VMT criteria, standards, or thresholds," and therefore the assessment follows current Governor's Office of Planning and Research guidance and Contra Costa Transportation Authority guidance, not local or project-based thresholds. (Fehr & Peers, Bishop Ranch Orchards Vehicle Miles Traveled Analysis, November 10, 2025, p. 2.)

The City's CEQA Guidelines section 15183 consistency checklist acknowledges that the 2040 GPU EIR identified Vehicle Miles Traveled impacts as potentially significant, and that the

2040 GPU EIR concluded that Vehicle Miles Traveled impacts would remain significant and unavoidable, with the effectiveness of citywide Transportation Demand Management programs characterized as uncertain pending buildout and future behavior changes. (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025, pp. 164-165.)

Despite that context, the checklist concludes that there are "no environmental effects peculiar to the proposed project," while relying on Transportation Demand Management measures to reduce home-based Vehicle Miles Traveled by "just over" five percent and asserting an expected reduction of 6.1 percent. (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025, p. 165; December 16, 2025 Planning Commission Agenda Packet, Staff Report discussion of Vehicle Miles Traveled, Packet p. 70.)

This reasoning is not legally defensible as presented. Where the program-level Environmental Impact Report concluded that Vehicle Miles Traveled impacts would be significant and unavoidable because mitigation effectiveness is uncertain, the City cannot credibly treat a marginal, model-based percentage reduction (6.1 percent versus a "just over" five percent target) as a settled basis for a "no further review" conclusion—especially for a project that the City itself describes as a 20-year phased master plan. (February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, Packet p. 15; January 20, 2026 Planning Commission Agenda Packet, Orchards Phasing Scenario slide, Packet p. 47.)

Moreover, the Project's own Traffic Operations Report explicitly recommends reassessing the need for mitigation measures after occupation of each phase of development. (Fehr & Peers, Bishop Ranch Orchards Traffic Operations Report, November 10, 2025, p. 18.)

Mitigation measures under CEQA must be feasible, effective, and fully enforceable by the lead agency throughout the life of the approval. Here, the adopted Conditions of Approval include broad Transportation Demand Management requirements (e.g., implement a Community-Based Travel Plan prior to occupancy and distribute Transportation Demand Management information), but the record does not demonstrate how those measures will be monitored, enforced over time, and adaptively strengthened if Vehicle Miles Traveled reductions do not materialize. (February 3, 2026 Planning Commission Agenda Packet, Resolution No. 02-26, Neighborhood District Conditions of Approval, Condition 115, Packet p. 57; February 3, 2026 Planning Commission Agenda Packet, Resolution No. 02-26, Master Plan Conditions of Approval, Condition 99, Packet p. 41.)

Because Vehicle Miles Traveled directly drives related impact areas—traffic operations, air quality, greenhouse gas emissions, and noise—the deficiencies in the Vehicle Miles Traveled analysis and mitigation framework create cascading CEQA problems that cannot be dismissed by conclusory statements of "not peculiar" impacts.

City's Response to 4.3:

1) CEQA does not require a local threshold of significance as a prerequisite to applying Section 15183.

In the absence of adopted thresholds, reliance on state guidance and regional transportation agency methodologies is expressly contemplated under CEQA and SB 743. More importantly, the City did not base its consistency determination on a finding that the proposed project's VMT impacts are less than significant. Rather, the City appropriately relied on the fact that:

VMT impacts associated with residential development at the proposed density were analyzed in the 2040 GPU EIR; those impacts were identified as growth-related and citywide in nature; the proposed project does not result in impacts that are peculiar to the project or the site; and the proposed project does not introduce a land use pattern, intensity, or transportation demand that is materially different from what was assumed in the GPU EIR.

Accordingly, the absence of a local numeric VMT threshold does not create a legal deficiency or override the mandate in Section 15183 that no further environmental review be required for projects consistent with the development density in a certified EIR.

2) Preparation of a Project-Level VMT Memorandum Does Not Concede Significant or Peculiar Impacts

The appellant incorrectly suggests that preparation of a project-level VMT memorandum undermines the City's reliance on Section 15183. CEQA requires that state and local agencies disclose and evaluate the significant environmental impacts of proposed projects. Nothing in CEQA prohibits a lead agency from preparing technical analysis for informational or confirmatory purposes.

The Planning Commission staff report correctly explains that the VMT analysis was prepared to confirm that no peculiar project characteristics exist. Courts have expressly held that an agency may rely on Section 15183 even after preparing project-level studies, and that doing so does not waive or invalidate the exemption. (*Hilltop Group, supra.*)

3) TDM Measures Are Appropriately Treated as Uniform Plan-Level Policies, Not Project-Specific Mitigation

The City did not rely on TDM measures to mitigate a newly identified project-specific VMT impact peculiar to the project or the site to less than significant. Instead, TDM measures are part of the uniformly applied, citywide transportation strategy evaluated in the 2040 GPU EIR and incorporated into subsequent projects through conditions of approval. The fact that such measures are uniformly applied and city-wide demonstrates that they are not in response to anything "peculiar".

Moreover, under Section 15183, where impacts have been addressed at the plan level and can be reduced through uniformly applied policies or standards, no additional project-level EIR or mitigation is required.

4) Phased Buildout Does Not Create a “Peculiar” VMT Impact

Long-term, phased development is a characteristic expressly contemplated in the 2040 GPU EIR, which analyzed buildout conditions and transportation demand over the life of the General Plan. A phased implementation schedule does not, by itself, create a peculiar environmental impact. Courts have consistently rejected arguments that long-range or phased projects require duplicative CEQA review where growth and timing assumptions were addressed in a program EIR.

The recommendation to reassess conditions after future phases reflects good transportation planning practice and is not evidence of a reasonably foreseeable impact peculiar to the project or the site. CEQA does not require speculative future reassessment to be embedded as enforceable mitigation where impacts have already been disclosed and accepted at the program level.

5) There is No Evidence of “Cascading” Impacts

Finally, the appellant asserts that alleged VMT deficiencies create cascading impacts to air quality, greenhouse gas emissions, and noise. However, those impact areas were evaluated comprehensively in the 2040 GPU EIR as growth-related effects of planned development. The proposed project does not introduce a new causal mechanism or impact pathway beyond what was analyzed at the plan level. At the program level, the Mixed Use and Multi Family Districts are not approved for construction; they are designated programmatically and expressly subject to future discretionary entitlements, at which time CEQA applicability will be independently evaluated based on the circumstances they present.

CEQA does not require the City to re-analyze or re-mitigate those impacts for each consistent project absent substantial evidence of a peculiar effect. No such evidence has been presented.

Reason 4 for Appeal:

4.4. Reliance on applicant-prepared technical studies without demonstrated independent verification undermines impartiality and the City’s duty of independent judgment.

The City's staff report states that the City's consultant (FirstCarbon Solutions) prepared the CEQA Guidelines section 15183 checklist, but the checklist's transportation conclusions rely on the applicant's Fehr & Peers Traffic Operations Report and Vehicle Miles Traveled analysis. (February 3, 2026 Planning Commission Agenda Packet, Staff Report, Packet pp. 8-9; December 16, 2025 Planning Commission Agenda Packet, Staff Report discussion of Vehicle Miles Traveled, Packet p. 70.)

The December 16, 2025 staff report further states that the City Traffic Engineer reviewed and "agrees with the methodology and conclusions" of the applicant's Traffic Operations Report and Vehicle Miles Traveled analysis. (December 16, 2025 Planning Commission Agenda Packet, Staff Report discussion of Vehicle Miles Traveled, Packet p. 70.)

CEQA permits the use of applicant-prepared studies, but the lead agency and its environmental consultant must exercise independent judgment. For a project of this magnitude and duration-particularly one relying on a streamlined CEQA pathway and making close calls on Vehicle Miles Traveled significance and mitigation-the City must demonstrate, in the record, how independent verification occurred (e.g., peer review, replication checks, sensitivity testing, or other objective validation), rather than solely accepting the applicant's preferred assumptions and conclusions.

The presence of the repeated "Note to Reviewer" in the Fehr & Peers Vehicle Miles Traveled memorandum-stating that the project-level Vehicle Miles Traveled assessment was prepared only "in case" the project does not fit within the General Plan Environmental Impact Report analysis-underscores that even the applicant's consultant recognized the legal and technical sensitivity of relying on CEQA Guidelines section 15183 alone. (Fehr & Peers, Bishop Ranch Orchards Vehicle Miles Traveled Analysis, November 10, 2025, pp. 1, 3, and 5.)

City's Response to 4.4:

The City's Traffic Engineer independently reviewed the methodology and evaluated the Traffic Operations Report and Vehicle Miles Traveled analysis. Multiple rounds of peer review of each document were conducted by the City's Traffic Engineer, Engineering staff, and Planning staff before the report was finalized. Staff and the environmental consultant's conclusions are independently formed and based on the accepted technical review of subject matter experts.

Reason 5 for Appeal:

4.5. Tribal cultural resources and Assembly Bill 52: the record contains indicators of tribal cultural resource sensitivity that are not resolved by a blanket "not required" conclusion.

The CEQA Guidelines section 15183 checklist states that Assembly Bill 52 (AB 52) consultation is "not required" because no Notice of Preparation, Notice of Mitigated Negative Declaration, or Notice of Negative Declaration is being issued for a CEQA Guidelines section 15183 checklist. (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025, p. 79.)

At the same time, the checklist acknowledges: (1) a response from the Confederated Villages of Lisjan Nation recommending caution with exempting the project due to proximity to historic creek systems; and (2) a positive Native American Heritage Commission Sacred Lands File result indicating potential tribal cultural resources within the project boundaries. (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025, p. 79.)

Those indicators are not resolved by simply reciting that AB 52 consultation is "not required." For a project involving substantial grading and ground disturbance across a large site, tribal cultural resource protection requires clear, enforceable conditions, culturally appropriate protocols, and transparent documentation of how tribal concerns were addressed in the record.

City's Response to 4.5:

Consultation pursuant to Assembly Bill (AB) 52 is not required for a Consistency Checklist. Consultation pursuant to AB 52 is triggered when a project includes a Notice of Preparation of an EIR or a Notice of Availability for a Negative Declaration or a Mitigated Negative Declaration. (Pub. Resources Code, § 21080.3.1(b).) The legislation and the associated consultation process do not apply to a project qualifying for review pursuant to a streamlining provision of CEQA, such as a Section 15183 Consistency Checklist.

The project originally included a request for a General Plan Amendment; accordingly, the City sent letters to Tribes identified by the Native American Heritage Commission in accordance with Senate Bill (SB) 18. The City received a response from the Confederated Villages of Lisjan Tribe.

Subsequently, the Applicant rescinded the request for a General Plan Amendment. Under these circumstances, consultation pursuant to SB 18 was no longer technically required.

However, although there was an absence of a formal consultation requirement, the City fully considered multiple indicators of potential tribal cultural resources in its comprehensive analysis, including: (1) the confidential Cultural Resource Assessment, which included independent outreach to culturally affiliated tribes identified by the Native American Heritage Commission (NAHC); (2) correspondence from the Confederated Villages of Lisjan Nation; and (3) a negative Native American Heritage Commission (NAHC) Sacred Lands File search. Moreover, although technically not required under AB 52, the City did consult with the Lisjan Tribe and, in response to that consultation, the Planning Commission included the following three conditions of approval requiring tribal monitoring and the protection of inadvertently discovered cultural and tribal cultural resources, as requested by the Tribe:

53. Require tribal monitor(s) during all activities in areas with cultural resources of interest to local Native American Tribes, when requested. Cultural resources of interest include a sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine. Monitors shall observe grading, ground-disturbing, and other earthmoving activities.
54. If cultural resources are encountered during ground-disturbing activities for a project, work in the immediate area shall be halted and an Archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology in either prehistoric or historic archaeology shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for Cultural Resource Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be

avoided by a project, additional work such as excavating the cultural deposit to fully characterize its extent, and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. In the event that archaeological resources of Native American origin are identified during project construction, a qualified Archaeologist will consult with the City to begin Native American consultation procedures.

55. In the event that cultural resources of Native American origin are identified during construction of a project implemented under the 2040 General Plan, all earth-disturbing work in the vicinity of the find shall be temporarily suspended or redirected until an Archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native Americans, determines that the resource is a Tribal Cultural Resource and, thus, significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with local Native American group(s). The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American Tribal representative and, if applicable, a qualified Archaeologist. Examples of appropriate mitigation for Tribal Cultural Resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

Accordingly, the proposed project includes enforceable conditions of approval and cultural resource protection measures. These conditions are designed to ensure that any unanticipated discoveries are treated in a culturally appropriate manner and in compliance with applicable state law.

Reason 6 for Appeal:

4.6. Process integrity, transparency, and meaningful public participation: statutory streamlining cannot substitute for a complete, coherent, and legally defensible record.

The City has processed Orchards Development Project under Senate Bill 330 (SB 330) as a Preliminary Housing Development application with a maximum of five public meetings. (December 16, 2025 Planning Commission Agenda Packet, Staff Report, Packet p. 54; February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, "WHEREAS" recital, Packet p. 16.)

The City's approval record confirms that the February 3, 2026 hearing was the third of that maximum five-meeting allotment. (February 3, 2026 Planning Commission Agenda Packet, Draft Resolution No. 02-26, "WHEREAS" recital, Packet p. 16.)

SB 330 is not a license to curtail transparency, compress environmental review, or convert a meeting cap into a mandate to approve an incomplete or internally inconsistent record. If the City elects to pursue streamlining pathways, it must do so with heightened--not diminished--discipline in record clarity and defensibility.

Appeal process clarity. *The City's published appeal instructions provide only a minimal checklist of required items and do not clearly explain (among other things): how the City defines the administrative record for purposes of appeal; where the public can access that record in a stable, centralized format; and how CEQA determinations embedded in project approvals are expected to be presented and reviewed on appeal. (City of San Ramon, Appeal Instructions (Zoning), downloaded February 9, 2026, p. 1.)*

Appeal fee deposit, scope of review, and lack of guardrails. *The City's adopted Master Fee Schedule establishes that an appeal from a Planning Commission decision-whether characterized as residential or non-residential-requires a \$4,500 deposit under San Ramon Municipal Code section D7-8. (City of San Ramon Resolution No. 2025-036, Exhibit 1: Master Fee Schedule FY 2025/26, "Planning," "Appeals," p. 6.) The Master Fee Schedule further explains that these deposits are time-and-materials charges billed at an hourly rate of \$330.00 per City employee; that deposit amounts are based on an assumed average cost; and that once 80 percent of a deposit is drawn down, the City will require an additional deposit of 25 percent to 50 percent of the original deposit "to continue processing," with applications potentially deemed withdrawn if account deficits exist. (Id., p. 10, Planning Services Division footnotes 1-3.)*

Yet the City's appeal instructions do not explain what analysis will be performed in exchange for that deposit (or any supplemental deposits), what written staff evaluation (if any) will be prepared, whether staff will issue a written findings memorandum responding to each ground of appeal, or what objective criteria and procedural safeguards ensure the appeal right functions as meaningful administrative review rather than a pay-to-participate act of faith. (City of San Ramon, Appeal Instructions (Zoning), downloaded February 9, 2026, p. 1.)

The Municipal Code provides that the City Council conducts appeals de novo and may consider new materials and testimony. (San Ramon Municipal Code, Title D, Division D7, Chapter 11, section D7-12. C.1.) It also provides that failure to act within the stated time limits is deemed an affirmation of the original decision. (San Ramon Municipal Code, Title D, Division D7, Chapter 11, section D7-12.F.)

Political "call for review" structure. *The Municipal Code separately provides for "calls for review" that must be initiated by a member of the Planning Commission or City Council. (San Ramon Municipal Code, Title D, Division D7, Chapter 11, section D7-11.B.) That structural reality further underscores why the City should take care not to treat appeal rights as dependent on political sponsorship or informal gatekeeping.*

Meaningful relief and fair hearing concerns. *During the November 25, 2025 City Council discussion on appeal fees, the Mayor stated (at approximately 3:25:37 of the meeting video): "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." Similar themes were reiterated during the City Council Special Workshop on January 31, 2026 (Agenda Item 2.1, Continued Discussion of the City's Appeal Fee Structure), where the City Manager (approximately 9:37 a.m.), the Mayor (approximately 10:09 a.m.), and Councilmember*

Jweinat (approximately 10:38 a.m.) made comments that, in the appellant's view, suggested the unlikelihood of successful appeals. The January 31, 2026 workshop recording is not posted on the City's website; the times cited above are from my in-person attendance notes.

These statements raise due process and fair hearing concerns, particularly when paired with a Municipal Code structure in which failure to act is deemed an affirmation. (San Ramon Municipal Code, Title D, Division D7, Chapter 11, section D7-12.F.) This appeal is submitted to ensure that the City Council treats the appeal right as meaningful, non-political, and consistent with basic principles of due process, including a fair hearing based on the weight of the evidence and the standards in the Municipal Code. (San Ramon Municipal Code, Title D, Division D7, Chapter 11, section D7-12.E.2.)

These concerns are also inconsistent with the basic ethical obligations of public planning practice, including the American Institute of Certified Planners Code of Ethics and Professional Conduct, which emphasizes serving the public interest through transparent, fair, and integrity-driven decision-making.

***Administrative record access.** Finally, because the City is the custodian of the administrative record for this matter, the City should not expect residents to recreate or reassemble the record as a condition of obtaining meaningful review. If public comments are to remain embedded in agenda packets for each meeting, the City's Orchards Development Project webpage should clearly and plainly state where the public can find existing public comments in the administrative record, including prior written comments and attachments, and should provide a stable, comprehensive document index identifying all relied-upon technical studies and CEQA documents, rather than forcing residents to hunt through multiple meeting packets.*

City Response to 4.6:

The requirements of Senate Bill 330 (SB 330) are provided in the staff report to the decision-making body for reference only; by providing the information related to the maximum number of meetings, the review body can determine how best to utilize the number of meetings in accordance with State law. The Planning Commission's decision on the Orchards Development Project was based on stated findings of fact and conditions of approval incorporated into Resolution No. 02-26.

The appellant's concerns on the City's appeal process, call for review, fairness, and access to records are unrelated to the Orchards Development Project. Changes to the appeal process, calls for review, and perceived fairness of the process can be pursued by the appellant separate from this Project through an amendment to the City's Zoning Ordinance.

Reason 7 for Appeal (from Supplement #1):

***Appeal process opacity and lack of guardrails (deposit-driven process with undefined work product).** The City's published "Zoning Appeal" instructions identify a \$4,500 deposit requirement for an appeal of a Planning Commission decision and describe basic intake*

steps and statutory timelines for scheduling and decision. However, the City’s published materials do not explain—at all—what analysis, written work product, or findings the public is paying for when required to tender a \$4,500 deposit. The instructions do not state whether Community Development staff must prepare a written response that addresses each ground of appeal; whether the City’s environmental consultant (or any independent reviewer) must prepare a neutral technical memorandum evaluating the appellant’s issues; whether staff must produce findings responsive to the CEQA issues raised; or whether the City Council will be asked to decide the appeal on the basis of an undefined, staff-controlled record that simply reiterates the approval posture already advanced at the Planning Commission. In short, the City’s published appeal process reads as “pay a substantial deposit and have faith in an undefined process,” which is not a fair or transparent framework for meaningful administrative relief in a CEQA-driven discretionary approval.

Institutional impartiality and fair-hearing concerns (staff positioned to defend its own prior work product). This process opacity matters because it directly implicates due process and fair-hearing expectations. Here, City staff managed the entitlement path, directed, and relied upon the City’s CEQA consultant, authored the Planning Commission staff reports, framed the findings and conditions, and advanced the City’s CEQA posture in support of approval. Absent any published separation-of-functions safeguards, the City’s structure and public instructions leave the clear impression that the same staff operation responsible for the original approval recommendation is also positioned to control the City’s appellate response and to frame the recommendation and administrative narrative presented to the City Council. That is a structural impartiality problem: it risks turning an appeal into staff’s defense of staff’s own prior work product, rather than an impartial re-evaluation of whether the City’s CEQA record and entitlement findings are complete, coherent, and legally defensible. When the City demands a substantial deposit yet does not identify the analysis standards, responsible preparers, or required written deliverables, the appeal process functions less like meaningful administrative review and more like an opaque, potentially political gatekeeping mechanism.

Comparable local jurisdictions demonstrate that clear guardrails are feasible and routinely articulated. Several nearby jurisdictions publish clearer appeal guardrails that reduce the appearance of prejudgment and improve public understanding of what an appeal is and is not. For example, the City of Pleasanton’s municipal code expressly provides that appeal hearings are conducted “de novo” and requires the decision-making body to make findings supporting its decision. The City of Pleasant Hill’s code requires that when an appellate body modifies or reverses an original decision, it must state specific reasons, and it sets time limits for scheduling and deciding appeals, including a rule that failure to act within prescribed time limits results in affirmation of the original decision. The City of Walnut Creek publishes detailed public-facing appeal instructions describing what must be filed, the filing deadline mechanics, and even identifies the responsible staff liaison and hearing body by appeal type. Contra Costa County publishes plain-language appeal guidance that identifies the general appeal chain and specific “grounds for appeal.” The City of Dublin’s appeals ordinance materials explicitly address the appearance of bias and clarify appeal procedures in ways that acknowledge and manage fairness concerns. These examples are not offered as perfect models, but they demonstrate that clear, codified, publicly accessible

procedural guardrails are feasible and common in local practice; San Ramon's failure to similarly articulate guardrails is therefore not inevitable, and it should be weighed as a process integrity deficiency relevant to whether meaningful administrative relief is being provided.

City Response to Reason 7 (Supplement No. 1):

As noted in the City Response to Reason 6 above, the appellant's concerns on the City's appeal process (opacity, impartiality, etc.) are unrelated to the Orchards Development Project. Changes to the appeal process can be pursued by the appellant separate from this Project through an amendment to the City's Zoning Ordinance.

Reason 8 for Appeal (from Supplement #1):

CEQA notice terminology correction (AB 52 / tribal consultation trigger language). I also submit the following targeted terminology correction for accuracy in the record. Where my appeal references the City's checklist statement regarding AB 52 consultation triggers, the phrase "Notice of Mitigated Negative Declaration" and "Notice of Negative Declaration" should be read and corrected as the appropriate CEQA notice terminology: Notice of Preparation (for an Environmental Impact Report), Notice of Intent to Adopt a Mitigated Negative Declaration, and Notice of Intent to Adopt a Negative Declaration. This correction does not concede the City's substantive AB 52 posture; it simply ensures that the City's administrative record uses the correct CEQA notice terminology when asserting why AB 52 consultation is or is not required.

City Response to Reason 8 (Supplement No. 1):

The appellant's correction is noted. The City's response to the appellant's appeal related to AB 52/tribal consultation remains unchanged.

In summary, there is no new information has been provided by the appellant that would demonstrate that the Planning Commission erred in reviewing and approving the project. Based on the appeal information provided and the record of decision, City Staff recommends denial of the appeal.

Summary

The appeal, appeal supplement, and appeal exhibits include no new information that would demonstrate that the Planning Commission erred in reviewing and approving the project given the limitations of the HAA, as modified by SB 330, and due process requirements. Based on all the information the appeal provided, and the record of decision, City Staff recommends that the Council deny the appeal and adopt City Council Resolution 2026-040, which includes findings of fact and conditions of approval.

FISCAL IMPACTS

The costs associated with processing the Project are borne by the Applicant through standard processing fees. The Applicant's consultant HR&A has prepared a fiscal impact analysis (FIA) to evaluate the Project's economic impacts in the Contra Costa County economy and its fiscal impacts to San Ramon from 2026 to 2045 (anticipated full buildout period), accounting for construction, initial home sales and rentals, and stabilized operations. The FIA identifies the Project is expected to generate almost 9,000 jobs and approximately \$2.1 billion in one-time economic impacts and over 2,000 jobs and \$358.2 million in on-going economic impacts to Contra Costa County. Additionally, by 2045, the Project is estimated to generated \$4.8 million in one-time revenues and \$4.4 million in net revenues from annual operations to San Ramon, for a combined total of \$9.2 million (all in 2025 \$). The FIA's methodology and findings were peer-reviewed and found acceptable by the City's Finance team. As typically required for such projects, an updated FIA will be required prior to final map approval to determine that fiscal impacts to City services and facilities remain net-neutral/positive.

City costs associated with processing the appeals are borne by the appellant. The recommended action by the City Council on the Appeal does not result in fiscal impacts to the City. However, if the City denies the project based on subjective (as opposed to objective) standards, the denial would violate the HAA, leaving the city vulnerable to legal challenge from the developer. If a court finds that the City has improperly denied the project, it can order the City to re-hear the project or, in some cases, simply order approval of the project. A prevailing plaintiff in a lawsuit under the HAA is also entitled to attorney's fees from the City. If the City fails to comply with a court order to approve a project under the Housing Accountability Act, the City will face a minimum fine of \$10,000 per unit of housing in the project that the City improperly denied, with fines up to \$50,000 per unit being possible (see CA Gov. Code § 65589.5(k).)

NEXT STEPS

If Resolution No. 2026-040 is approved:

1. Notice of Exemption to be filed with the County.
2. Site development permits may be pursued upon the effective date of City Council Resolution.
3. Planning Commission and City Council review of the Development Agreement application DA 2024-0001 at future meetings.

ATTACHMENTS

Attachments to this staff report can be accessed at the following weblink:

<https://docs.sanramon.ca.gov/WebLink/Browse.aspx?id=21619738&dbid=0&repo=sanramon>

A. [Vicinity Map](#)

B. [City Council Resolution No. 2026-040](#)

- [Exhibit A: Orchards Master Plan Draft Conditions of Approval](#)
- [Exhibit B: Orchards Neighborhood District Conditions of Approval](#)
- [Exhibit C: Orchards Master Plan Layout](#)
- C. [Planning Commission Resolution No. 02-26](#)
 - [Exhibit A: Orchards Master Plan Draft Conditions of Approval](#)
 - [Exhibit B: Orchards Neighborhood District Conditions of Approval](#)
 - [Exhibit C: Orchards Master Plan Layout](#)
- D. [Applicant's Project Description, dated June 18, 2025](#)
- E. [Orchards Design Guidelines, dated November 14, 2025](#)
- F. [Applicant's Project Plans, dated September 5, 2025](#)
- G. [CEQA Guidelines Section 15183 Consistency Checklist \(without Appendices\), dated December 1, 2025](#)
- H. [Applicant's Response to ARB Comments, dated September 9, 2025](#)
- I. [SB 330 Consistency Letter, dated December 4, 2025](#)
- J. [Orchards Affordable Housing Plan, dated December 4, 2025](#)
- K. [Orchards Traffic Operations Report, dated November 10, 2025](#)
- L. [Orchards VMT Analysis, dated November 10, 2025](#)
- M. [EBMUD Water Supply Assessment, dated September 9, 2025](#)
- N. [Orchards Economic and Fiscal Impact Analysis, dated August 8, 2025, updated November 10, 2025](#)
- O. [Appeal filed by Brian Swanson, dated February 12, 2026](#)
- P. [Appeal supplement filed by Brian Swanson, dated February 13, 2026](#)
- Q. [Appellant's Appeal Exhibits A through H, submitted March 30, 2026, revised April 2, 2026](#)