

**ORCHARDS DEVELOPMENT PROJECT (ORCHARDS)
APPEAL
COVER MEMORANDUM**

HEARING DATE: April 7, 2026, beginning at 7:00 p.m.

Appellant: Brian C. Swanson, AICP

This Cover Memorandum accompanies the entire appeal record.

Process, Ethics, and Public-Trust Context for the Orchards Development Project Appeal

1. Transmittal and attachment guide

This cover memorandum is submitted first and is intended to serve as (1) a transmittal guide for the enclosed hearing visuals and supporting CEQA framework materials, and (2) a concise statement of the process, ethics, and public-trust concerns that inform the appeal. Per the Deputy City Clerk's March 5, 2026 email regarding "Hearing Visuals (Slides/Handouts)," I am providing the materials listed below for distribution to the City Council and for inclusion in the administrative record for this appeal. These documents supplement, and do not replace, the appeal materials previously submitted to the City Clerk on February 12, 2026, including Supplement #1.

Enclosures transmitted for inclusion in the City's April 7, 2026 appeal-hearing record include the following:

Enclosure 1 — Appeal slide deck (hearing visuals): the digital presentation I intend to use at the hearing, prepared to focus the Council's review on the requirements of CEQA Guidelines section 15183 and the adequacy of the current record for the approvals granted. The transmitted slide may not be the exact same as what is presented to Council on April 7, 2026.

Enclosure 2 — Executive Summary: California Environmental Quality Act (CEQA) Background Memorandum: a condensed, plain-language guide to the four-part section 15183 framework and why post-EIR regulatory and cumulative-setting changes matter to the Orchards determination.

Enclosure 3 — Full CEQA Background Memorandum: the complete analysis supporting the executive summary, provided for the record and for any Councilmember who wishes to review the supporting detail.

Separately, I am planning to prepare a set of potential questions that the City Council may wish to ask City staff, the Applicant, and/or consultants. I am not transmitting that question set electronically at this time, but I may before the appeal hearing on April 7, 2026, beginning at 7:00 p.m. I do, however, intend to provide the list of questions with my twelve copies of the slide deck in printed copy at the April 7 hearing for the Council's and the public's convenience.

The remainder of this cover memorandum explains why these materials are being submitted and why process integrity, ethical planning practice, and public-trust considerations are directly relevant to the Council's decision in this appeal.

2. Purpose of this memorandum

This cover memorandum is submitted as contextual information to support the Council's consideration of the Orchards Development Project appeal. It is intentionally written in plain language, but it is grounded in the CEQA framework that governs this appeal. The intent is to explain why the integrity of the City's CEQA process, the completeness of the administrative record, and the appearance of fairness are not abstract concerns for residents—they are directly connected to public safety, public health, cultural sensitivity, fiscal sustainability, and community trust.

3. Why “process” matters here

This appeal is not presented as a referendum on housing in general, or on whether a particular landowner should be able to pursue redevelopment. The question before the Council is whether the City's environmental review for the approvals granted—both the 20-year Orchards Master Plan and the first implementing district (the Neighborhood District)—was procedurally sound and legally defensible under the California Environmental Quality Act (CEQA).

CEQA's design is protective and democratic: it requires disclosure of reasonably foreseeable physical environmental effects before a public agency makes a discretionary decision. When the City relies on a streamlined path (CEQA Guidelines section 15183), the law still requires the City to address (and document) the remaining categories of potential impact—including impacts that may be peculiar to the project, off-site or cumulative impacts not previously discussed, and substantial new information showing that previously identified impacts may be more severe.

As a resident, what I experience is simple: when the City moves quickly, limits public time and access, and relies on an exemption-like checklist for a long-horizon, multi-district redevelopment, the burden shifts to the public to identify what is missing, to explain it in a legally meaningful way, and to pay a significant fee simply to obtain a hearing. That combination erodes public trust and creates the appearance that outcomes are pre-assembled rather than deliberatively earned.

4. Public safety: traffic, vehicle miles traveled, and a downtown environment that feels increasingly hazardous

The City's General Plan 2040 Environmental Impact Report (EIR) expressly acknowledged that vehicle miles traveled (VMT) impacts would remain significant and unavoidable. Residents live with the real-world consequences of those impacts: congestion, cut-through traffic, high-speed driving on widened arterials, and an increasingly stressful and unsafe pedestrian and bicyclist environment.

This is not a theoretical concern. In the downtown/Bishop Ranch vicinity, the City is simultaneously: (i) allowing very large increases in housing units; (ii) pursuing or accommodating roadway widening projects that can induce additional vehicle travel; and (iii) marketing portions of the area as “walkable,” while key active transportation connections remain incomplete, discontinuous, or functionally unsafe.

For example, residents have observed that widening projects on major corridors (including Bollinger Canyon Road and Crow Canyon Road) can increase travel demand over time and can shift traffic patterns into neighborhood streets. Higher design speeds and wider cross-sections can also increase the severity of collisions and make walking and bicycling feel unsafe. These are not merely subjective concerns; they are predictable physical-environment outcomes that CEQA requires agencies to disclose and address when they are reasonably foreseeable.

Residents are also concerned that key active-transportation investments are being delivered in isolated segments rather than as a safe, connected network. The Bollinger Canyon Road Iron Horse Trail overcrossing is a major investment, yet safe bicycle and pedestrian connections to nearby civic destinations and neighborhoods remain limited. In addition, proposals that could significantly change the Iron Horse Trail corridor—such as double tracking between Bollinger Canyon Road and Crow Canyon Road, or an Iron Horse Trail overcrossing at Crow Canyon Road—have not been accompanied by the level of public outreach residents would expect for changes with major safety and circulation implications.

San Ramon is not debating transportation safety in the abstract. In 2021, longtime National Football League assistant coach Greg Knapp was fatally struck while bicycling in San Ramon. That tragedy remains a stark reminder of what unsafe multimodal conditions mean in practice: a single collision can permanently alter a family and a community.

For a project that is marketed as “walkable” and that will add substantial new residential demand in the downtown core, the City cannot treat pedestrian and bicycle safety as peripheral. Safety outcomes are foreseeable physical effects of transportation conditions, design speeds, and routing patterns. They should be evaluated and mitigated where feasible with the same rigor as VMT and its connected impacts (including greenhouse gas emissions, air quality, and noise, among others).

In my view, CEQA's VMT framework exists precisely because conventional traffic metrics have historically normalized congestion and roadway expansion while failing to disclose (and mitigate) the downstream effects on greenhouse gas emissions, air quality, noise, safety, and other public-health-related impacts. If VMT impacts are significant and unavoidable at the General Plan level, then project-level review must be careful, current, and explicit—not assumed.

The Orchards traffic/VMT record also illustrates a broader process concern: even the City's VMT consultant memorandum begins by reciting the City's chosen CEQA pathway. Under “Criterion #1: CEQA Exemption,” Fehr & Peers relies on FirstCarbon Solutions' “CEQA Processing Approach for the Orchard Project in the City of San Ramon, CA” (March 20, 2025) and treats CEQA Guidelines §15183 eligibility as a premise. That framing reinforces residents' concern that **the exemption pathway was selected first and the analysis was then asked to fit it**—rather than the City first requiring a full, current, project-level evaluation and then determining what level of CEQA documentation was warranted. (Fehr & Peers, Bishop Ranch Orchards VMT Analysis, p. 3 (Appendix I – Transportation Supporting Information).)

5. Environmental harm: climate, greenhouse gases, air quality, and noise are not independent issues

For residents, traffic and VMT are not isolated concerns. They are tightly linked to greenhouse gas emissions, criteria air pollutants, construction and operational noise, and the City's ability to meet its climate commitments in a way that is transparent and enforceable.

The City has adopted an updated Climate Action Plan and a CEQA greenhouse gas thresholds/guidance framework intended to structure how greenhouse gas impacts are evaluated. That framework is now operative and must be integrated into CEQA decision-making. Where a project is approved in reliance on plan-level assumptions, the record should still show how later regulatory actions, later project-level entitlements, and the current cumulative setting were evaluated to confirm that greenhouse gas conclusions remain valid—especially where VMT impacts remain significant and unavoidable at the plan level.

6. Cultural sensitivity and tribal consultation: the record should not treat consultation as optional simply because a checklist was used

San Ramon sits within a region of deep cultural history. For a large-scale redevelopment involving demolition, grading, and multi-phase construction, residents reasonably expect the City to take tribal cultural resources seriously and to avoid procedural shortcuts that create the appearance of avoidance rather than engagement.

In the Orchards record, the City's approach has been described in a way that suggests tribal consultation was "not required" because the City chose to proceed by consistency checklist rather than by an Initial Study or a Notice of Preparation process. That procedural framing is troubling to residents. It also conflicts with the common-sense expectation that the City should seek a coherent, enforceable approach to tribal cultural resource protection when a project is large, multi-year, and includes substantial ground disturbance.

As stated by Ms. Lucy Beyhan, Cultural Resource Manager II for the Confederated Villages of Lisjan Nation, in her February 3, 2026 written public comment to the Planning Commission: a cultural resources report was prepared to assess whether a CEQA exemption path was appropriate, but the comparable process for Tribal Cultural Resources—tribal consultation—was not carried out; as a result, the project may significantly impact Tribal Cultural Resources and may not be eligible for a CEQA exemption. (Beyhan, written public comment on Orchards, Feb. 3, 2026, p. 1.)

7. Strained services and fiscal sustainability: the "physical environment" includes the ability to provide public services without crisis management

Residents understand that converting large amounts of commercial land to predominantly residential use can change the City's fiscal structure. Commercial uses often generate sales tax and other revenues that help fund services. Residential growth increases demand on services—police, fire, parks, road maintenance, and schools—and those demands may arrive long before the City has built out the infrastructure and staffing capacity to meet them.

San Ramon residents are aware of the City's fiscal constraints and the City's reliance on revenue measures such as Measure N. When the City approves multiple large development agreements in rapid succession, and when the City emphasizes streamlining and speed while simultaneously acknowledging fiscal strain, it is reasonable for residents to ask whether the City has prepared and disclosed a realistic cumulative fiscal picture and service capacity plan for the full buildout of the downtown/Bishop Ranch area. Residents also see the City navigating State housing mandates that do not come with readily accessible, proportional funding for local infrastructure, public safety staffing, parks, or school capacity. When local processes are repeatedly streamlined to accelerate approvals, residents can reasonably worry that speed is being prioritized over fully-informed decision-making and meaningful public participation. In that

context, continued public confidence depends on transparent follow-through on Council goals and objectives, with measurable reporting on outcomes—not only approvals.

This is not an argument that housing should not be built. **It is a request for honest planning:** if the City is approving thousands of units, the City should demonstrate—with current information and transparent assumptions—how public services will be funded and delivered without undermining the quality and reliability of those services for existing residents.

8. Quality of life: “walkable” marketing, community character, and what residents experience on the ground

The City and project proponents frequently describe the downtown/Bishop Ranch area as evolving into a walkable, mixed-use environment. Residents do not oppose that goal. What residents experience, however, is that the pace of approvals and construction has outstripped the delivery of safe active-transportation networks, coherent bicycle facilities, and intuitive pedestrian routes that allow people to move safely between housing, civic facilities, schools, parks, and regional trails.

When a project is presented as “resident-serving,” but the public realm is constrained by high-speed arterials, incomplete bicycle infrastructure, and major construction activity, the result is frustration: residents experience the impacts immediately, while many of the promised benefits remain conceptual or deferred to later phases.

9. Public-private alignment and the need for an independent City-led vision

Residents understand that major redevelopment in the downtown/Bishop Ranch vicinity depends on collaboration between the City and the area’s primary landowner and developer. That collaboration is not inherently improper—large projects require coordination. The concern is the perception that the City’s long-range planning and project approvals are driven primarily by applicant timing and applicant economics, rather than by an independent City-developed strategy that is clearly articulated, transparently evaluated, and conditioned through enforceable public-benefit requirements.

From a public-trust standpoint, this perception is amplified when (i) the General Plan update appears closely aligned with a major landowner’s preliminary concepts; (ii) a series of detailed development agreements are approved in rapid succession; (iii) the City relies repeatedly on streamlined CEQA pathways; and (iv) meaningful appeal rights are effectively limited by a high deposit requirement. Even when each step is individually lawful, the combined effect can feel—especially to residents without institutional access—like a closed loop where the City reacts to applications rather than setting and enforcing the terms of redevelopment.

This is why public confidence depends on the City demonstrating that it is not only facilitating redevelopment, but actively shaping it in the public interest—with clear performance expectations, transparent disclosure of environmental and service impacts, and a record that shows the City evaluated reasonable alternatives and mitigation in good faith.

10. A system that feels stacked against residents: appeal fees, unclear procedures, and the appearance of a process controlled by the same authors of the original record

The City's appeal deposit requirement (for example, \$4,500 for an appeal from a Planning Commission decision for non-residential property under the City's Master Fee Schedule) is, for many residents, cost prohibitive. Even for residents who can assemble the deposit, the fee functions as a barrier that discourages participation and concentrates appeal rights in the hands of those with financial resources. (City of San Ramon, Resolution No. 2025-036, Master Fee Schedule FY 2025/26, "Appeals," p. 6.)

Beyond the fee itself, the appeal process is described in broad terms that provide limited assurance about what analysis the City will perform for that deposit—what staff report will be prepared, whether an independent evaluation will occur, and how the appeal body will be supported in understanding technical CEQA issues without simply adopting the same framing and assumptions embedded in the original staff reports.

From a resident perspective, the appearance problem is straightforward: the same City staff who scoped and presented the original approvals now prepare the appeal staff report and advise the Council. That structure may be common in local government, but when the underlying dispute is about whether staff's record was adequate in the first place, the City should be attentive to perceptions of impartiality and should take affirmative steps to ensure a fair hearing—such as clearly identifying what independent review, if any, has occurred; clarifying what materials will be included and how they will be presented; and ensuring that the administrative record is complete and easily accessible to the public.

11. The “big picture”: rapid-fire approvals, construction overload, and the cumulative impact question residents cannot ignore

Residents are not reacting to one project in isolation. Since certification of the General Plan 2040 Environmental Impact Report on December 12, 2023, the City has approved multiple discretionary development agreements and related entitlements in the downtown core/Bishop Ranch vicinity, and it has adopted several post-EIR regulatory and climate-policy actions (including the June 10, 2025 updated Climate Action Plan and CEQA greenhouse gas thresholds guidance). Those matters are not before the Council tonight. However, they form the more detailed and current setting in which the City relied on CEQA Guidelines section 15183 for Orchards. (See CEQA Background Memorandum).

This rapid pace of approvals has also coincided with visible, on-the-ground change in the downtown/Bishop Ranch area, including active site work and construction activity at multiple locations. The significance for CEQA is practical: the cumulative setting around Orchards is not static, and the City's §15183 record should clearly explain whether — and how — the current setting was evaluated before concluding that no additional environmental review was required. The cumulative question is the one residents cannot escape: even if a single project appears manageable in isolation, does the administrative record show that the City evaluated the combined effect of multiple approvals and post-EIR regulatory changes — especially for vehicle miles traveled (VMT) and the associated CEQA topics — before concluding that no further project-level analysis was required for a twenty-year Master Plan?

12. Ethics and public trust: why professional standards matter to the Council's decision

Planning is not only technical; it is fiduciary. The American Planning Association (APA) Ethical Principles in Planning and the American Institute of Certified Planners (AICP) Code of Ethics and Professional Conduct both emphasize serving the public interest, providing full and clear information, avoiding conflicts of interest, and maintaining public confidence in the integrity of planning decisions.

Those principles matter in a case like Orchards because the public is being asked to accept a long-horizon redevelopment sequence with significant unresolved VMT impacts at the plan level, substantial reliance on streamlined CEQA review, high barriers to appeal, and an administrative record that is difficult for ordinary residents to navigate. The Council's role as the appeal body is therefore not merely to ratify prior decisions, but to ensure that the City's process reflects transparency, fairness, and the level of disclosure CEQA requires.

13. Closing statement for the record

I submit this attachment respectfully, and with a clear understanding that the Council's task is to decide the Orchards appeal based on the administrative record and applicable law. My purpose is to make clear why the City's CEQA posture, its procedural choices, and the completeness of its disclosure matter to residents in concrete, human terms.

When public agencies get the process right, the public can disagree about policy but still trust the outcome. When the process appears rushed, opaque, or structurally biased, even residents who might otherwise support redevelopment lose confidence that the City is acting as a neutral steward of the public interest.

ORCHARDS DEVELOPMENT PROJECT (ORCHARDS) APPEAL

EXECUTIVE SUMMARY: THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) BACKGROUND MEMORANDUM

Appellant: Brian C. Swanson, AICP

This Executive Summary accompanies the Full CEQA Background Memorandum and entire appeal record.

This Executive Summary distills the accompanying CEQA Background Memorandum for the City Council's April 7, 2026 appeal hearing. It is written for a non-technical audience, but it uses the legal framework the Council must apply when deciding whether the City's CEQA record for Orchards is procedurally sound and legally defensible.

The central question: Did the completed California Environmental Quality Act (CEQA) Guidelines section 15183 consistency checklist and its technical appendices adequately answer the four issues section 15183 still requires — for both the 20-year Orchards Development Project (Orchards) Master Plan and the Neighborhood District approved together by the Planning Commission on February 3, 2026?

1. Key post-EIR changes that the Orchards §15183 record should address.

This appeal does not challenge whether housing belongs on the former Chevron Park site. The site was rezoned to Downtown Mixed Use–South under the December 12, 2023-adopted General Plan (GP) 2040 EIR, and General Plan 2040 policy supports mixed-use redevelopment there. The appeal is narrower: it asks whether the City's environmental review was legally sufficient for the specific approvals that were granted.

On February 3, 2026, the Planning Commission approved two things in a single action:

- A 20-year Orchards Master Plan covering three future development districts (Mixed-Use, Multi-Family, and Neighborhood).
- The first implementing district — the Neighborhood District — was approved for immediate development.

For both approvals, the City relied on CEQA Guidelines section 15183, pointing to the December 12, 2023-adopted General Plan 2040 EIR as the basis for concluding that no additional environmental review was required. This appeal contends that the completed section 15183 consistency checklist and its technical appendices do not adequately support that conclusion for either approval.

2. How CEQA Guidelines section 15183 works — and what it still requires.

CEQA Guidelines section 15183 is a streamlined review pathway, not a blanket exemption. It allows a city to rely on a previously certified EIR for a later project that is consistent with the density analyzed in that prior EIR. Even so, the city must still examine four specific issues before concluding that no additional review is required:

Issue 1: Effects that are peculiar to the project or parcel.

Issue 2: Effects not previously analyzed as significant in the prior EIR.

Issue 3: Potentially significant off-site or cumulative impacts not discussed in the prior EIR.

Issue 4: Substantial new information showing that previously identified significant effects will be more severe than described in the prior EIR.

The City's completed checklist states conclusions on all four issues. The problem is not the absence of conclusions — it is that those conclusions are not adequately explained or supported, given the scope and complexity of what was approved.

3. The prior EIR foundation — and why it already carried an unresolved impact.

The December 12, 2023-adopted General Plan 2040 EIR is the prior EIR the City used for Orchards. It was a broad programmatic document covering the City's 2040 General Plan and Housing Element update. It rezoned the former Chevron Park property to Downtown Mixed Use–South. It did not analyze the Orchards project specifically, and it was not intended to function as an Orchards-specific Master Plan or Neighborhood District EIR.

That prior EIR identified vehicle miles traveled (VMT) impacts as significant and unavoidable — at both the project level and cumulatively — and adopted a Statement of Overriding Considerations (SOCs) to acknowledge those unresolved impacts. The effectiveness of citywide Transportation Demand Management (TDM) measures was described as uncertain pending future buildout and behavior change.

A SOCs does not resolve significant impacts; it formally acknowledges them and confirms they were accepted. **Because VMT was already a known, unresolved area of CEQA sensitivity in the prior EIR, later reliance on section 15183 for Orchards required more analytical rigor — not less.**

Under state law, VMT does not stand alone as a CEQA topic. Public Resources Code section 21099 preserves the obligation to analyze transportation-related air quality, noise, safety, and other physical effects. Throughout this summary, VMT is therefore referenced together with its associated effects: greenhouse gas (GHG) emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects.

4. What changed after December 12, 2023: regulatory setting.

Between certification of the prior EIR and the February 3, 2026 Orchards approval, five significant regulatory changes occurred. **None** were part of the December 12, 2023-adopted

GP 2040 EIR baseline, but all are part of the regulatory and analytical setting in which the City applied CEQA Guidelines section 15183 to Orchards:

- November 12, 2024 — City adopted citywide Objective Design and Development Standards (ODDSs) as the uniform design baseline for qualifying multi-family and mixed-use projects.
- May 13, 2025 — Ordinance 529 reduced the minimum sitewide floor-area ratio (FAR) in Downtown Mixed Use–North (DMU-N) from 1.25 to 0.50.
- June 10, 2025 — City adopted an updated Climate Action Plan (CAP) and new CEQA Greenhouse Gas (GHG) Thresholds and Guidance Report.
- October 14, 2025 — Ordinance 534 amended citywide parking and related zoning standards in ways directly relevant to VMT and associated effects.
- November 14, 2025 — City approved project-specific Orchards Design Guidelines for use instead of those citywide ODDSs, as part of the Orchards approval package.

The CEQA GHG Thresholds and Guidance Report is also important because it ties streamlined GHG review to consistency with the City’s adopted land-use and zoning designations and the CAP’s demographic and land-use assumptions. Where a plan or project is not consistent, the guidance contemplates quantified comparison and/or use of the quantitative threshold approach rather than checklist-only streamlining.

Changes to floor-area ratios, parking standards, and design frameworks are not analytically neutral to VMT and its associated effects. They affect trip generation assumptions, vehicle ownership, mode share, and internal trip capture. The record does not appear to show that the Orchards VMT screening analysis or CAP consistency determination was updated to reflect any of these post-EIR changes.

5. What changed after December 12, 2023: the volume of nearby project approvals.

The regulatory changes described above are only part of what changed. Over the 2024–2025 period, the City approved multiple large discretionary development agreements and related entitlements in the downtown core/Bishop Ranch corridor adjacent to the Orchards site (including, by way of example, Iron Horse Village, City Village, Bishop Ranch 3A, Bishop Ranch 8 (Canopy), Bishop Ranch 11 (Trumark Homes), Bishop Ranch 12 (Annabel), Bishop Ranch 7 (Bartlett/KB Home), and the Bishop Ranch Service Center affordable housing approvals). Those actions provide additional project-level detail and change the near-term construction/occupancy context relevant to off-site and cumulative impacts under Guidelines §15183.

The following approvals collectively represent the changed cumulative setting the City was required to evaluate under section 15183, but did not:

1. Iron Horse Village (Lennar Homes of California) — approved December 11, 2023 under the North Camino Ramon Specific Plan Addendum, but the North Camino Ramon Specific Plan development standards and zoning regulations for the Plan Area and amended the

Zoning Map and Zoning Ordinance were subsequently repealed the next day (December 12, 2023) and the San Ramon General Plan 2040 Project was implemented; CEQAnet Notice of Determination (NOD) post December 13, 2023; active construction at 3401 Crow Canyon Road; City-documented construction period May 2025 through Spring 2028.

2. Bishop Ranch 3A (Avalon Bay Communities) approved under the CityWalk EIR— large apartment project; original approval June 18, 2024; CEQAnet NOD posted June 24, 2024; active demolition and grading underway as of Spring 2026.
3. Bishop Ranch 1A Park (South Parkway Green) approved by the CityWalk EIR, November 19, 2024; CEQAnet NOD posted November 21, 2024.
4. Bishop Ranch 7 (Bartlett, KB Home South Bay Inc.) — original approval December 17, 2024; CEQAnet NOD posted December 20, 2024; revised approval November 4, 2025 (reducing on-site parking, moving affordable obligations off-site); CEQAnet NOD posted November 5, 2025; active demolition underway as of Spring 2026.
5. Bishop Ranch 11 (Trumark Homes) — original approval March 4, 2025; CEQAnet NOD posted March 7, 2025; revised approval October 21, 2025 (reducing parking, moving affordable obligations off-site); CEQAnet NOD posted October 23, 2025; active demolition and grading underway as of Spring 2026.
6. Bishop Ranch Affordable Apartments/Camino Ramon Apartments Residential Development/Bishop Ranch Service Center (2453 Camino Ramon, Eden Housing) — approved June 3, 2025; CEQAnet Notice of Exemption (NOE) posted June 6, 2025.
7. Bishop Ranch 12 (Annabel) — Planning Commission approval November 18, 2025; CEQAnet NOE posted November 20, 2025.
8. Bishop Ranch 8 (Canopy) — Planning Commission approval November 18, 2025; CEQAnet NOD posted November 20, 2025.

These nearby approvals and agreements underscore why the Council should focus on whether the Orchards §15183 record clearly explains how the City evaluated the current cumulative setting — including post-EIR approvals, active construction conditions, and post-EIR regulatory changes — before concluding that no additional environmental review was required.

Physical conditions underscore that this is not merely a list of paper approvals. By early 2026, multiple post-EIR downtown/Bishop Ranch projects had progressed into visible site work and/or vertical construction. That ongoing activity means the Orchards site sits within an actively changing construction and occupancy environment, and the Council should consider whether the §15183 record adequately addressed off-site and cumulative effects in the current setting — not only in the setting described in the December 12, 2023-adopted GP 2040 EIR.

Each of these projects generates its own trips, construction traffic, noise, air emissions, and demands on public services. Together, they represent exactly the kind of materially changed cumulative setting that CEQA Guidelines section 15183 still requires the City to evaluate. **The completed Orchards checklist and appendices do not demonstrate that this volume of activity was factored in before the City concluded that no further cumulative review was necessary.**

6. What the City approved — and why it matters for CEQA.

The Orchards approvals was not simply confirmation of a plan-consistent land-use designation. The February 3, 2026 Planning Commission action included:

- A 20-year Orchards Master Plan spanning three districts (Mixed-Use, Multi-Family, and Neighborhood).
- The Neighborhood District, approved for immediate development.
- Six State Density Bonus waivers identified in the City's December 4, 2025 consistency-determination letter, including Project-specific Orchards Design Guidelines (November 14, 2025 version), substituted for the citywide Objective Design and Development Standards (ODDSs).

The six State Density Bonus waivers are: (1) reduction of the minimum sitewide FAR from 1.25 to 0.79; (2) use of the Orchards Design Guidelines instead of the citywide ODDSs, including Neighborhood District departures on indoor amenities, amenity types, projections, and eaves; (3) landscaping tree-size waiver; (4) landscaping shrub-size waiver; (5) parking and circulation waiver for driveway distance from a street corner; and (6) parking and circulation waiver for omission of street medians.

The FAR reduction, the ODDSs substitution, and the two parking and circulation waivers are the most directly CEQA-relevant because they affect the assumptions underlying VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. A 20-year Master Plan approved with six waivers, a project-specific design framework, and deferred environmental analysis for two of its three districts is a substantially more complex CEQA subject than a simple plan-consistent housing project. The section 15183 record needed to reflect that complexity.

7. How the four required section 15183 issues fare in the completed record

The completed CEQA Guidelines section 15183 consistency checklist and technical appendices conclude that "no further CEQA review required" for both the 20-year Master Plan and the Neighborhood District. Under the substantial-evidence standard, that conclusion must be supported by concrete facts and reasoned analysis in the administrative record that a fair-minded decision-maker could rely on—not merely by assertions, labels, or checked boxes. The adequacy question is whether that record demonstrates, with substantial evidence, that each of the four section 15183 inquiries has been addressed for the approvals actually granted. (CEQA Guidelines section 15183(b)(1)–(4).)

Peculiar effects. The checklist concludes that Orchards presents no peculiar environmental effects. Under Public Resources Code section 21083.3 and CEQA Guidelines section 15183, "peculiar" is not a rhetorical label—it is the operative limiting concept for later-stage CEQA review of plan-consistent projects. In this record, however, the approvals include (among other elements) a project-specific design regime (the Orchards Design Guidelines, approved November 14, 2025) used in lieu of the City's Objective Design and Development Standards (adopted November 12, 2024), six State Density Bonus waivers, and a phased 20-year buildout structure. The record should therefore explain—concretely and project-specifically—why those later, project-specific departures do not create distinctive physical environmental effects

(including VMT-related and connected effects) beyond what the prior program EIR already analyzed and mitigated through uniformly applied policies or standards. As drafted, the "not peculiar" conclusion is stated, but the linkage between that conclusion and the actual approval package remains underexplained.

Effects not previously analyzed as significant. Section 15183 streamlines later review, but it does not permit the lead agency to assume—without project-specific explanation—that effects which were not previously significant remain non-significant for a later approval that is broader in scope or different in configuration. Here, the Fehr & Peers VMT memorandum expressly relies on the FCS “CEQA Processing Approach” memorandum (March 20, 2025) for the proposition that density consistency with the DMU-S designation makes the project eligible for §15183 processing. That eligibility point is not the same as demonstrating that the environmental effects of the actual, later-approved project configuration (Master Plan + Neighborhood District + later Design Guidelines + Density Bonus waivers + phased implementation) were already analyzed at the prior-EIR level, such that no additional project-level review is required. Compounding the concern, the Fehr & Peers memorandum's project description describes a buildout program (including large multifamily and retail assumptions) that does not track cleanly to the Planning Commission's two-part approval structure (Master Plan approval plus the specific Neighborhood District approval and waivers) as framed and justified in the §15183 checklist. Where the scope of the approval and the scope of the analysis are not clearly aligned, the record's conclusion on "no additional effects previously significant" risks becoming conclusory rather than evidentiary.

Potentially significant off-site impacts not discussed in the prior EIR: Even for a plan-consistent project, section 15183 does not eliminate the need to address potentially significant off-site impacts that were not previously discussed. For Orchards, that category necessarily includes off-site effects tied to project-generated travel behavior (VMT) and related physical topics that manifest on the surrounding network and community setting—such as air quality, noise, circulation/safety conditions, and public-service response conditions that are influenced by travel patterns and corridor operations. The record should show whether and how off-site impact considerations were evaluated for current conditions and for the approval package actually granted, including whether the analysis integrated material post-EIR regulatory changes (e.g., Ordinance 529 adopted May 13, 2025, the Climate Action Plan and CEQA GHG thresholds/guidance adopted June 10, 2025, and Ordinance 534 adopted October 14, 2025) that could alter land-use/parking assumptions relevant to travel outcomes. The present record contains technical material, but it does not clearly demonstrate that off-site impacts were retested or reframed considering the later regulatory setting and the project's approved waivers and design-standards substitutions before the City reached a "no further review" conclusion.

Substantial new information showing prior significant effects may be more severe: The prior GP 2040 EIR already treated VMT impacts as a significant CEQA sensitivity (including via its Statement of Overriding Considerations). In that context, §15183(b)(4) requires the City to confront substantial new information that could indicate those prior significant effects may be more severe than previously described. The Fehr & Peers VMT memorandum itself indicates that the residential component does not "screen out" absent mitigation and recommends reassessment as implementation proceeds—language that reads more like an analytical caution than a stable foundation for a 20-year master plan "no further review" conclusion. When combined with post-EIR regulatory changes, subsequent nearby approvals, and a changed analytical setting, the record should show an explicit, evidence-based rationale for concluding

that previously identified significant effects are not more severe for the approvals granted. The current record's treatment of this inquiry remains insufficiently demonstrated.

Required Section 15183 Issue	Status in the Orchards Record
Effects peculiar to this project or parcel	Underexplained. The checklist states “not peculiar,” yet the approval package includes later project-specific Design Guidelines (November 14, 2025) in lieu of citywide standards, six State Density Bonus waivers, and a phased 20-year Master Plan. The record does not provide a clear, project-specific explanation for why these later departures do not create distinctive effects beyond the prior EIR’s uniformly applied policies/standards.
Effects not previously analyzed as significant in the prior EIR	Conclusory. The Fehr & Peers memo relies on the FCS “CEQA Processing Approach” (March 20, 2025) to assert §15183 eligibility based on density consistency, but the record does not clearly show that the approved project configuration (Master Plan + Neighborhood District + later Design Guidelines + waivers) was already analyzed at the prior-EIR level in a way that supports “no further review.” The project description/approval scope alignment is not clearly reconciled.
Potentially significant off-site or cumulative impacts not discussed in the prior EIR	Not clearly addressed. The record contains technical materials, but does not clearly demonstrate that off-site impacts (including travel-generated effects and connected topics) were evaluated for the approved waivers and later regulatory setting, including whether and how Ordinance 529 (May 13, 2025), the CAP/GHG framework (June 10, 2025), and Ordinance 534 (October 14, 2025) were integrated into the off-site impact reasoning before concluding no further review was required. Not reevaluated. Numerous post-EIR discretionary approvals in the downtown/Bishop Ranch vicinity, along with multiple post-EIR regulatory actions, changed the cumulative picture. The record does not clearly show that the later cumulative setting was retested as part of the

	section 15183 determination for the Master Plan and Neighborhood District approvals.
Substantial new information showing prior significant effects are more severe	Insufficiently demonstrated. VMT was already treated as significant and unavoidable in the prior EIR context. The Fehr & Peers memo indicates the residential component does not screen out absent mitigation and recommends reassessment—cautionary framing that is difficult to reconcile with a stable “no further review” conclusion for a 20-year Master Plan, especially when combined with post-EIR regulatory changes and subsequent approvals.

8. Key analytical gaps the Council should consider:

A. VMT screening, pre-selected pathway, and project-description alignment.

The Fehr & Peers VMT memorandum reads as a screening-level consistency check—prepared in the context of a preselected CEQA processing strategy—rather than an open-ended, phased travel demand evaluation commensurate with a 20-year Master Plan approval. Under “Criterion #1: CEQA Exemption,” it expressly relies on FirstCarbon Solutions’ “CEQA Processing Approach for the Orchard Project in the City of San Ramon, CA” (March 20, 2025) and treats CEQA Guidelines §15183 eligibility as a premise. It further states that the Project’s VMT analysis used “the same methodology and thresholds” applied in the GP 2040 EIR and is “thus consistent,” linking the travel analysis to the assumed §15183 posture rather than retesting the current setting.

Equally important, the memorandum’s Project Description defines the “Project” as the combined buildout of the Neighborhood District plus 2,084 multi-family units and 125,000 square feet of retail (assumed to be “regional-serving”), and it assumes that all 58 accessory dwelling units will be built “at opening” for analytic consistency. The Planning Commission approvals, however, consist of a 20-year Master Plan and a first implementing district, with later districts to be advanced through future discretionary actions, and include six State Density Bonus waivers (including a sitewide floor-area-ratio reduction to 0.79 and parking/circulation waivers). Where the CEQA record relies on a §15183 checklist, coherence across the checklist, staff report, and technical appendices is essential: the transportation analysis must correspond to the approvals granted and to the phasing assumptions being relied upon.

The memorandum repeats a “Note to Reviewer” that a project-level VMT analysis was not required because the City is relying on the GP EIR, but that the analysis was included “in case the project has a ‘peculiar characteristic.’” It found the residential component above the VMT significance threshold without mitigation and recommended reassessing mitigation needs after each future phase of development. The record does not clearly show whether post-EIR zoning and parking amendments (Ordinances 529 and 534) and the June 10, 2025 climate framework were integrated into that screening analysis. (Fehr & Peers, Bishop Ranch Orchards VMT Analysis, Project Description and “Criterion #1: CEQA Exemption,” pp. 1–3, 5 (Appendix I – Transportation Supporting Information).)

B. Deferred climate analysis.

The current CAP and GHG consistency analysis covers the Neighborhood District and interim grading. Full project-level CAP consistency for the Mixed-Use and Multi-Family Districts is deferred to future approvals. The checklist cannot simultaneously defer substantial analytical work for two of three districts while maintaining a blanket no-further-review conclusion for the full 20-year Master Plan.

C. Weakened TDM oversight.

On November 12, 2024, the City dissolved its Transportation Demand Management (TDM) Advisory Committee — the body responsible for developing, coordinating, and monitoring the citywide TDM effort. The December 12, 2023-adopted GP 2040 EIR had already described TDM effectiveness as uncertain. Dissolving the primary oversight body weakens the institutional foundation for the mitigation measures the City is relying on, and the record does not clearly explain how durable, enforceable monitoring will be maintained across a 20-year buildout.

9. The decision before the Council

The Council is not being asked to substitute its policy judgment for the Planning Commission's, or to determine whether the Orchards site should be redeveloped. The question is whether the City's completed CEQA Guidelines section 15183 consistency checklist and its technical appendices — as they stand in the administrative record — adequately support the no-further-review conclusion for the approvals that were granted by the Planning Commission on February 3, 2026.

The December 12, 2023-adopted GP 2040 EIR provides a legitimate programmatic foundation. But the Orchards approvals are more specific, more complex, and more recent than that prior EIR. The checklist is lengthy; length is not a substitute for project-specific reasoning. Based on the record reviewed, the completed checklist and appendices do not appear to:

- Adequately explain why the actual approval package — a 20-year Master Plan, six State Density Bonus waivers, and project-specific Orchards Design Guidelines substituted for the citywide ODDSs — was already fully covered by the December 12, 2023-adopted GP 2040 EIR rather than only anticipated there at a broad program level;
- Demonstrate that post-EIR regulatory and policy changes (including the November 12, 2024 citywide ODDS adoption, the May 13, 2025 adoption of Ordinance 529, the June 10, 2025 adoption of the updated Climate Action Plan and CEQA greenhouse gas (GHG) thresholds guidance, the October 14, 2025 adoption of Ordinance 534, and the November 14, 2025 adoption of project-specific Orchards Design Guidelines) — together with multiple post-EIR discretionary development agreements and approvals in the downtown/Bishop Ranch vicinity — were evaluated as part of the off-site/cumulative and substantial-new-information inquiries before the City concluded that no further CEQA review was necessary; or
- Provide a sufficiently current, project-specific VMT and GHG analysis for the full 20-year Master Plan, as distinct from the narrower near-term Neighborhood District analysis that the current record primarily supports.

The Council should determine whether the record, as it stands, provides the required factual and analytical foundation for the City's no-further-review conclusion — for both the 20-year Master Plan and the Neighborhood District.

ORCHARDS DEVELOPMENT PROJECT (ORCHARDS) APPEAL FULL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) BACKGROUND MEMORANDUM

Appellant: Brian C. Swanson, AICP

This Full CEQA Background Memorandum accompanies the entire appeal record.

This memorandum focuses on Orchards, the December 12, 2023-adopted General Plan 2040 Environmental Impact Report (December 12, 2023-adopted GP 2040 EIR), CEQA Guidelines section 15183, and the current post-December 12, 2023 regulatory, analytical, and cumulative setting. It preserves detail because the current record is dense. Nevertheless, the structure revolves around one main question: **Does the completed section 15183 consistency checklist and its technical appendices provide a thorough response to the four questions that section 15183(b) requires?**

1. Purpose and scope of this memorandum.

The question before the City Council (Council) in the Orchards appeal is not whether housing in the abstract is desirable. **The narrower question is whether the City's CEQA review for the Orchards approvals was current, adequately explained, and supported by substantial evidence for the approvals granted: a 20-year Master Plan and the first implementing district, the Neighborhood District.** (City of San Ramon, Pending Housing Projects webpage; Orchards entry; accessed March 30, 2026.)

This memorandum is deliberately narrower than a general CEQA primer. It concentrates on what the December 12, 2023-adopted GP 2040 EIR appears to have established for Orchards, what changed after that Environmental Impact Report (EIR) was certified, and whether the completed Orchards checklist and technical appendices adequately justify the City's conclusion that no additional CEQA review was required for both the twenty-year Master Plan and the Neighborhood District. The organization is therefore designed to keep the Council focused on the completed Orchards CEQA record, while still documenting the full volume of relevant post-December 12, 2023 changes in the surrounding area.

2. What CEQA Guidelines section 15183 does - and the four issues it still requires.

CEQA Guidelines section 15183 is often described loosely as an 'exemption,' but more precisely, it is a streamlined form of later-project review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was previously certified. It is therefore not a complete substitute for later CEQA review. (Cal. Code Regs., tit. 14, section 15183.)

Section 15183(b) still requires the agency to examine four specific issues before concluding that no additional environmental review is required:

1. Whether there are environmental effects that are peculiar to the project or parcel.
2. Whether there are environmental effects that were not analyzed as significant in the prior EIR.

3. Whether there are potentially significant off-site or cumulative impacts that were not discussed in the prior EIR.
4. Whether there is substantial new information showing that previously identified significant effects will be more severe than described in the prior EIR.

These four issues matter here because the City's Orchards Project CEQA Guidelines Section 15183 Consistency Checklist (CEQA Section 15183 Consistency Checklist) repeatedly concludes that no peculiar, newly significant, cumulatively new, or more severe effects are present. **The question for the Council is whether the current record adequately explains the conclusions for the Master Plan and Neighborhood District approvals that were actually granted.** (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025.)

3. What the General Plan 2040 EIR established for Orchards.

The City's official General Plan and Housing Element Update webpage states that on December 12, 2023 the City Council adopted Resolution No. 2023-132, adopting CEQA findings, a Statement of Overriding Considerations (SOCs), and a Mitigation Monitoring and Reporting Program (MMRP), and certifying the General Plan 2040 EIR. That webpage describes the December 12, 2023-adopted GP 2040 GP EIR as the City's programmatic EIR for the 2040 planning framework. (City of San Ramon, General Plan and Housing Element Update webpage; accessed March 30, 2026.)

As relevant to Orchards, the City's Orchards materials state that the December 12, 2023-adopted GP 2040 EIR action rezoned the former Chevron Park property from Office to Downtown Mixed Use-South (DMU-S). The later Orchards materials describe the General Plan 2040 policy for the site as contemplating a mixed-use, transit-connected redevelopment area (which is unjustified) with housing, nonresidential uses, open space, trail connectivity, and preservation measures. (City of San Ramon, The Orchards: Formal Applications Filed webpage; accessed March 30, 2026.)

The Orchards CEQA Section 15183 Consistency Checklist specifically refers to the General Plan 2040 EIR, adopted on December 12, 2023, as the 'prior EIR' used for comparison in the section 15183 analysis. That is the basic CEQA foundation upon which the City is relying for Orchards. (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025.)

4. The SOCs in the December 12, 2023-adopted GP 2040 EIR, and why vehicle miles traveled (VMT) and the associated greenhouse gas (GHG) emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects were already warning flags.

SOCs are not a substitute for later CEQA review. Under CEQA Guidelines section 15093, *it is the formal finding an agency adopts when it approves a plan or project despite significant and unavoidable impacts identified in the EIR. In other words, it confirms that unresolved impacts were identified and accepted; it does not erase them.* (Cal. Code Regs., tit. 14, section 15093.)

For Orchards, the important point is that the later Orchards CEQA Section 15183 Consistency Checklist itself summarizes the prior December 12, 2023, adopted General Plan 2040 EIR as having identified project-level and cumulative VMT impacts as significant and unavoidable, with citywide Transportation Demand Management (TDM) effectiveness described as *uncertain* pending buildout and future behavior change. *That is a notable red flag because VMT was therefore already a known area of CEQA sensitivity for later downtown approvals, together with the closely related topics of greenhouse GHG emissions, air quality, noise, safety, circulation, public services, and public-health-*

related physical effects. (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, Dec. 2025; Swanson Appeal, February 12, 2026.)

It is also important because Senate Bill (SB) 743 did not convert VMT into a stand-alone number that replaces the rest of CEQA. Public Resources Code section 21099 expressly states that the VMT transportation methodology does not relieve the City of the obligation to analyze transportation-related *air quality, noise, safety, or other transportation-associated impacts*. In the Orchards setting, the related topics repeatedly implicated by VMT are GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. *So, where the December 12, 2023, adopted General Plan 2040 EIR had already accepted unresolved VMT impacts, later reliance on section 15183 should be more measured, not less.* (Pub. Resources Code, section 21099.)

5. Why the City's sequencing is difficult: using the General Plan 2040 EIR to clear both a 20-year Master Plan and the Neighborhood District.

Tiering ordinarily moves from broader environmental review to narrower, later approvals. A general plan or program EIR addresses broad assumptions and cumulative issues, while later project review is expected to focus on the narrower site-specific issues ripe for decision at the project stage. (Cal. Code Regs., tit. 14, sections 15152 and 15168.)

That ordinary sequence matters here because the Planning Commission approved not just a near-term implementing district, but also a 20-year Orchards Master Plan. The City's public record describes the Orchards Master Plan as a long-horizon redevelopment framework extending over approximately twenty years, while simultaneously approving the first Neighborhood District now. (Planning Commission Resolution No. 02-26, February 3, 2026; City of San Ramon, Pending Housing Projects webpage; accessed March 30, 2026.)

A measured assessment, therefore, must distinguish between the near-term Neighborhood District and the full Master Plan. A broad program EIR can help support later project review. *Still, it is a more difficult fit when the December 12, 2023-adopted GP 2040 EIR is used as the principal CEQA foundation for both a long-horizon Master Plan and the first implementing district in the same action - especially where some district-level environmental review is expressly deferred to future approvals.*

6. Post-December 12, 2023, regulatory and analytical changes that now form part of the Orchards setting.

CEQA's physical baseline under Guidelines section 15125 remains the existing physical environment. *But later-adopted zoning rules, parking rules, climate thresholds, design standards, and related approval documents are still part of the current regulatory and analytical setting against which the City is asserting consistency and 'no further review' for Orchards. For that reason, post-December 12, 2023, changes matter even if they are not, by themselves, the CEQA physical baseline.* (Cal. Code Regs., tit. 14, section 15125.)

Five later-approved local changes are especially important. None of them formed part of the December 12, 2023-adopted GP 2040 EIR baseline, but all are part of the current regulatory and analytical setting in which the City applied CEQA Guidelines section 15183 to Orchards. First, on November 12, 2024, the City Council adopted Objective Design and Development Standards (ODDSs) for the review of qualifying multi-family and residential mixed-use developments. Second, the Orchards record later incorporated the project-specific Orchards Design Guidelines, using the November 14, 2025 version that the City later approved as part of the Orchards approvals. Third, on May 13, 2025, the City adopted Ordinance 529, reducing the minimum sitewide floor area ratio (FAR) in Downtown Mixed Use-North (DMU-N) from 1.25 to 0.50. Fourth, on June 10, 2025, the City adopted the updated Climate Action Plan (CAP) and CEQA Greenhouse Gas (GHG) Emissions

Thresholds and Guidance Report. Fifth, on October 14, 2025, the City adopted Ordinance 534 amending parking and related zoning standards. (City of San Ramon, Objective Design and Development Standards webpage; Orchards Project Description, June 18, 2025; Orchards consistency-determination letter, December 4, 2025; appellant materials describing Ordinances 529 and 534.)

The City adopted ODDSs to solve a citywide regulatory problem. According to the City's November 12, 2024 adoption materials, ODDSs were prepared because state housing laws increasingly require qualifying residential and mixed-use projects to be reviewed against objective standards rather than subjective design review. The City described ODDSs as a citywide baseline of objective design criteria intended to make outcomes more predictable, streamline review, and work in tandem with the Zoning Ordinance and Subdivision Ordinance; if a project does not conform to ODDSs, it would be subject to discretionary Architectural Review. ODDSs are therefore relevant to Orchards not because they were part of the December 12, 2023-adopted GP 2040 EIR baseline - they were adopted later - but because by the time the City applied section 15183 to Orchards, ODDSs had become the City's later-adopted, citywide, uniformly applicable objective design standards for qualifying projects. (City Council Agenda Packet, November 12, 2024, Agenda Item 9.1; City of SanRamon, Objective Design and Development Standards webpage.)

The Orchards Design Guidelines serve a different, site-specific purpose. The June 18, 2025 Orchards Project Description states that, because of the scale and complexity of the redevelopment, Sunset prepared Design Guidelines to implement the shared vision for Orchards and to guide the next twenty years of buildout across three districts: Mixed-Use, Multi-Family, and Neighborhood. Like ODDSs, the Orchards Design Guidelines were approved after the December 12, 2023-adopted GP 2040 EIR and therefore were not part of that prior EIR baseline. The distinction that matters here is not chronology alone. ODDSs are the City's later-adopted, citywide, uniformly applicable objective standards for qualifying projects, while the Orchards Design Guidelines are the applicant's later-approved, project-specific design framework for this site and this twenty-year buildout. The December 4, 2025 consistency-determination letter identifies the November 14, 2025 Orchards Design Guidelines version as the one proposed for use instead of ODDSs, and the Planning Commission later approved Orchards with that project-specific design framework in the record. (Orchards Project Description, June 18, 2025; Orchards consistency-determination letter, December 4, 2025; Planning Commission Resolution No. 02-26, February 3, 2026.)

The same December 4, 2025 consistency-determination letter identifies six State Density Bonus waivers: (1) a project-wide reduction of minimum sitewide floor area ratio from 1.25 to 0.79; (2) use of the Orchards Design Guidelines instead of the City's ODDSs, including Neighborhood District departures regarding indoor amenities, amenity types, projections, and eaves; (3) a Landscaping (D3-21) tree-size waiver; (4) a Landscaping (D3-21) shrub-size waiver; (5) a Parking and Circulation (D3-37-B.1) waiver for driveway distance from a street corner; and (6) a Parking and Circulation (D3-37-B.6) waiver for the omission of street medians. Those six State Density Bonus waivers are part of the actual project configuration the City reviewed, not abstract background conditions. They do not all have the same CEQA relevance. The project-wide floor area ratio reduction, the substitution of the Orchards Design Guidelines for ODDSs, and the two parking and circulation waivers bear more directly on Vehicle Miles Traveled (VMT) and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. The tree-size and shrub-size waivers are more limited; if they have CEQA relevance, it is more likely tied to site landscaping or canopy conditions than to VMT-related effects. (Orchards consistency-determination letter, December 4, 2025.)

These five later-approved local changes matter to Orchards because they are not analytically neutral to VMT or to the CEQA topics tied to VMT: GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. Even though Orchards is predominantly a housing project, especially in the lower-density Neighborhood District, changes in sitewide floor area

ratio, the amount and placement of any nonresidential component, guest parking, or shared-parking rules can still alter internal trip capture, trip lengths, vehicle ownership, parking demand, and mode-share assumptions. The direction of the effect may vary by project and location; the point is not that every such change necessarily increases or decreases VMT. The point is that it changes the assumptions about vehicle travel and, in turn, the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. (Pub. Resources Code, section 21099; Cal. Code Regs., tit. 14, sections 15064.3 and 15064.4.)

The materials reviewed for Orchards do not appear to expressly explain whether these five later-approved changes: (1) the citywide ODDs; (2) the later-approved Orchards Design Guidelines; (3) Ordinance 529; (4) the June 10, 2025 CAP/CEQA GHG framework; and (5) Ordinance 534 - were integrated into the CAP consistency analysis or the Fehr & Peers VMT memorandum for the full Orchards approval package. In CEQA practice, it is common to use VMT screening thresholds and screening criteria to determine whether a project can be screened out of a more detailed VMT study, and both the Office of Planning and Research Technical Advisory and the Contra Costa Transportation Authority Technical Procedures use this terminology. Based on the materials reviewed, the Fehr & Peers memorandum appears to serve primarily as a screening-level VMT analysis, summarizing whether Orchards screened out under the guidance it used, rather than as a full, phase-specific travel demand modeling exercise for the twenty-year master plan. The checklist indicates that, in the future, Mixed-Use and Multi-Family districts will need to show consistency with the CAP before moving forward. At the same time, the current analysis focuses primarily on the Neighborhood District plus interim grading. The materials reviewed do not appear to show that the Fehr & Peers memorandum expressly analyzed how the later floor-area ratio and parking amendments changed project assumptions for this predominantly housing-oriented project, or how those changes affected VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. Again, the point is not that those later changes necessarily make impacts worse. The record should indicate whether these factors were considered and describe how they were evaluated before the City decided that VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects did not need any additional review. (Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018; Contra Costa Transportation Authority, Technical Procedures, Updated November 2022.)

7. Chronology of important pre- but predominantly post-General Plan 2040 actions that materially deepen the current Orchards regulatory and cumulative setting.

This timeline is included because the events surrounding Orchards did not begin or end with the December 12, 2023-adopted GP 2040 EIR. It begins with one pre-certification Caltrans Draft EIR comment because that comment shows that travel demand analysis and multimodal transportation issues were already being raised during the General Plan 2040 EIR review. It then traces the later ordinances, climate-policy documents, downtown/Bishop Ranch approvals, design standards, waivers, public comments, and physical construction activity that formed the much more detailed setting in which the City later applied section 15183 to Orchards.

Date	Action/project	Approval/CEQA frame	Why it matters to Orchards
Oct. 13, 2023	Caltrans comment letter on the General Plan 2040 Draft EIR	Draft EIR comment letter/Final EIR response-to-comments record; references travel demand analysis and multimodal transportation.	Shows that travel demand analysis, multimodal transportation, and related regional transportation issues were already being raised during the General Plan 2040 EIR review itself.
Dec. 11, 2023	Iron Horse Village – Lennar Homes of California	approved Dec. 11, 2023 under the North Camino Ramon Specific Plan Addendum; CEQAnet Notice of Determination (NOD) post Dec. 13, 2023	Adds a large, near-term residential entitlement in the downtown/Bishop Ranch area and illustrates the City's early reliance on CEQA Guidelines §15183 for implementing projects. Even where a prior EIR provides program context, later discretionary approvals like this contribute to the cumulative development setting that should be considered when evaluating subsequent projects, including Orchards.
Dec. 12, 2023	General Plan 2040 EIR adopted	Resolution No. 2023-132; program EIR certified with CEQA findings, SOCs, and MMRP; CEQAnet NOD posted Dec. 13, 2023	This is the prior EIR that the City later used for Orchards under section 15183.
June 18, 2024	Bishop Ranch 3A - Avalon Bay Communities	Original apartment project approved under the City Walk EIR; first project-related CEQAnet NOD posted June 24, 2024	Adds early project-level housing detail in the Bishop Ranch core under the separate CityWalk framework.
Nov. 12, 2024	TDM Advisory Committee dissolved	City Council Minute Order No. 2024-007	Weakens the institutional backdrop for assuming a stable citywide TDM implementation system.

Date	Action/project	Approval/CEQA frame	Why it matters to Orchards
Nov. 12, 2024	Citywide ODDSs adopted	City Council Resolution No. 2024-105	Creates the later citywide objective design baseline that Orchards then seeks to replace with project-specific Orchards Design Guidelines.
Nov. 19, 2024	Bishop Ranch 1A Park (South Parkway Green) – Heritage Park	approved by the City Walk EIR; first project-related CEQAnet NOD posted Nov. 21, 2024	A major public open-space improvement in the downtown core that can change visitation, parking demand, and local circulation patterns. For later approvals, including Orchards, this is part of the evolving cumulative setting relevant to Vehicle Miles Traveled (VMT) and connected CEQA topics (greenhouse gas emissions, air quality, noise, safety, and public services).
Dec. 17, 2024	Bishop Ranch 7 – Bartlett – KB Home South Bay Inc.	Original residential project approved; first project-related CEQAnet NOD posted Dec. 20, 2024.	Adds project-specific housing, parking, and implementation detail in the immediate downtown/Bishop Ranch area.
March 4, 2025	Bishop Ranch 11 – Trumark Homes	Original residential project approved; first project-related CEQAnet NOD posted March 7, 2025.	Adds project-specific redevelopment details within the same broader setting as Orchards.
May 13, 2025	Ordinance 529	Downtown Mixed Use – North (DMU-N) minimum sitewide floor area ratio reduced from 1.25 to 0.50; CEQAnet NOD posted May 15, 2025	Changes nearby mixed-use intensity assumptions; as a matter of common sense, changes of this sort can change VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects.

Date	Action/project	Approval/CEQA frame	Why it matters to Orchards
June 3, 2025	Bishop Ranch Service Center – Eden Housing - Affordable Apartments	Affordable project approved; CEQAnet Notice of Exemption (NOE) posted June 6, 2025.	Adds a new affordable-housing project and associated off-site inclusionary compliance structure to the same broader area.
June 10, 2025	Updated CAP and CEQA GHG Thresholds Report	City Council Resolution No. 2025-073; effective immediately	Creates the current citywide GHG consistency framework used for later projects after the Dec. 12, 2023 adopted General Plan 2040 EIR.
Oct. 14, 2025	Ordinance 534	Parking and related zoning amendments adopted; no CEQAnet NOD or NOE posted	Changes parking tables, parking-reduction, and shared / collective parking rules that are directly relevant to VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects.

Date	Action/project	Approval/CEQA frame	Why it matters to Orchards
Nov. 10, 2025	Fehr & Peers – VMT Technical Memorandum	Technical memorandum prepared by Fehr & Peers to support the City's §15183 consistency checklist; screening-level VMT analysis using the methodology and thresholds applied in the GP 2040 EIR and expressly relying on the FCS "CEQA Processing Approach" memorandum (Mar. 20, 2025).	This memorandum functions as the principal project-level transportation/VMT support for a "no further review" conclusion, yet it contains notable limitations: it assumes §15183 eligibility largely from plan-level density consistency; it describes a project program that does not cleanly match the approvals as packaged (20-year Master Plan plus a first implementing district); it shows the residential component exceeds the threshold without mitigation and recommends reassessment as later phases are approved; and it notes the City had not formally adopted local VMT criteria or thresholds at the time of the analysis. Those caveats go directly to whether the record adequately addressed the four §15183 issues for the approvals granted.
Nov. 14, 2025	Chevron Park - Orchards Design Guidelines (Nov. 14, 2025 approval version later approved with Orchards)	Dec. 4, 2025 consistency-determination letter identifies the Nov. 14, 2025 Orchards Design Guidelines version for use instead of the City's ODDs; later approved as part of the Orchards approvals.	These later, project-specific design guidelines become part of the design framework the City uses in the Orchards non-peculiar analysis.
Nov. 18, 2025	Bishop Ranch 8 - Canopy	First project-related CEQAnet NOE posted Nov. 20, 2025	Canopy adds another large housing entitlement in the same downtown/Bishop Ranch corridor.

Date	Action/project	Approval/CEQA frame	Why it matters to Orchards
Nov. 18, 2025	Bishop Ranch 12 - Annabel	Planning Commission hearing/approval stage identified in appellant materials; first project-related CEQAnet NOE posted Nov. 20, 2025	Adds more project-level residential detail immediately before Orchards moved to final hearings.
Dec. 1, 2025	Chevron Park - Orchards section 15183 checklist	Checklist dated Dec. 1, 2025.	This is the core California Environmental Quality Act document that the City uses to conclude that no additional review is required.
Dec. 4, 2025	Chevron Park - Orchards consistency letter/State Density Bonus waiver letter	Housing Accountability Act/State Density Bonus consistency-determination letter issued.	Identifies the six State Density Bonus waivers, including the use of Orchards Design Guidelines instead of ODDs and the project-wide floor area ratio reduction.
Feb. 3, 2026	Lucy Beyhan/Confederated Villages of Lisjan Nation written public comment	Written public comment submitted for the Orchards Planning Commission hearing.	Shows that tribal cultural resource and consultation concerns remained active in the administrative record at the time of final Orchards approval.
Feb. 3, 2026	Chevron Park - Orchards' approvals	Planning Commission approved the 20-year Master Plan and Neighborhood District.	Confirms that the Council is reviewing both a long-horizon Master Plan and the first implementing district.

This chronology is intentionally long. The point is visual as well as substantive: the City's completed section 15183 checklist and technical appendices rely heavily on the December 12, 2023-adopted GP 2040 EIR, yet the setting around Orchards became materially more detailed, more regulated, and more active before the Planning Commission approved the twenty-year Master Plan and Neighborhood District. The table also includes Lucy Beyhan's February 3, 2026 written public comment for the Confederated Villages of Lisjan Nation because it shows that tribal cultural resource and consultation concerns remained active in the administrative record at the time of final Orchards approval.

The post-approval setting is not only theoretical. Official City and developer materials show ongoing physical change in the same broader area. The City's street-closures page lists Iron Horse Village construction from May 2025 through Spring 2028, and SummerHill's March 2026 City Village materials report 202 homes sold - 50 percent sold out - within the 404-home Bishop Ranch 6 - City Village community. Further, a recent windshield survey indicates demolition and grading activity at BR-3A, BR-7, and BR-11. Even if not every one of those facts is independently part of the formal CEQA baseline, together they reinforce the common-sense point that *the setting around Orchards*

was no longer static when the City relied on the December 12, 2023-adopted General Plan 2040 EIR. (Swanson, Brian C., Timely Zoning Appeal - Orchards Development Project, filed February 12, 2026; City of San Ramon, Street Closures and Maintenance webpage, Iron Horse Village construction notice; City of San Ramon, City Village (Bishop Ranch 6) Project webpage; SummerHill Homes, City Village San Ramon community webpage/community updates accessed March 30, 2026.)

8. Why the completed checklist and technical appendices do not adequately substantiate a complete answer under the four section 15183 issues.

Public Resources Code section 21083.3 and CEQA Guidelines section 15183 do not allow an agency to stop at a broad statement of plan consistency. Even for a project that is generally consistent with a previously analyzed general plan or zoning framework, the agency still must actually examine four remaining questions: (1) whether there are environmental effects peculiar to the project or parcel; (2) effects not previously analyzed as significant in the prior EIR; (3) potentially significant off-site or cumulative impacts not previously discussed in the prior EIR; and (4) substantial new information showing that a previously identified significant effect may be more severe than described in the prior EIR. (Pub. Resources Code, section 21083.3; Cal. Code Regs., tit. 14, section 15183.)

The completed Orchards checklist and appendices repeatedly state the conclusion that those four issues were satisfied and that no additional CEQA review was required. **The problem is not that the City failed to write conclusions. The problem is that the completed checklist and technical appendices do not adequately demonstrate, with current project-specific reasoning, why those conclusions are supported for the approvals granted: both the twenty-year Orchards Master Plan and the first implementing Neighborhood District.** The discussion below is organized around those four required Section 15183 topics.

A. Whether there are environmental effects peculiar to the project or parcel.

This is the part of the City's current analysis under CEQA Guidelines section 15183 that is least fully explained in the completed checklist and technical appendices. Public Resources Code section 21083.3 and CEQA Guidelines section 15183 allow the City to treat an effect as non-peculiar only where the prior EIR already addressed the effect, or where the effect has been substantially mitigated by previously adopted, uniformly applied development policies or standards supported by substantial evidence. The point here is not that the December 12, 2023-adopted GP 2040 EIR should have analyzed the City's ODDs; it could not have, because ODDs were adopted later, on November 12, 2024. Nor were the later-approved Orchards Design Guidelines part of that prior EIR baseline. Their relevance instead arises at the later-project review stage. By the time the City applied section 15183 to Orchards, the City had already adopted citywide, uniformly applicable ODDs for qualifying projects, but then approved Orchards using the later-approved, project-specific Orchards Design Guidelines instead, together with the six State Density Bonus waivers identified in the December 4, 2025 consistency-determination letter: (1) the project-wide floor area ratio reduction; (2) use of the Orchards Design Guidelines instead of ODDs; (3) the landscaping tree-size waiver; (4) the landscaping shrub-size waiver; (5) the parking and circulation waiver for driveway distance from a street corner; and (6) the parking and circulation waiver for the omission of street medians. Those waivers do not all have the same CEQA significance. The floor-area ratio reduction, the substitution of the Orchards Design Guidelines for ODDs, and the two parking and circulation waivers are the waivers that most directly bear on VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects; the landscaping tree-size and shrub-size waivers are more limited and matter chiefly because they confirm that the project was approved through a later, site-specific waiver package rather than only under preexisting uniformly applied standards. **That later design-and-waiver**

package is not self-evidently the same thing as the kind of previously adopted, uniformly applied standard contemplated by section 15183, and the completed checklist did not squarely explain why it should be treated that way here. (Pub. Resources Code, section 21083.3; City of San Ramon, Objective Design and Development Standards webpage; Orchards consistency-determination letter, December 4, 2025.)

The City's own transportation record also shows that 'peculiar' was a live issue, not a resolved one. The December 16, 2025 staff report stated that no project-level VMT analysis was required because the City was relying on section 15183. Still, it acknowledged that a project-level VMT analysis had been prepared for use if a 'peculiar characteristic' of the project means it does not generally fit within the December 12, 2023-adopted GP 2040 EIR analysis. Fehr & Peers then *repeated that caveat in two additional locations* in what appears to function as a screening-level VMT memorandum, stated that the City had not yet formally adopted its own VMT criteria or thresholds, and found that the residential component exceeded the significance threshold without mitigation, *meaning the project did not screen out under the guidance it used*. That is not a clean record on which to base a categorical 'not peculiar' finding. It is a record showing that the City and the applicant recognized the possibility that Orchards may not neatly fit the prior General Plan 2040 EIR assumptions, including the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects linked to VMT. (Swanson, Brian C., Timely Zoning Appeal - Orchards Development Project, filed February 12, 2026; Fehr & Peers, Bishop Ranch Orchards Vehicle Miles Traveled Analysis, November 10, 2025; Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018; Contra Costa Transportation Authority, Technical Procedures, Updated November 2022.)

The same weakness appears in the cultural resources portion of the record. Materials identify an internal inconsistency in the checklist's treatment of the Native American Heritage Commission Sacred Lands File and also identify tribal caution from the Confederated Villages of Lisjan Nation. For a project involving major demolition and grading across a former Chevron headquarters campus, that kind of internal inconsistency is difficult to reconcile with a confident, across-the-board finding that no peculiar site-specific issues exist. **The better conclusion for Council is therefore not that every waiver automatically proves a peculiar effect, but that the City's non-peculiar finding is under-explained.** The completed checklist states that conclusion, but it does not adequately demonstrate it. (Swanson, Brian C., Timely Zoning Appeal - Orchards Development Project, filed February 12, 2026.)

B. Whether there are environmental effects that were not analyzed as significant in the prior EIR.

Section 15183 does not permit the agency to stop at a statement that the project is consistent with plan density. The agency must still determine whether the later approval has effects that were not previously analyzed as significant in the prior EIR. Here, the City states, in substance, that all impacts associated with Orchards fall within the scope of impacts already evaluated in the December 12, 2023-adopted GP 2040 EIR, and that expected construction and operational effects such as air emissions, noise, grading, and public service demands were already anticipated there. **For the approval granted, that statement is too conclusory.**

The December 12, 2023-adopted GP 2040 EIR was a broad program EIR. The current approval is not simply confirmation of the DMU-S designation. It is approval of a twenty-year Master Plan, approval of the first implementing Neighborhood District, approval of project-specific Design Guidelines, approval of the six State Density Bonus waivers identified in the December 4, 2025 consistency-determination letter: (1) the project-wide floor area ratio reduction; (2) use of the Orchards Design Guidelines instead of the City's ODDSs; (3) the landscaping tree-size waiver; (4) the landscaping shrub-size waiver; (5) the parking and circulation waiver for driveway distance from a street corner; and (6) the parking and circulation waiver for the omission of street medians - and

approval of site-specific demolition, grading, circulation, and phasing assumptions. **Even if the December 12, 2023-adopted GP 2040 EIR anticipated housing on the site in a broad sense, the completed checklist and appendices needed a much tighter, project-specific explanation showing why the actual project-level effects of the approval package before the Council were already covered by that earlier plan-level analysis. The current record does not appear to provide that project-specific explanation.**

The climate/GHG discussion illustrates the problem. The Orchards materials state that the Mixed-Use and Multi-Family Districts are expected to be developed under separate future projects and will later require project-level CEQA/CAP consistency analysis. In contrast, the current analysis focuses on the Neighborhood District plus interim grading. **Once the record takes that position, it becomes difficult to maintain a blanket finding that there are no effects not previously analyzed as significant in the prior EIR for the full approval package granted now.** The point is not that every later phase must be fully designed today. The point is that the completed checklist cannot simultaneously defer substantial parts of the current analytical work and still claim, without more explanation, that the entire approval package presents no newly significant issue beyond the December 12, 2023-adopted GP 2040 EIR. (FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, Dec. 2025; City of San Ramon, Adopted CEQA GHG Emissions Thresholds and Guidance Report, June 10, 2025.)

C. Whether there are potentially significant off-site or cumulative impacts not discussed in the prior EIR.

This issue is especially important because Public Resources Code section 21083.3 and CEQA Guidelines section 15183 expressly preserve analysis of potentially significant off-site and cumulative impacts that were not discussed in the prior EIR. So even under section 15183, the City could not simply rely on the existence of a prior cumulative discussion and stop there. **It still had to confront whether the current cumulative setting had materially changed by the time Orchards was approved.** (Pub. Resources Code, section 21083.3; Cal. Code Regs., tit. 14, sections 15130 and 15183.)

By the time Orchards was approved, the setting was materially more detailed and more complicated than it was on December 12, 2023, when the General Plan 2040 EIR was certified. The City had: (1) adopted ODDs; (2) processed the later-approved, project-specific Orchards Design Guidelines; (3) incorporated the six State Density Bonus waivers: (i) the project-wide floor-area ratio reduction; (ii) use of the Orchards Design Guidelines instead of the City's ODDs; (iii) the landscaping tree-size waiver; (iv) the landscaping shrub-size waiver; (v) the parking and circulation waiver for driveway distance from a street corner; and (vi) the parking and circulation waiver for the omission of street medians; (4) adopted Ordinance 529; (5) adopted the June 10, 2025 CAP and CEQA GHG Thresholds and Guidance Report; (6) adopted Ordinance 534; and approved or revised a series of later downtown-core and Bishop Ranch projects that added project-level detail to the same broader area, including Bishop Ranch 1A, 3A, 7, 8, 11, 12, and Bishop Ranch Affordable Housing. The current setting also now includes measurable physical progress in nearby projects such as BR-6-City Village and active construction at Iron Horse Village. Those later actions do not automatically invalidate the December 12, 2023-adopted GP 2040 EIR. **However, they are exactly the changed regulatory, project-specific, and cumulative setting that section 15183 still requires the agency to confront.** (City of San Ramon, City Village (Bishop Ranch 6) Project webpage; SummerHill Homes, City Village San Ramon community materials; City of San Ramon, Street Closures and Maintenance webpage, Iron Horse Village construction notice.)

This is also where a basic common-sense statement belongs in the memorandum: **when the City changes floor-area ratio rules and parking rules after the December 12, 2023-adopted GP 2040 EIR, and then approves numerous detailed downtown projects after that EIR, it is no longer enough to say the prior cumulative discussion exists.** For a predominantly housing-

oriented project like Orchards, changes in sitewide floor area ratio, the amount and placement of any nonresidential component, guest parking, or shared parking rules may or may not increase VMT in a particular case, but they plainly result in different travel assumptions than those previously used. In a post-SB 743 CEQA framework, those changed travel assumptions are directly connected to GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. **The completed checklist and appendices do not appear to demonstrate that this changed cumulative setting was actually re-tested for Orchards before the City concluded that no further review was necessary.** (Pub. Resources Code, section 21099; Cal. Code Regs., tit. 14, sections 15064.3, 15064.4, and 15183.)

D. Whether there is substantial new information showing that previously identified significant effects will be more severe than described in the prior EIR.

This fourth issue is where the December 12, 2023-adopted GP 2040 EIR's own VMT history becomes especially important. The approval of the General Plan 2040 EIR included SOCs, and the subsequent Orchards record acknowledges that the General Plan 2040 EIR identified VMT impacts as potentially significant and **concluded that project-level and cumulative VMT impacts would remain significant and unavoidable, with the effectiveness of citywide TDM measures uncertain pending buildout and future behavior change.** That means VMT - together with the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects - was not a closed issue at the program level. It was a known significant and unavoidable issue. **For that reason alone, later reliance on a streamlined section 15183 record should have been particularly measured and up to date.** (Cal. Code Regs., tit. 14, section 15093; FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025.)

The later Orchards VMT record did not cleanly resolve that issue. Notably, Fehr & Peers opens its VMT memorandum with “Criterion #1: CEQA Exemption” and—citing a separate consultant memorandum titled “CEQA Processing Approach for the Orchard Project in the City of San Ramon, CA” (FirstCarbon Solutions, March 20, 2025)—states that the Project’s density is consistent with the Downtown Mixed Use–South (DMU-S) designation and therefore eligible for a CEQA Guidelines section 15183 consistency analysis. The memorandum further states, as a “Note to Reviewer,” that because the City is using the section 15183 pathway, no project-level VMT analysis would be required, and that the project-level VMT analysis is provided only “in case the project has a peculiar characteristic.” This framing matters because section 15183 is a streamlined review framework, not a substitute for demonstrating—based on a current record—that substantial new information, off-site/cumulative effects, and any project-specific (‘peculiar’) effects have been adequately evaluated. (Fehr & Peers, Bishop Ranch Orchards Vehicle Miles Traveled Analysis, November 10, 2025, at pp. 5–6.)

As reflected in the completed record and appellant materials, Fehr & Peers then prepared what appears to function as a screening-level VMT analysis memorandum. Using Office of Planning and Research and Contra Costa Transportation Authority guidance, it stated that the City had not formally adopted its own VMT criteria or thresholds, found the residential component above threshold without mitigation, and therefore showed that the project did not screen out under the guidance it used unless “expected” reductions from below-market-rate housing integration and community-based travel planning are credited to reach a combined expected 6.1 percent reduction. The Traffic Operations Report also recommended reassessing mitigation needs after each phase of development. In CEQA terms, that is not a strong record for asserting there is no substantial new information indicating that the previously identified VMT problem may be more severe or harder to control at the project level. It is especially weak for a twenty-year Master Plan approval, where future buildout conditions are inherently more variable. The same uncertainty carries into the closely related topics of greenhouse gas (GHG) emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects. (Fehr & Peers, Bishop Ranch Orchards Vehicle

Miles Traveled Analysis, November 10, 2025; Fehr & Peers, Bishop Ranch Orchards Traffic Operations Report, November 10, 2025; Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018; Contra Costa Transportation Authority, Technical Procedures, Updated November 2022; Swanson, Brian C., Timely Zoning Appeal - Orchards Development Project, filed February 12, 2026.)

Mitigation also must be feasible, effective, and enforceable, and the lead agency must adopt a monitoring or reporting program to ensure compliance. That matters here because the City dissolved the TDM Advisory Committee on November 12, 2024. The City's own dissolution materials described that committee's role as developing recommendations on TDM programs, activities, services, and policies; coordinating and monitoring the implementation of the citywide TDM effort; implementing commute alternative programs; coordinating TDM efforts with employers and local/regional agencies; and supporting commuter events, including Bike to Work Day. The committee's dissolution does not, by itself, make Orchards' mitigation legally unenforceable. The City can still rely on permit conditions, agreements, and staff administration. But the dissolution does weaken the institutional backdrop for assuming a robust, continuing citywide TDM implementation system - especially where the December 12, 2023-adopted GP 2040 EIR record had already treated TDM effectiveness as uncertain and the project's own traffic materials recommended phase-by-phase reassessment. (Pub. Resources Code, section 21081.6; City Council Agenda Packet, November 12, 2024, Agenda Item 8.1.)

Second, the memorandum's own "Project Description" appears to describe an ultimate buildout scenario rather than the discrete approvals at issue. It states that the project "includes construction of 230 single-family detached residences, 138 single-family attached residences, 58 accessory dwelling units (assumed built at opening), 2,084 multi-family housing units, and 125,000 square feet of retail," and it further notes that it assumed all accessory dwelling units would be built "at opening" for consistency with other analyses. That framing may be reasonable for a program-level screen of the full Master Plan, but it is not the same as analyzing (a) the currently approved Neighborhood District and (b) a 20-year Master Plan whose remaining districts require future discretionary approvals and may be modified over time. The CEQA record should therefore clearly state whether this VMT memorandum is intended to substantiate the section 15183 findings for (i) the Master Plan as a whole, (ii) the Neighborhood District approval, or (iii) both—and, if both, how the memorandum's assumptions about timing, land-use mix, and retail orientation map onto the approvals and associated waiver/standard changes.

The same point extends beyond VMT. The June 10, 2025 CAP and CEQA GHG Thresholds Guidance Report established a new GHG framework following certification of the December 12, 2023-adopted GP 2040 EIR. However, the Orchards materials indicate that the current CAP consistency showing is centered on the Neighborhood District, with interim grading. At the same time, future project-level CEQA/CAP analysis is deferred for the Mixed-Use and Multi-Family Districts. **That means the City did not fully test, at the time of approval, whether the post-2023 regulatory setting, the six State Density Bonus waivers, parking changes, and later cumulative context cause previously identified VMT impacts - and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects - to be more severe than described in the prior EIR for the approval package as a whole.** (City of San Ramon, Adopted CEQA GHG Emissions Thresholds and Guidance Report, June 10, 2025; FirstCarbon Solutions, Orchards Project CEQA Guidelines Section 15183 Consistency Checklist, December 2025.)

9. What the completed checklist and appendices do not show

For Council purposes, the key point is not that the completed checklist and appendices are brief. They are lengthy. **The problem is that they are too categorical for the record the City had.**

They state, in conclusory form, that the four section 15183 issues are satisfied. **Still, they do not adequately demonstrate that conclusion in light of the later-approved Orchards Design Guidelines, the six State Density Bonus waivers, the post-December 12, 2023 regulatory changes, the June 10, 2025 climate framework, the unresolved VMT/TDM issues and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects, the deferred climate analysis for major portions of the Master Plan, and the materially changed cumulative setting in the downtown core.** Stated more concretely, the completed record still does not clearly provide the following:

- a *current, project-specific explanation* showing why the full Orchards approval package was already covered by the December 12, 2023-adopted GP 2040 EIR rather than only anticipated there at a broad program level;
- a clear reconciliation between the technical appendices' "project description" and assumptions (including assumptions about ultimate buildout, phasing, accessory dwelling unit timing, and retail orientation) and the approvals actually granted (Master Plan + Neighborhood District now, with remaining districts subject to later discretionary approvals), so the Council can understand what, exactly, was analyzed at the project level and what was deferred;
- a persuasive explanation of why the later-approved Orchards Design Guidelines and the six State Density Bonus waivers: (1) the project-wide floor area ratio reduction; (2) use of the Orchards Design Guidelines instead of the City's ODDSs; (3) the landscaping tree-size waiver; (4) the landscaping shrub-size waiver; (5) the parking and circulation waiver for driveway distance from a street corner; and (6) the parking and circulation waiver for the omission of street medians - do not complicate the City's non-peculiar finding, while also distinguishing between the waivers that bear directly on VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects, and the more limited landscaping waivers;
- a *current cumulative analysis* showing how post-2023 ordinances, later downtown/Bishop Ranch approvals, and current nearby construction and occupancy conditions were actually integrated into the section 15183 review, including their implications for VMT and the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects;
- a *fully current CAP/GHG consistency analysis for the full twenty-year master plan rather than a largely deferred one for future Mixed-Use and Multi-Family district projects*; and
- a VMT mitigation showing, together with the associated GHG emissions, air quality, noise, safety, circulation, public services, and public-health-related physical effects, that is clearly feasible, effective, enforceable, monitored, and durable enough to support a no-further-review conclusion for phased buildout over time.

Based on the record reviewed, the stronger and more supportable conclusion is that the completed Section 15183 checklist and technical appendices do not adequately justify the City's broader finding that no additional CEQA review was required for both the 20-year Master Plan and the Neighborhood District. The City may be able to point to density consistency and the December 12, 2023-adopted GP 2040 EIR as part of the CEQA review framework for Orchards. Still, the current record does not appear to provide a complete answer to the four Section 15183 issues required for the approvals granted.

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California Environmental Quality Act Guidelines: California Code of Regulations, title 14, sections 15064.3, 15064.4, 15093, 15125, 15130, 15152, 15168, 15183, and 15183.5. Official text available from the California Legislature: <https://govt.westlaw.com/calregs>.

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City of San Ramon, City Village (Bishop Ranch 6) Project webpage: https://www.sanramon.ca.gov/news/hot_topics/city_village_bishop_ranch_6_project.

City of San Ramon, Climate Action Plan Update/project documents portal:

<https://plansanramon.com/documents>.

City of San Ramon, General Plan and Housing Element Update webpage (City Council actions of December 12, 2023):

https://www.sanramon.ca.gov/our_city/departments_and_divisions/community_development/planning_services/general_plan_and_housing_element_update.

City of San Ramon, Objective Design and Development Standards webpage:

https://www.sanramon.ca.gov/news/what_s_new/objective_design_development_standards.

City of San Ramon, Orchards consistency-determination / State Density Bonus Law letter (December 4, 2025):

https://www.sanramon.ca.gov/UserFiles/Servers/Server_10826046/File/Our%20City/Department%20Community%20Development/Orchards/c25.158%20Stephanie%20Hill%20HAA%20Consistency%20Determination%20with%20SDBL%20Letter%20Orchards.pdf.

City of San Ramon, Orchards Project Description (June 18, 2025):

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City of San Ramon, Pending Housing Projects webpage (Orchards entry):

https://www.sanramon.ca.gov/our_city/departments_and_divisions/community_development/planning_services/pending_housing_projects.

City of San Ramon, Street Closures and Maintenance webpage (active Iron Horse Village construction notice):

https://www.sanramon.ca.gov/our_city/departments_and_divisions/public_works/streets/street_closures_and_maintenance.

City of San Ramon, The Orchards: Formal Applications Filed webpage:

https://www.sanramon.ca.gov/news/what_s_new/the_orchards_formal_applications.

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CITY OF SAN RAMON

COMMUNITY DEVELOPMENT

APPEAL OF PLANNING COMMISSION APPROVAL: ORCHARDS DEVELOPMENT PROJECT

**MJ 2024-0004, DP 2024-0006, DP 2024-0008, AR 2024-0013,
TRP 2024-0009, AND ENVR 2025-0003**

6001 BOLLINGER CANYON RD

CITY COUNCIL PUBLIC HEARING
APRIL 7, 2026

PROJECT SITE



Project Site:

6001 Bollinger Canyon Road
(APN: 213-120-008) 92 acres

General Plan Designation:

Downtown Mixed Use - South
(DMU-S)

Zoning Designation:

Downtown Mixed Use - South
(DMU-S)



BACKGROUND



- **Fall 2022:** Applicant purchases the 92-ac Chevron Park site.
- **2022 to 2023:** Series of public study sessions on potential redevelopment with CC, PC, EDAC, and HAC.
- **2023:** Applicant takes feedback and refines proposed land use plan and requests incorporation into GP 2040 Update.
- **December 12, 2023:** City adopts GP 2040; includes the redesignation and rezone of Chevron Park from Administrative Office to DMU-S, adoption of GP 2040 EIR, and creates the framework for the programming of Orchards Development

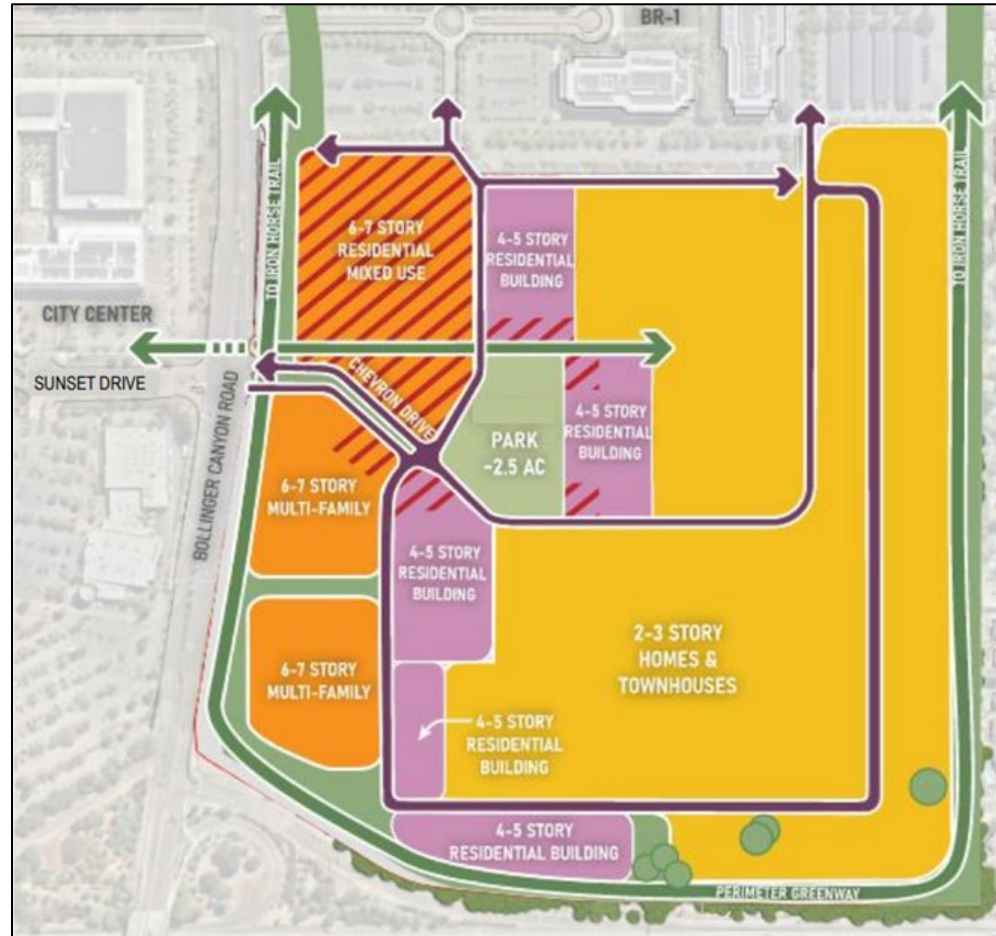
BACKGROUND



GP 2040 Policy No. 4.7.I-5 direct how *Orchards* project area should be programmed:

- A variety of housing typologies such as multi-family apartments, stacked flats, townhomes, single-family homes, and vertical mixed-use units,
- A min. of 125,000 SF of new retail/commercial/entertainment uses,
- Residential and nonresidential vertical mixed-use configuration closer to Bollinger Canyon Rd., 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, and
- The preservation of the site's heritage oak trees, consistent with City standards and arborist's recommendations.

GP 2040 POLICY 4.7-I-5: ORCHARDS LAND USE PLAN



PROJECT APPLICATIONS



November 18 & 21, 2024 formal applications submitted; Project updated on June 24, 2025 (deemed complete July 15, 2025):

MJ 2024-0004 (VTM 9693): Major Subdivision application to subdivide the 92-acre site into 191 lots with a Vesting Tentative Map.

DP 2024-0006: Development Plan application to allow for the construction of the Neighborhood District consisting of 230 single-family homes, 138 multi-family townhomes, and 58 optional accessory dwelling units (ADUs).

DP 2024-0008: Development Plan application for the demolition of the existing 1.3m SF office park and replacement with the Orchards Development Master Plan consisting of three Districts and up to 2,510 units, 125,000 SF new commercial, and various community amenities.

PROJECT APPLICATIONS (CONT.)



DA 2024-0001: Development Agreement application for the implementation of the Project over a 20-year period in exchange for additional communitywide benefits (review has been deferred to a future PC meeting).

AR 2024-0013: Architectural Review application for the proposed Neighborhood District architectural design, site layout, and landscape improvements, and Orchards Design Guidelines.

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).

DP #1: ORCHARDS MASTER PLAN



Orchards District Map

20-year master development plan that establishes the Multi-Family, Mixed-Use and Neighborhood Districts:

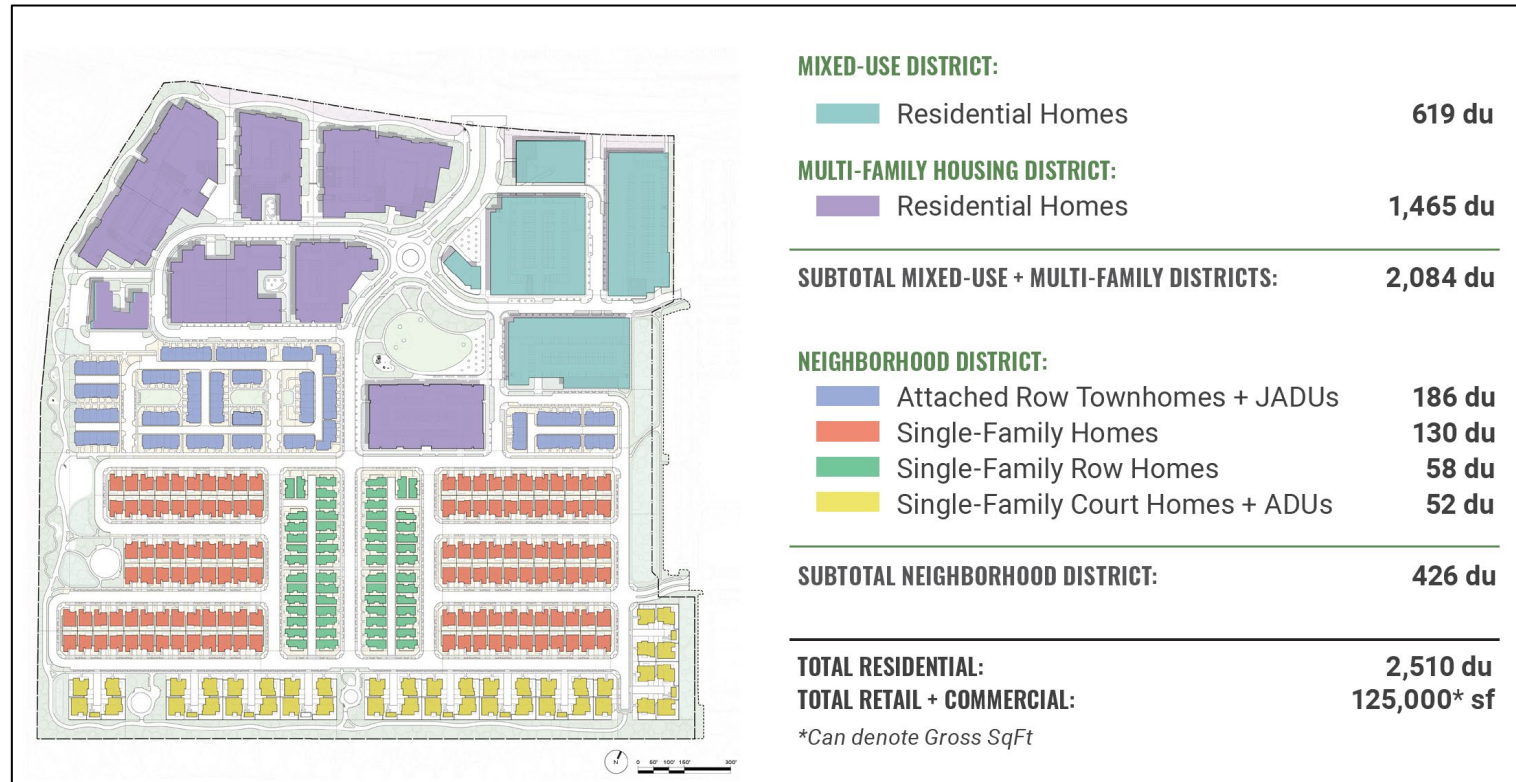
- Mixed-Use: 619 dwelling units with 125,000 sq. ft. of ground floor commercial uses
- Multi-Family: 1,465 dwelling units (apts., condo, senior, and/or affordable housing)
- Neighborhood: 368 units of lower-density SF homes, townhomes, and 58 optional ADUs



DP #1: ORCHARDS MASTER PLAN

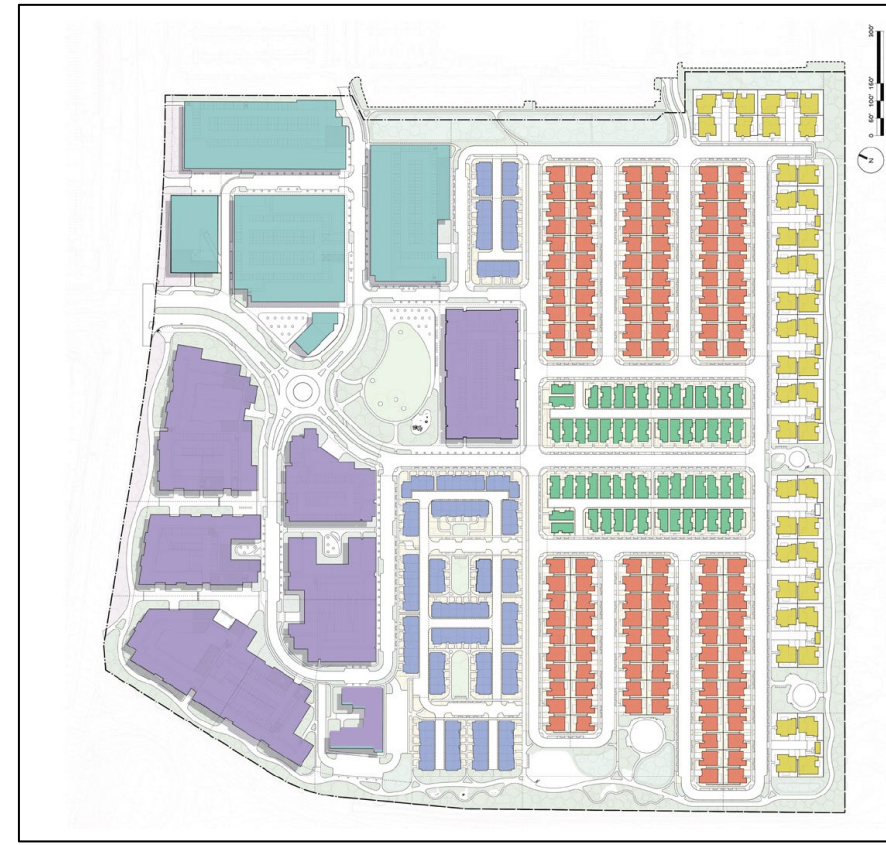
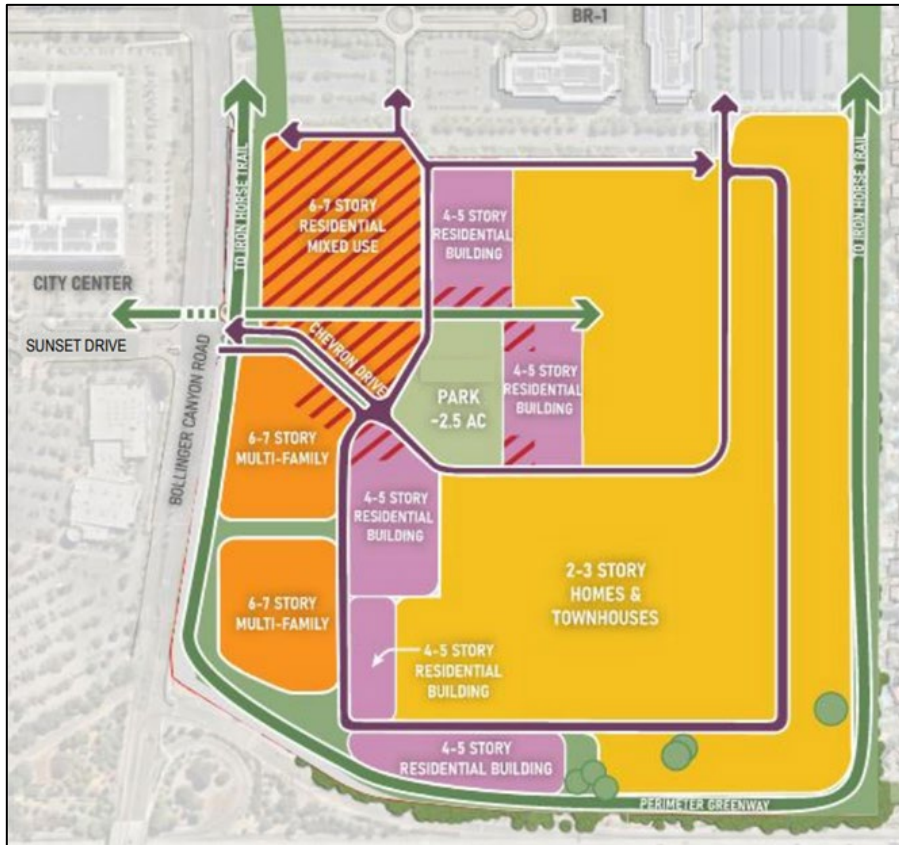


Orchards Illustrative Plan Development Program



- Future development plan applications will be filed for MF and MU Districts, and are not being approved as part of this Project.

GP 2040 LAND USE PLAN & ORCHARDS DEVELOPMENT PLAN COMPARISON



ORCHARDS DESIGN GUIDELINES



- Implements the shared vision for the Orchards community through the buildout period.
- In lieu of the City's Objective Design and Development Standards (Orchards Guidelines provides specificity and continuity for all three Districts).
- Guidelines are consistent with the GP land use programming.



DP #2: NEIGHBORHOOD DISTRICT



368 total units and 58 optional ADUs

- 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

Neighborhood District Site Plan



AFFORDABLE HOUSING



- City's Inclusionary Housing Ordinance requires a min. 15% (368 units) to be deed-restricted as affordable units. Orchards will provide 16.2% (397 mix of for-sale and rental affordable units) as follows:

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.

- Proposed Project will provide 6.6% (163 units) of the total 397 units for very low-income households, and qualifies the Project for use of State Density Bonus

AFFORDABLE HOUSING (CONT.)



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

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.

- Orchards Affordable will be constructed by Eden Housing within the Multi-Family District as an all-affordable stand-alone building. They are currently processing a DP application for its development.

STATE DENSITY BONUS LAW & DEVELOPMENT STANDARDS



- Project qualifies for use of State Density Bonus Law (SDBL), which requires, if requested, the City grant one (1) incentive/concession, unlimited waivers, and limit City parking standards to the SDBL max. parking ratios
- Applicant requests six waivers:
 - To reduce the minimum sitewide FAR of 1.25 to 0.79
 - To use the Orchards Design Guidelines in lieu of the City's Objective Design and Development Standards
 - From ZO standard for Landscaping (D3-21) Plant Materials Trees,
 - From ZO standard for Landscaping (D3-21) Plant Materials Shrubs
 - From ZO standard for Parking and Circulation (D3-37-B.1)
 - From ZO standard for Parking and Circulation (D3-37-B.6)
- Proposed Project is consistent with the applicable land use descriptions and objective development standards, except as allowed with SDBL waivers

ARB REVIEW



- The Project was forwarded to the Architectural Review Board (ARB) on May 1, May 8, and June 5, 2025, for additional feedback.
- The ARB recommended approval of the Project and provided feedback and advisory design comments.
- Written response by Applicant details proposed Project revisions and response to ARB comments.

ENVIRONMENTAL REVIEW



- California Environmental Quality Act (CEQA) applies to projects that require a discretionary approval from state or local agencies.
- CEQA requires lead agencies to use streamlining opportunities that utilize the analysis in already certified Environmental Impact Reports (EIRs).
- The City certified an EIR for the General Plan on December 12, 2023. The General Plan establishes development density standards in the City.

ENVIRONMENTAL REVIEW (CONT.)



- "CEQA mandates that projects which are consistent with the development density established by ... general plan policies for which an EIR was certified 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 Section 15183

ENVIRONMENTAL REVIEW (CONT.)



In considering an approving a project under Section 15183, CEQA limits the lead agency's analysis to only:

- 1) Environmental effects that are peculiar to the project or its site;
- 2) Were not analyzed as significant effects in the prior EIR;
- 3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR, 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 impact than discussed in the prior EIR.

CONSISTENCY ANALYSIS TOPICS



- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural, Tribal, and Historic Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Noise
- Transportation
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

PROGRAM VS. PROJECT LEVEL CONSISTENCY ANALYSIS



- Program Level Analysis
 - Designation of the Mixed-Use and Multi-Family Districts
 - No specific site plan
- Project Level Analysis
 - Demolition of Interim Area and Neighborhood District
 - Grading and hydroseeding of Interim Area
 - Construction of the Neighborhood District
- Combined Analysis
 - Where appropriate (such as analysis focused on site conditions only)

CONSISTENCY CHECKLIST CONCLUSIONS



The City certified the EIR for the General Plan on December 12, 2023. The proposed project's potential impacts on all environmental factors have been previously analyzed and mitigated, consistent with the 2040 General Plan and other regulatory frameworks. There are no project-specific impacts that are peculiar to the project or its site. Therefore, no further CEQA review is required.

PC REVIEW



- Upon completion of the CEQA Consistency Checklist, the Planning Commission (PC) held three public hearings on the Orchards Development Project on December 16, 2025, January 20, 2026, and February 3, 2026.
- On February 3, 2026, the PC adopted Resolution No. 02-26 approving the Orchards Development Project applications.

SWANSON APPEAL FILED



- On February 12, 2026, Brian Swanson filed an appeal contesting the Planning Commission's action.
- The Appellant also provided a supplement to their appeal ("Supplement #1") on February 13, 2026 and appeal exhibits A through H on March 30, 2026.

SWANSON APPEAL REASONS



Eight (8) Grounds for Appeal reasons were provided by the appellant as shown in the below italicized text. Staff's response is provided in the bullets below:

- 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.***
 - Evaluated both project level actions, and program level designation of the Mixed Use and Multi Family Districts, for which no site-specific development approvals are granted. The exemption for this Project does not authorize approval of unknown future projects without appropriate environmental review.
 - Approval of a Master Plan does not foreclose future City discretion. CEQA evaluates discretionary actions, not abstract future possibilities.
 - Project phasing does not preclude reliance on Section 15183.
 - The traffic consultant's recommendation does not undermine the City's CEQA determination.
 - No additional CEQA "triggers" are required to be pre-established.

SWANSON APPEAL REASONS



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.

- Each project listed by the Appellant has had its own independent CEQA analysis and conclusions on environmental impact prior to the City taking action on such projects; staff identified no new significant impacts that were not already contemplated in the GP 2040 EIR.
- Projects have been approved with less intensity and below the maximum density allowed in the General Plan and Zoning Ordinance (with the exception of the Bishop Ranch Affordable Housing which qualified for a density bonus).
- The Orchards Section 15183 Consistency Checklist identified no environmental problems due to the Project's proposed waivers, including the reduction to the floor area ratio.

SWANSON APPEAL REASONS



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.*

- CEQA does not require a local threshold of significance as a prerequisite to applying Section 15183.
- VMT analysis was prepared to confirm that no peculiar project characteristics exist.
- 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.
- Phased buildout does not create a “peculiar” VMT impact
- CEQA does not require the City to re-analyze or re-mitigate absent substantial evidence of a peculiar effect. No such evidence has been presented.

SWANSON APPEAL REASONS



- 4. *Reliance on applicant-prepared technical studies without demonstrated independent verification undermines impartiality and the City's duty of independent judgment.***
- 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 the Traffic Operations Report and Vehicle Miles Traveled analysis documents were conducted by the City's Traffic Engineer, Engineering staff, and Planning staff before the reports were finalized.
 - All Applicant-prepared technical studies (such as geotechnical, hydrological, traffic, etc.) are independently peer reviewed by Staff and the City's consultants.

SWANSON APPEAL REASON



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 City considered potential tribal cultural resources in its comprehensive analysis, including:
 - confidential Cultural Resource Assessment, which included independent outreach to culturally affiliated tribes identified by the Native American Heritage Commission (NAHC);
 - correspondence from the Confederated Villages of Lisjan Nation; and
 - a negative NAHC Sacred Lands File search
- Although not required under AB 52, the City consulted with the Lisjan Nation Tribe and, in response to that consultation, the Planning Commission included three conditions of approval requiring tribal monitoring and the protection of inadvertently discovered cultural and tribal cultural resources.

SWANSON APPEAL REASON



- 6. *Process integrity, transparency, and meaningful public participation: statutory streamlining cannot substitute for a complete, coherent, and legally defensible record.***
- The Planning Commission's decision on the Orchards Development Project was based on stated findings of fact and conditions of approval incorporated into PC 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 issues associated with the process can be pursued by the Appellant separate from this Project through an amendment to the City's Zoning Ordinance.

SWANSON APPEAL REASON



7. *Appeal process opacity and lack of guardrails (deposit-driven process with undefined work product). Institutional impartiality and fair-hearing concerns (staff positioned to defend its own prior work product).*

- Staff followed the appeal process consistent with the City's Zoning Ordinance and State law.
- 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.

SWANSON APPEAL REASON



8. ***CEQA notice terminology correction (AB 52 / tribal consultation trigger language).***
 - The Appellant's correction is noted. The City's response to the Appellant's appeal related to AB 52/tribal consultation remains unchanged.

SUMMARY



- Project proposes a 20-year master plan design based on GP 2040 land use policy for the development of 2,510 units (including ADUs).
- Orchards Design Guidelines will apply to all three Districts and create specificity and continuity throughout the buildout period.
- First phase of the Project (Neighborhood District) meets the Orchards Design Guidelines and the DMU-S zoning, with exception of six requested SDBL waivers.
- Orchards will provide 16.2% of total units as affordable units through a combination of stand-alone and integrated units.
- A series of studies have been conducted to determine consistency with City and environmental requirements (traffic operations, VMT analysis, fiscal impact analysis, noise studies, etc.)

SUMMARY (CONT.)



- The Appellant's eight Grounds for Appeal have been considered, analyzed, and evaluated by the City.
- The appeal provides no new information that was not previously considered as part of the record of decision.
- The Project is consistent with the objectives, policies, general land uses, and programs specified in the GP 2040.
- The Project will not result in significant effects to traffic, noise, air quality, or water quality as documented by the technical studies provided.

RECOMMENDATION



- Receive the staff report and presentation by the Appellant, Applicant, Appellant rebuttal (if needed), open the public hearing, take public testimony, close the public hearing, discuss and deliberate.
- Adopt CC 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).



CITY OF SAN RAMON

COMMUNITY DEVELOPMENT

APPEAL OF PLANNING COMMISSION APPROVAL: ORCHARDS DEVELOPMENT PROJECT

**MJ 2024-0004, DP 2024-0006, DP 2024-0008, AR 2024-0013,
TRP 2024-0009, AND ENVR 2025-0003**

6001 BOLLINGER CANYON RD

CITY COUNCIL PUBLIC HEARING
APRIL 7, 2026

Orchards Development Project (Orchards) Appeal

Item No. 2.1 Orchards Development Project
Appellant Presentation

California Environmental Quality Act (CEQA) review framework for the City Council

This presentation addresses the adequacy of the City's CEQA record for the Orchards approvals.

The focus is on the Planning Commission's February 3, 2026 approvals of both the Orchards **20-year Master Plan** and the **Neighborhood District (to be built out over 7 years)**, and the City's reliance on CEQA Guidelines section 15183.

It addresses the structure of the City's environmental review, the adequacy of the analysis performed, and whether the City's conclusions are supported by substantial evidence.

City Council Appeal Hearing • April 7, 2026, beginning at 7 p.m.

Appellant: Brian C. Swanson, AICP



What the Council is being asked to decide

The decision frame

This appeal does not ask whether growth and/or housing is desirable in the abstract, nor does it require the Council to disclose a preference on the public record.

The narrower question is whether the City's CEQA review for Orchards — covering both the **20-year Master Plan** and the **Neighborhood District (to be built out over 7 years)** — was current, adequately explained, and supported by substantial evidence.



Approved Master Plan layout (illustrative)

CEQA Guidelines section 15183 still required four determinations

The CEQA Guidelines section 15183 framework

Plan consistency only determines whether §15183 may be used. It does not answer the four §15183 questions. The City still must show—using evidence in today’s record—why no additional CEQA review is required for the approvals granted.

A Notice of Determination (NOD) or Notice of Exemption (NOE) is a filing; it is not the analysis itself.

1. Whether there are environmental effects peculiar to the project or parcel.

2. Whether there are effects not previously analyzed as significant in the prior EIR.

3. Whether there are potentially significant off-site or cumulative impacts not previously discussed in the prior EIR.

4. Whether substantial new information shows that previously identified significant effects will be more severe than described in the prior EIR.

The December 12, 2023-adopted General Plan (GP) 2040 EIR is the prior EIR foundation

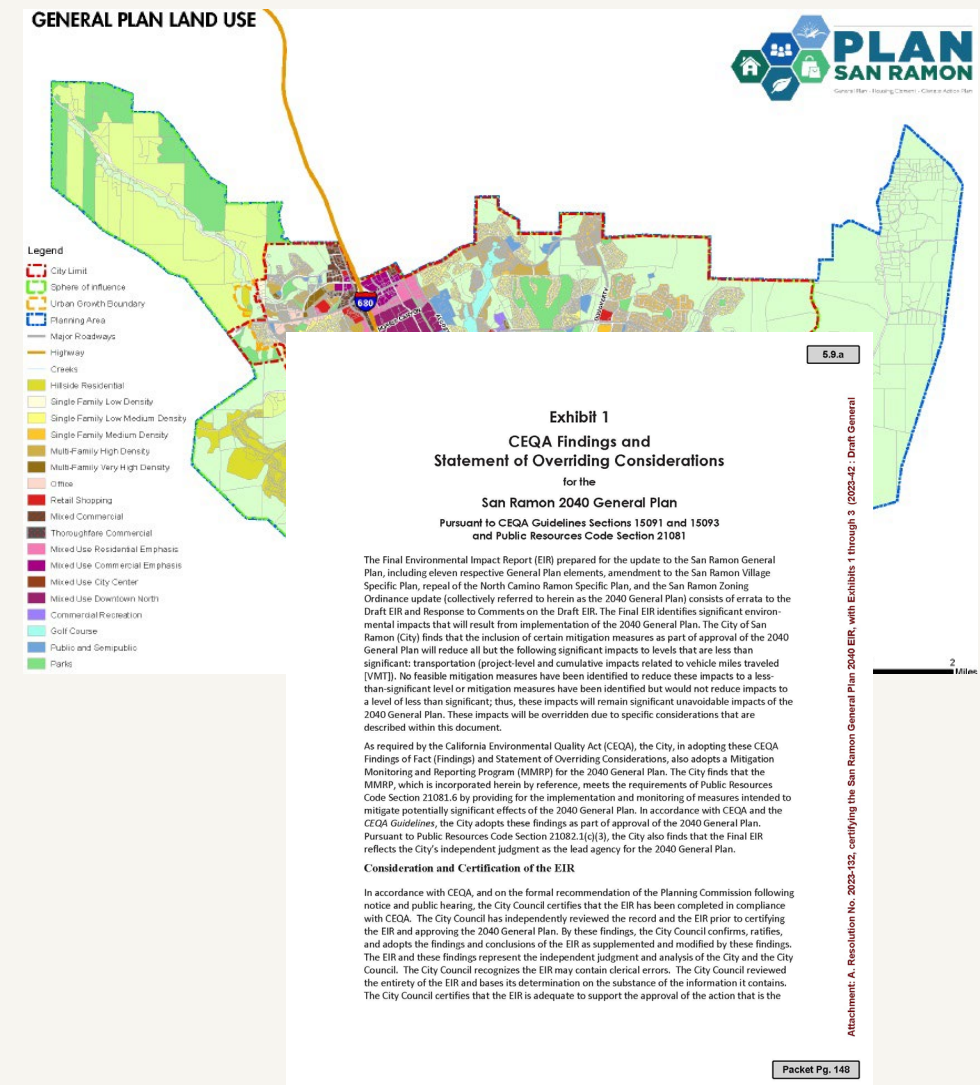
The General Plan 2040 EIR context

On December 12, 2023, the City Council certified the General Plan (GP) 2040 Environmental Impact Report (EIR) and adopted CEQA findings, **Statement of Overriding Considerations (SOCs)**, and a Mitigation Monitoring and Reporting Program (MMRP).

That prior EIR established the broader environmental planning framework and rezoned the former Chevron Park (now Orchards) property to Downtown Mixed Use–South (DMU-S).

The later Orchards section 15183 checklist expressly treats the Dec. 2023-adopted GP 2040 EIR as the “prior EIR” for comparison.

It was a programmatic GP 2040 EIR. **It was not an Orchards-specific Master Plan and/or site-specific Neighborhood District EIR.**



VMT was already a CEQA **warning flag** in the Dec. 2023-adopted GP 2040 EIR

Statement of Overriding Considerations and unresolved vehicle miles traveled (VMT)

Statement of Overriding Considerations (SOCs): A SOC does not erase significant impacts. It acknowledges that the agency is approving **despite identified significant and unavoidable effects.**

Why it matters here: The Feb. 2026-approved Orchards consistency checklist itself summarizes the Dec. 2023-adopted GP 2040 EIR as having identified **project-level** and **cumulative** VMT impacts as **significant and unavoidable,** with Transportation Demand Management (TDM) effectiveness described as **uncertain.**

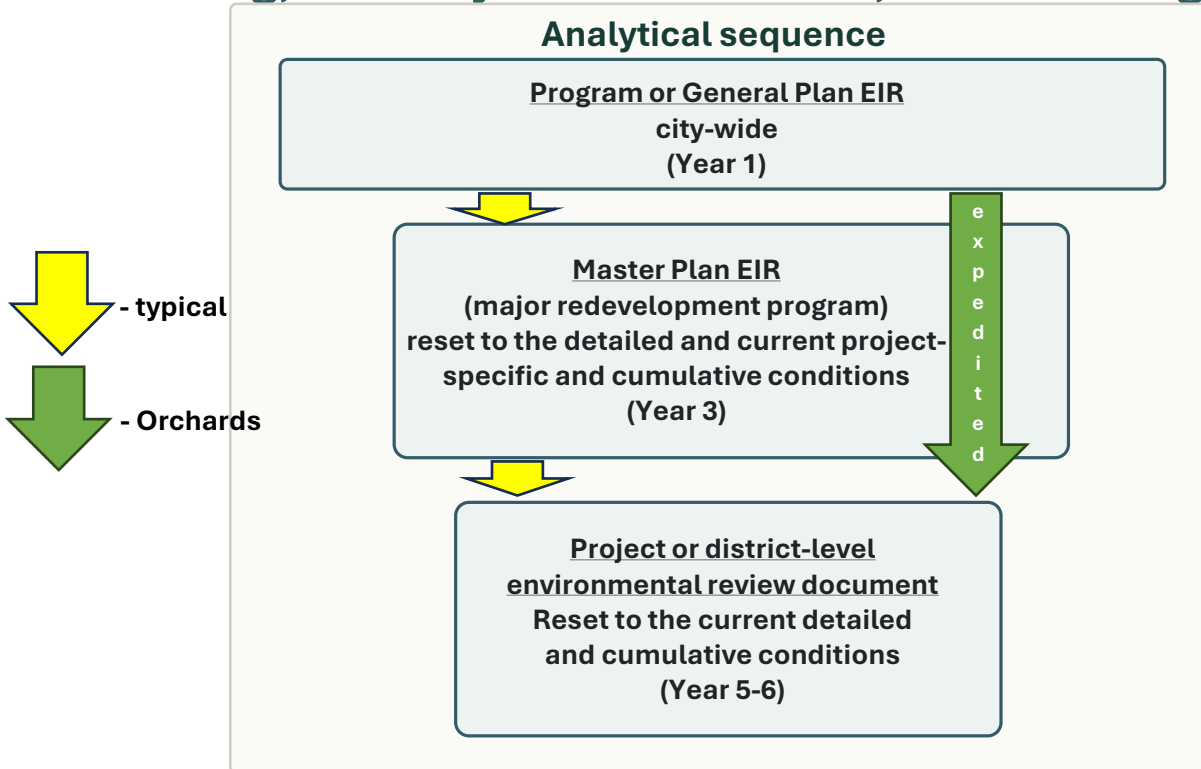
Why VMT is not isolated: Public Resources Code section 21099 preserves analysis of transportation-related physical effects, **including greenhouse gas emissions, air quality, noise, safety, circulation, public services, and public health.**

Practical consequence: Because VMT was already unresolved in 2023, later reliance on CEQA Guidelines section 15183 required more care, **not less.**

**The Dec. 2023-adopted GP 2040 EIR did not settle potential VMT impacts.
It preserved it as a known topic of CEQA sensitivity for later approvals, including Orchards in Feb. 2026.**

Why the analytical sequencing is more difficult here

Tiering, the 20-year Master Plan, and the Neighborhood District



Tiering ordinarily moves from broader review to narrower review.

Orchards reverses that logic by using the December 2023 GP EIR to support both a 20-year Master Plan and the first implementing district in the same action.

For Orchards, the Planning Commission used the Dec. 2023-adopted GP 2040 EIR to support the Feb. 2026 approval of **both** a **20-year Master Plan** and the **Neighborhood District** (to be built out over 7 years).

Orchards Phasing Scenario



Post–December 12, 2023 changes became part of the Orchards setting

Current regulatory and analytical setting

These later actions are not the section 15125 physical baseline; they are part of the current regulatory and analytical setting against which the City asserted ‘no further review.’

Nov. 12, 2024

Citywide Objective
Design and
Development
Standards (ODDs)
adopted

May 13, 2025

Ordinance 529
adopted -
Downtown Mixed
Use-North (DMU-N)
minimum Floor-Area
Ratio
(a common measure
of allowable
development
intensity)
reduced

June 10, 2025

Updated Climate
Action Plan (CAP)
and CEQA GHG
thresholds
adopted

Oct. 14, 2025

Ordinance 534
adopted
Parking and
related zoning
amendments

Nov. 14, 2025

Orchards Design
Guidelines used
instead of citywide
standards

For a predominantly housing-oriented project, changes in floor-area ratio, parking, and design standards can alter assumptions relevant to VMT and related environmental topics.

Post-Dec. 2023 physical and approved development agreement context within the nearby vicinity of Orchards

Current development projects are either occupied, under construction, where demolition or site grading is underway, or otherwise have been granted development agreements by the Planning Commission or City Council.

#	Project	Original cumulative impact and environmental disclosure document relied upon (CEQAnet posted date)
Near completion		
1	BR-1A Park	CityWalk Master Plan EIR (Aug. 5, 2020)
Under construction, partially occupied		
2	BR-6	North Camino Ramon Specific Plan EIR (July 25, 2012)
Initial site work underway		
3	Iron Horse Village (IHV)	North Camino Ramon Specific Plan EIR (July 25, 2012)
4	BR-3A	CityWalk Master Plan EIR (Aug. 5, 2020)
Demolition and clearing		
5	BR-11	General Plan 2040 EIR (Dec. 13, 2023)
6	BR-7	General Plan 2040 EIR (Dec. 13, 2023)
No current construction activity		
7	BR Service Center (SC)	Infill Development Exemption (CEQA Guidelines §15332) (none required)
8	BR-12	General Plan 2040 EIR (Dec. 13, 2023)
9	BR-8	Infill Development Exemption (CEQA Guidelines §15332) (none required)



The Staff Report calls these approvals' independent CEQA analysis.' Most are tiered determinations ending in NOD/NOE filings—without showing refreshed cumulative VMT analysis in the current setting.

What the Planning Commission approved for Orchards

The approval package

The approvals package included a **20-year Master Plan**, the first implementing **Neighborhood District** (to be built out over **7 years**), and **6 approval-specific State Density Bonus waivers**.

The **six waivers** are:

- a project-wide floor-area ratio reduction to 1.25 to 0.79;
- use of the Orchards Design Guidelines instead of the citywide objective standards;
- two landscaping waivers; and
- two parking and circulation waivers.

The most directly CEQA-relevant waivers are the floor-area ratio reduction, the design-guidelines substitution, and the two parking and circulation waivers.

This was not a simple confirmation of a previously analyzed land-use designation.

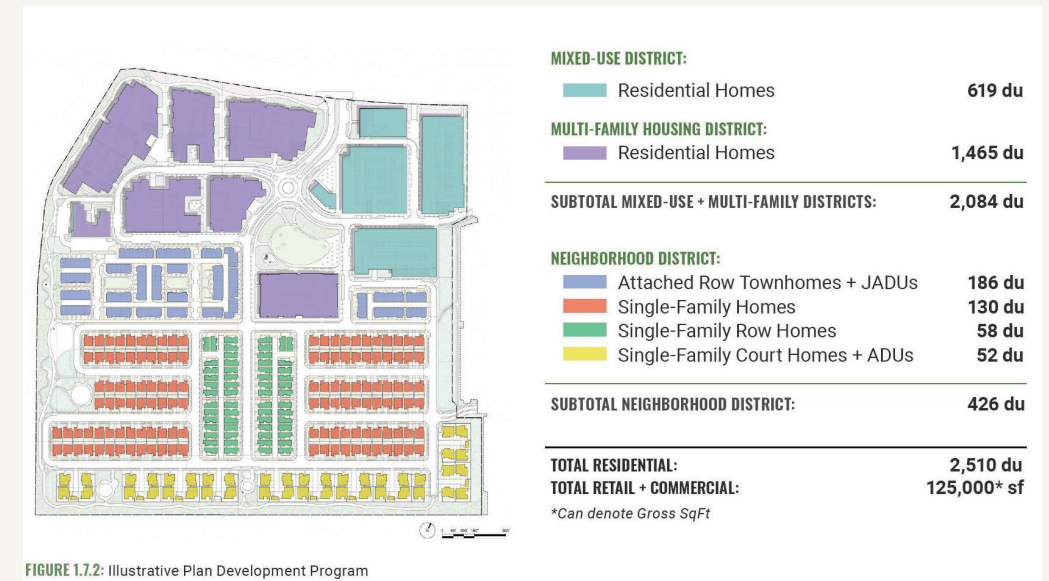


FIGURE 1.7.2: Illustrative Plan Development Program

Illustrative development program

State Density Bonus waivers: 1) floor-area ratio reduction; 2) design-guidelines substitution; 3-4) landscaping; and 5-6) parking/circulation

CEQA Guidelines section 15183(b) issues

Required determinations:

1. Effects peculiar to this project or parcel.

Record conclusion: “No peculiar effects.”

Record must show: why the actual approvals (Master Plan + Neighborhood District + six waivers + project-specific Design Guidelines) do not create distinctive effects beyond the prior EIR.

What’s missing: a clear explanation reconciling that conclusion with project-specific departures and phased buildout.

2. Effects not previously analyzed as significant.

Record conclusion: “No new significant effects.”

Record must show: how the project, as approved, still fits within prior EIR assumptions and mitigation.

What’s missing: a project-specific demonstration beyond density comparison and generalized tiering language.

The issue is not whether conclusions were written. The issue is whether the record explains them—based on evidence—for the approvals granted.

CEQA Guidelines section 15183(b) issues

Required determinations (continued):

3. Off-site or cumulative impacts not discussed in prior EIR.

Post-2023 approvals + active construction + updated City standards are part of today's setting.

The record should show **whether and how** that changed setting was evaluated before concluding “no further review.”

4. New information showing prior significant effects are more severe.

GP 2040 EIR already found VMT significant and unavoidable (project-level and cumulative).

The record should address whether later changes (policy changes, waivers, implementation capacity) affect severity or the feasibility of mitigation.

The issue is not whether the City relied on the GP EIR. The issue is whether the current record shows it re-tested the post-2023 setting before concluding ‘no further review.’

VMT screening, climate analysis, and mitigation monitoring limits

What the current record still does not show

VMT screening	Climate analysis	Mitigation monitoring & enforceability
Screening memo, not a Master Plan buildout analysis. Record does not show updated assumptions (Ord. 529/534, waivers, post-EIR setting). Memo itself flags the need for re-review (3 repeated ‘note-to-reviewer’ warnings).	CAP/GHG checklist is applied mainly to the Neighborhood District. Master Plan/later districts treatment is unclear in the record. Record does not clearly connect VMT screening to GHG analysis for the full approval	GP 2040 EIR: VMT significant & unavoidable; citywide TDM effectiveness uncertain. Record does not show enforceable performance standards, monitoring, or triggers for a 20-year program. Council should not accept "expected" mitigation without enforceable commitments.

Council decision frame

The closing analytical question

The first point: The Dec. 12, 2023-adopted GP 2040 EIR is not irrelevant. It provides context and a CEQA foundation.

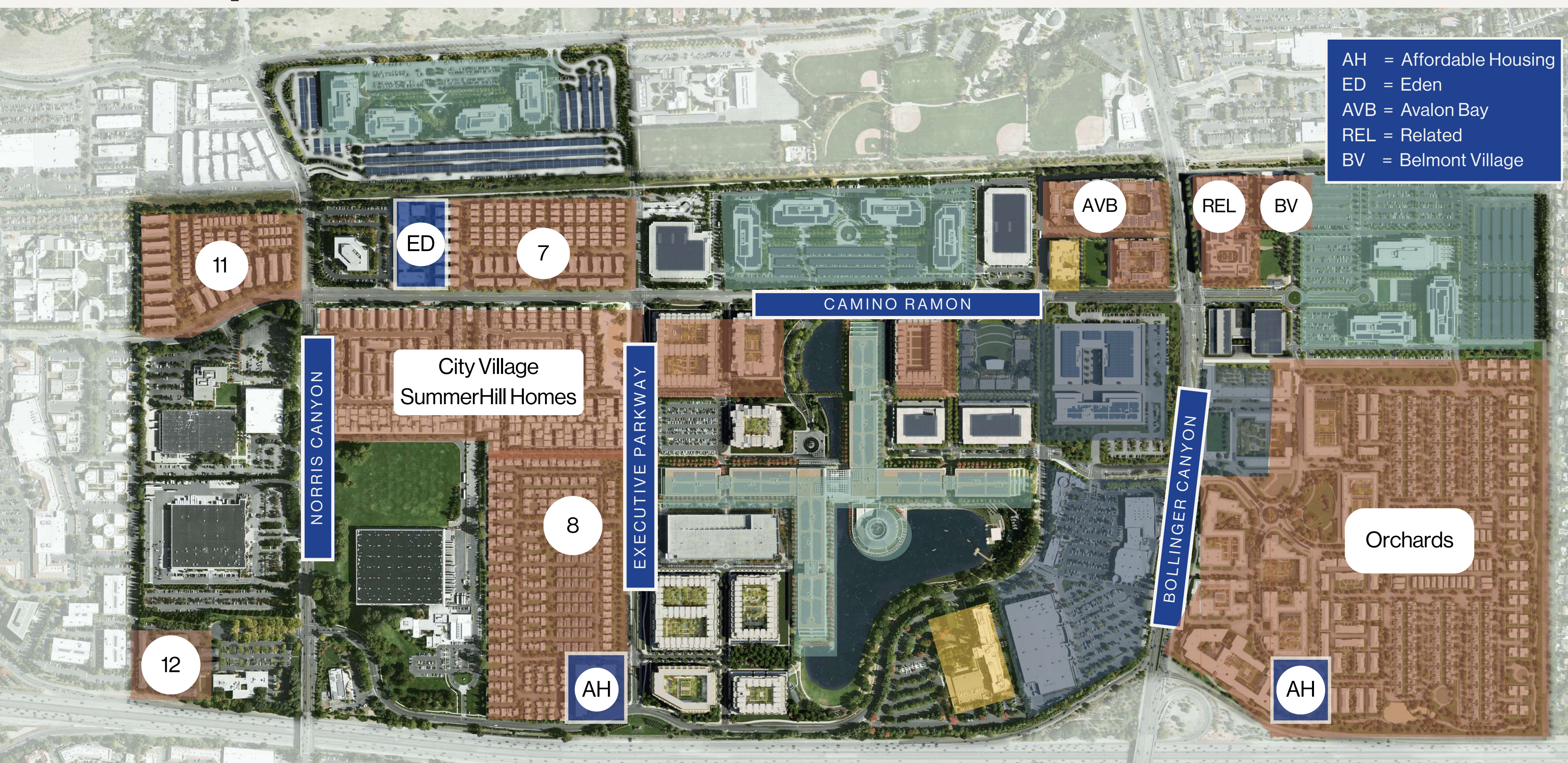
The second point: The completed section 15183 checklist and appendices **still** had to answer the four required section 15183 issues for the approvals the Planning Commission granted: the **20-year Master Plan** and the **Neighborhood District (to be built out over 7 years)**, including six State Density Bonus waivers.

The third point: The Orchards record (approved February 3, 2026) is **more detailed, more specific, more complex, and later in time** than the December 12, 2023- adopted General Plan EIR.

Did the completed checklist and appendices adequately answer the four §15183 questions for the approvals granted — the 20-year Master Plan, the Neighborhood District, and the six waivers — in the post-2023 regulatory and cumulative setting?



Bishop Ranch Land Vision



- AH = Affordable Housing
- ED = Eden
- AVB = Avalon Bay
- REL = Related
- BV = Belmont Village

NORRIS CANYON

EXECUTIVE PARKWAY

BOLLINGER CANYON

CAMINO RAMON

City Village
SummerHill Homes

Orchards

SITE PLAN EVOLUTION

Chevron Park Site



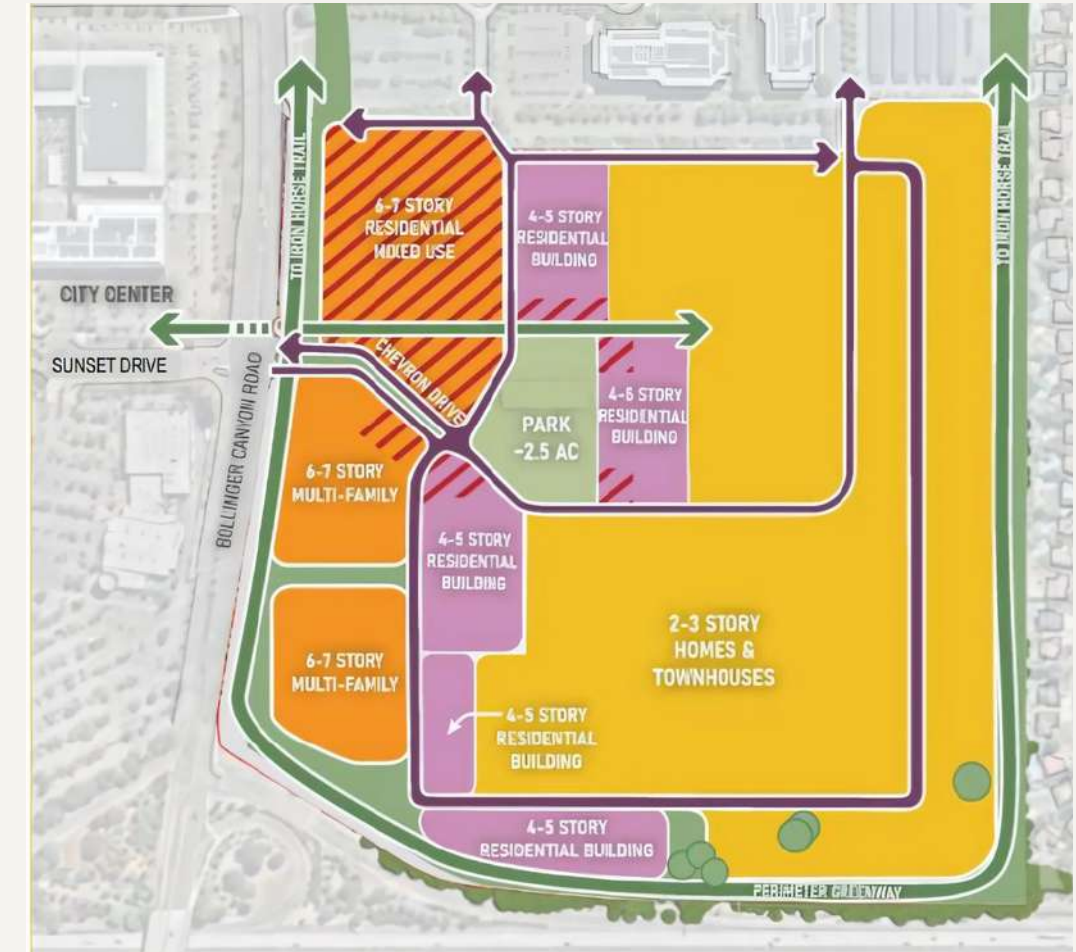
General Plan Policy 4.7.1-5

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 Project Area

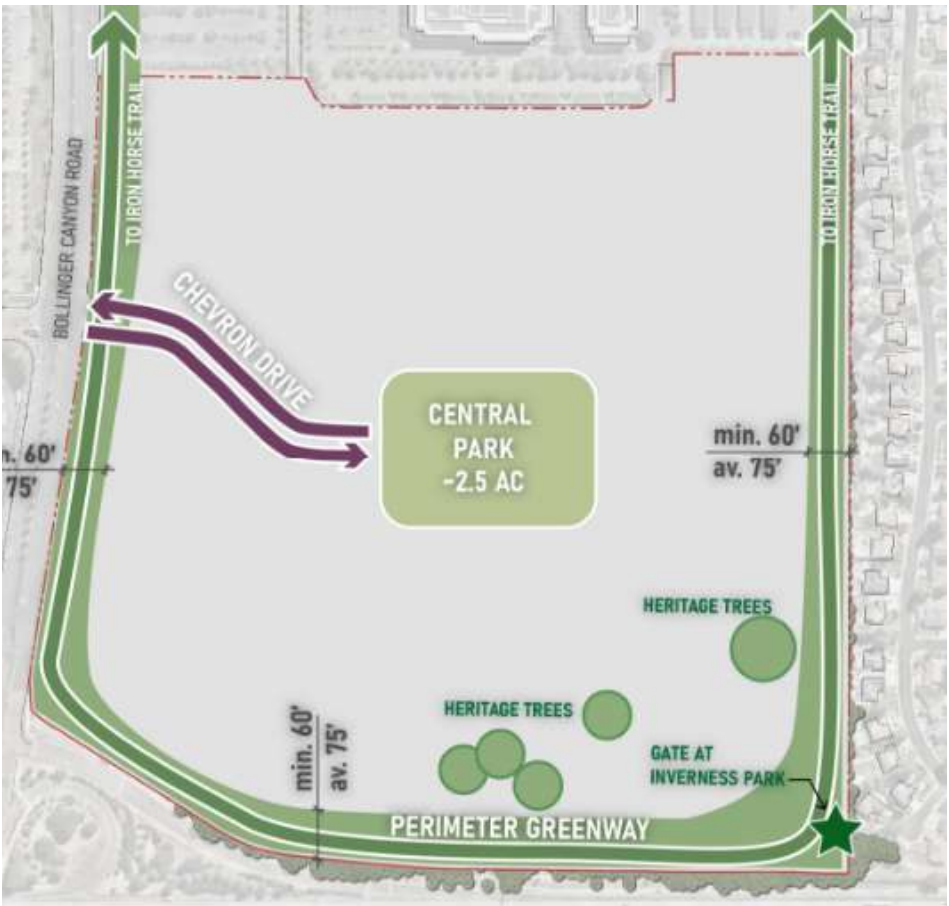
- A variety of housing typologies such as multi-family apartments, stacked flats, townhomes, single-family homes, and vertical mixed-use units.
- A minimum of **125,000 sq ft of new retail/commercial/entertainment uses**.
- Residential and nonresidential vertical mixed-use configuration closer to Bollinger Canyon Road, including a retail lined boulevard to the centralized park.
- A **centralized park** space of a minimum 2.5 acres.
- Additional pocket parks with recreational amenities and pedestrian pathways throughout the project area.
- The **preservation of the site's heritage oak trees**, consistent with City standards and arborist's recommendations.



Public Meetings and Community Outreach

- Planning Commission
- City Council
- Economic Development Advisory Committee
- Housing Advisory Committee
- Inverness Park Neighborhood Meetings
- Community Open House

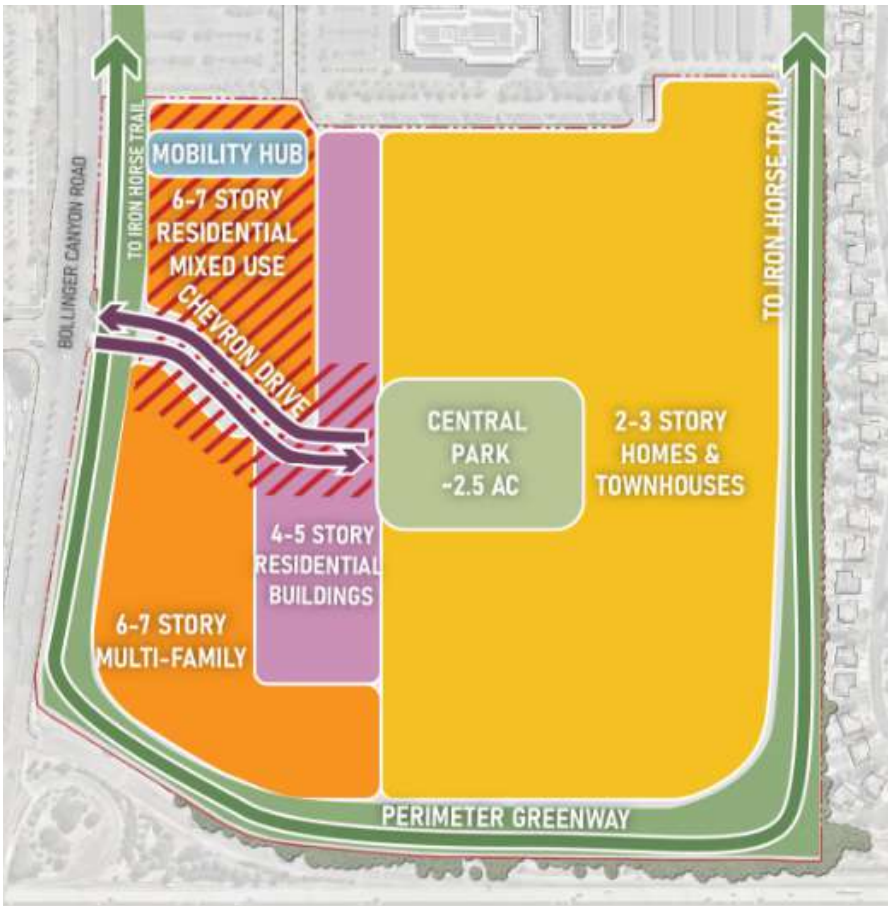




Givens - January 2023



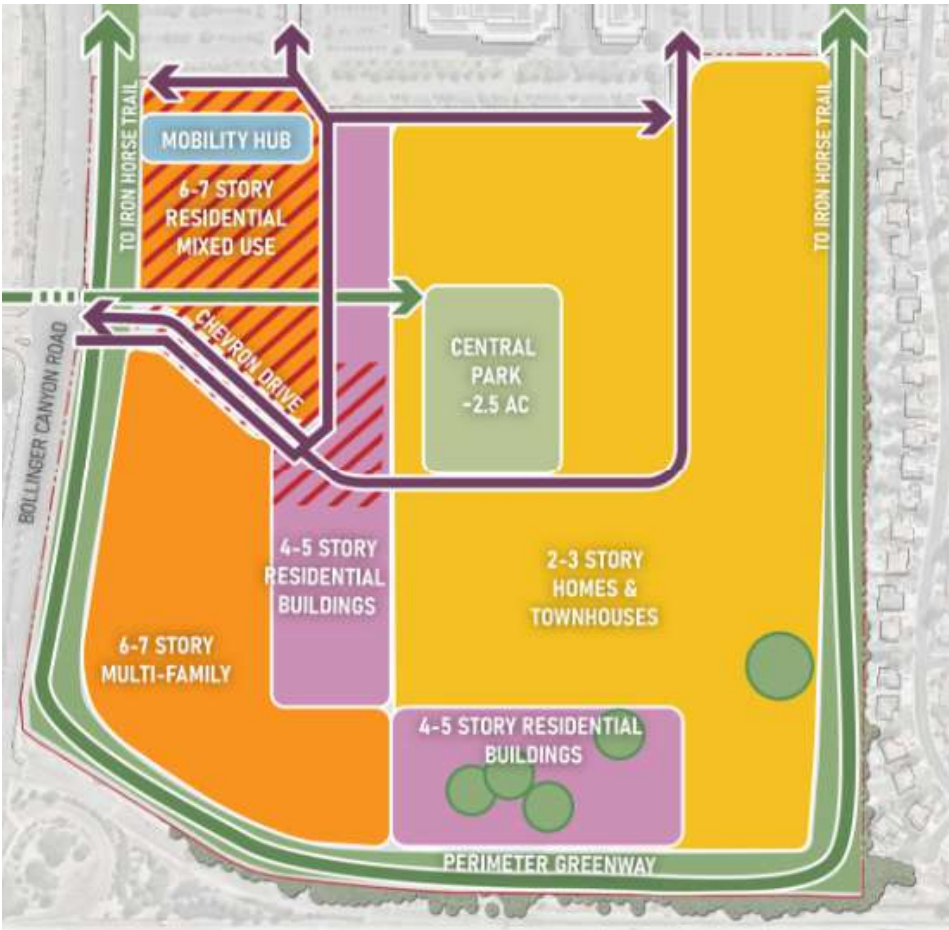
Low Density



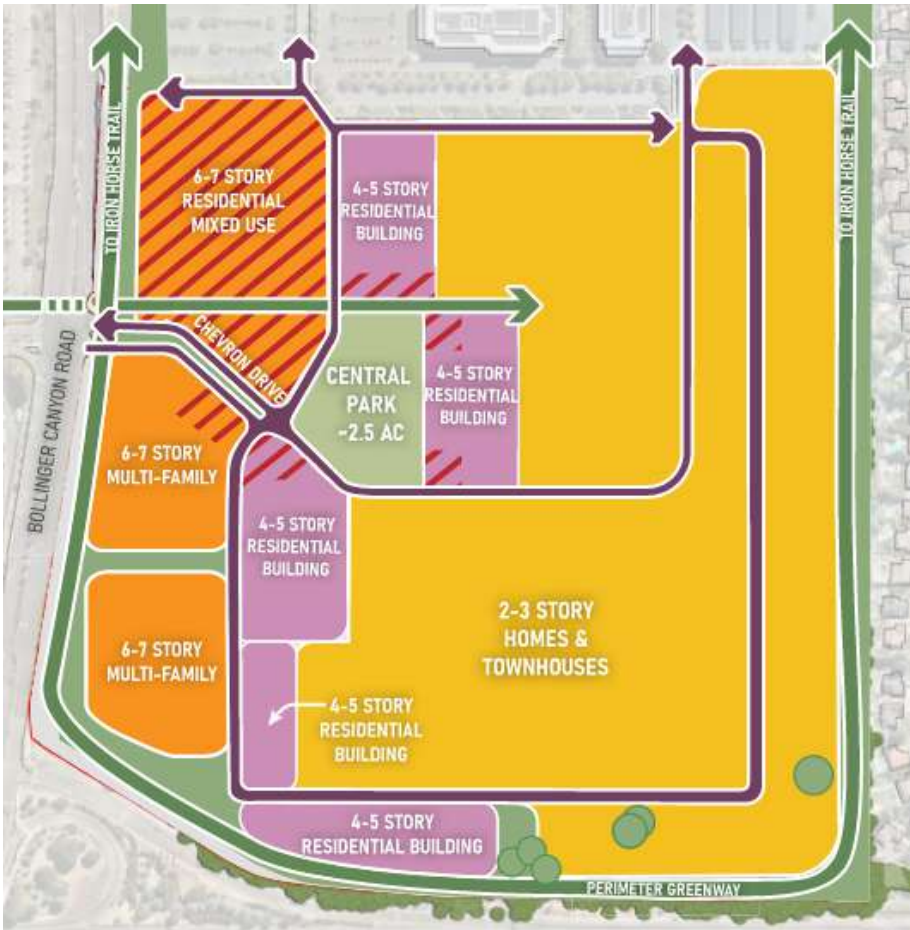
Medium Density



High Density



Medium/High - March 2023



Final - April 2023



Preliminary Site Plan - May 2024



Application - November 2024

Orchards Site Plan



Orchards Districts



District Program Summary



MIXED-USE DISTRICT:

Residential Homes 619 du

MULTI-FAMILY HOUSING DISTRICT:

Residential Homes 1,465 du

SUBTOTAL MIXED-USE + MULTI-FAMILY DISTRICTS: 2,084 du

NEIGHBORHOOD DISTRICT:

Attached Row Townhomes + JADUs 186 du

Single-Family Homes 130 du

Single-Family Row Homes 58 du

Single-Family Court Homes + ADUs 52 du

SUBTOTAL NEIGHBORHOOD DISTRICT: 426 du

TOTAL RESIDENTIAL: 2,510 du

TOTAL RETAIL + COMMERCIAL: 125,000* sf

**Can denote Gross SqFt*

Multi-Family and Mixed-Use District Concept Imagery



Mixed-Use District: Commercial

- Ground level uses: Retail shops, restaurants and neighborhood-serving amenities
- Stand-alone retail in the plaza adjacent to Sunset Drive
- Upper level uses: Multi-family residential and associated residential amenities



Orchards Neighborhood

- Townhomes
- Single Family Homes
- Row Homes
- Court Homes





1

Perimeter Greenway + Heritage Oak Parks



2

Standard Park



3

Retail Plazas



4

Multi-Family Courtyards and Paseos



5

Neighborhood Parks + Paseos



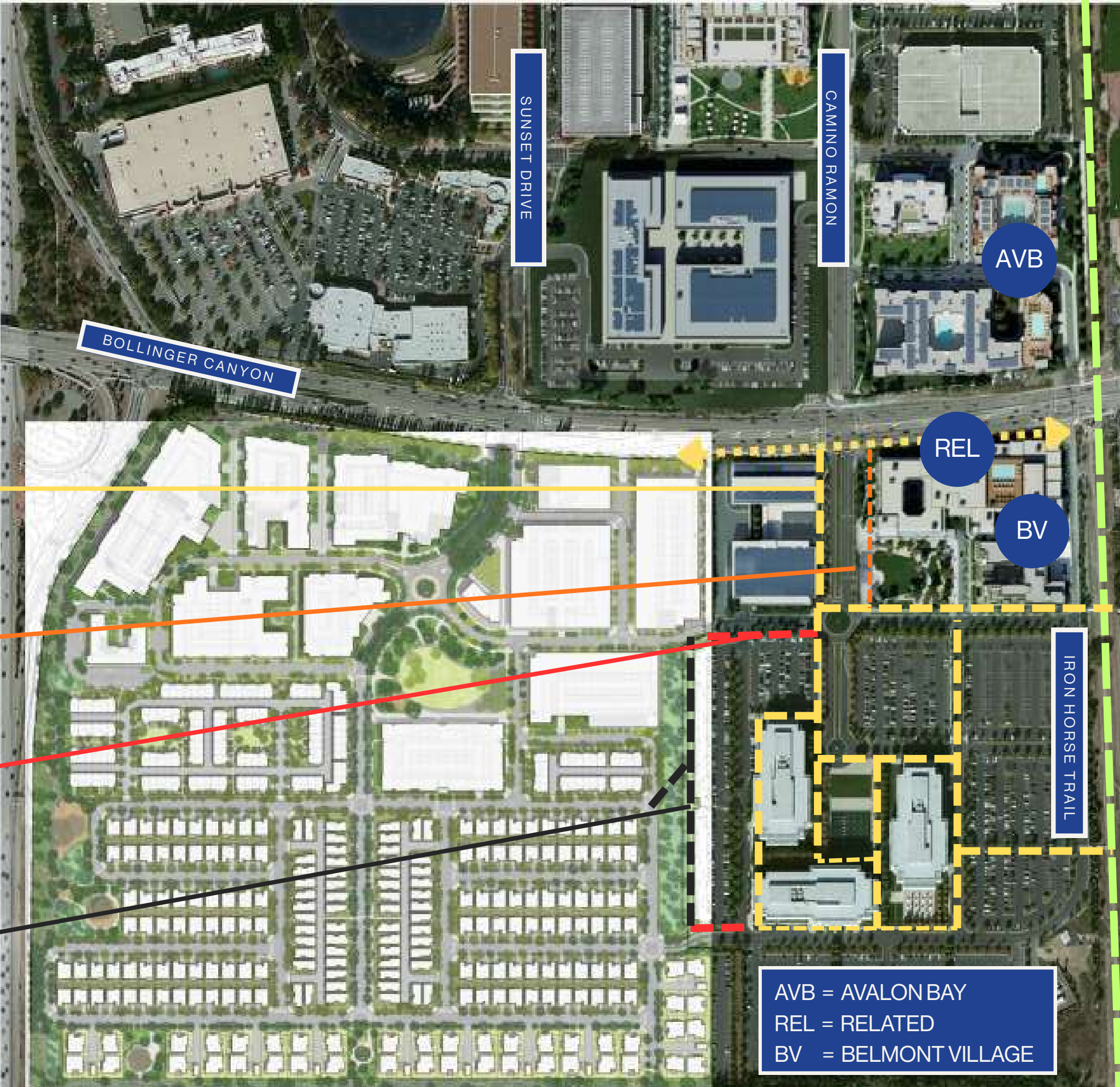
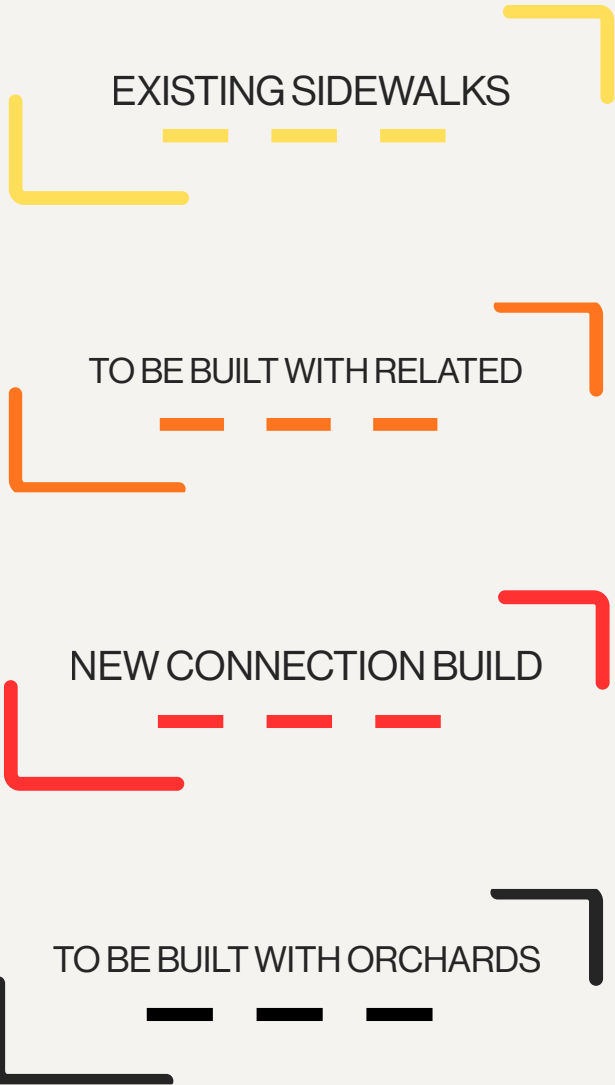
6

Streets



Connectivity: East-West

- Bollinger Canyon
- Mixed District
- Neighborhood District

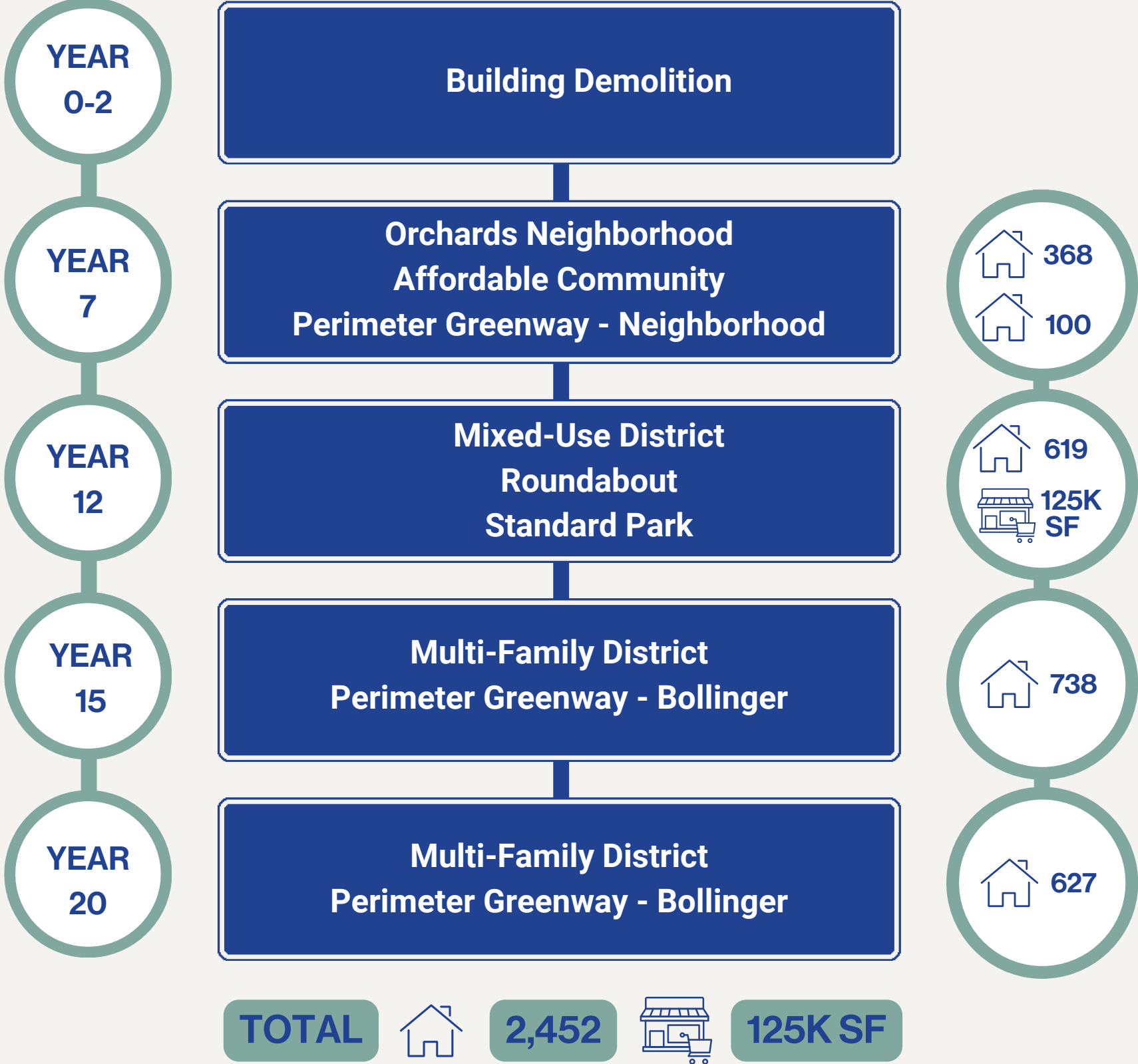


Affordable Housing

- Standalone affordable with a minimum of 100 homes for Orchards Neighborhood
- Inclusionary in the Multi-Family & Mixed- Use Districts

Location	Market Rate	Affordable	Very Low	Low	Moderate	Total
Multi-Family District	1,160	205	91	92	22	1,365
Mixed-Use District	526	93	47	46	-	619
Neighborhood	368	-	-	-	-	368
Neighborhood Affordable Housing Site	1	99	25	74	-	100
Total	2,055	397	163	212	22	2,452
Percent	83.8%	16.2%	6.6%	8.6%	0.9%	100.0%

Orchards Phasing Scenario



CityWalk Phasing



CityWalk was approved in 2020 with a 20 year projected development timeline

Through 2026:

- Belmont Village: Completed
- Heritage Park: Under Construction
- Avalon Bay: Under Construction

Conceptual Phasing



Orchards Neighborhood



Design Guidelines



ORCHARDS DESIGN GUIDELINES

NOVEMBER 15, 2024

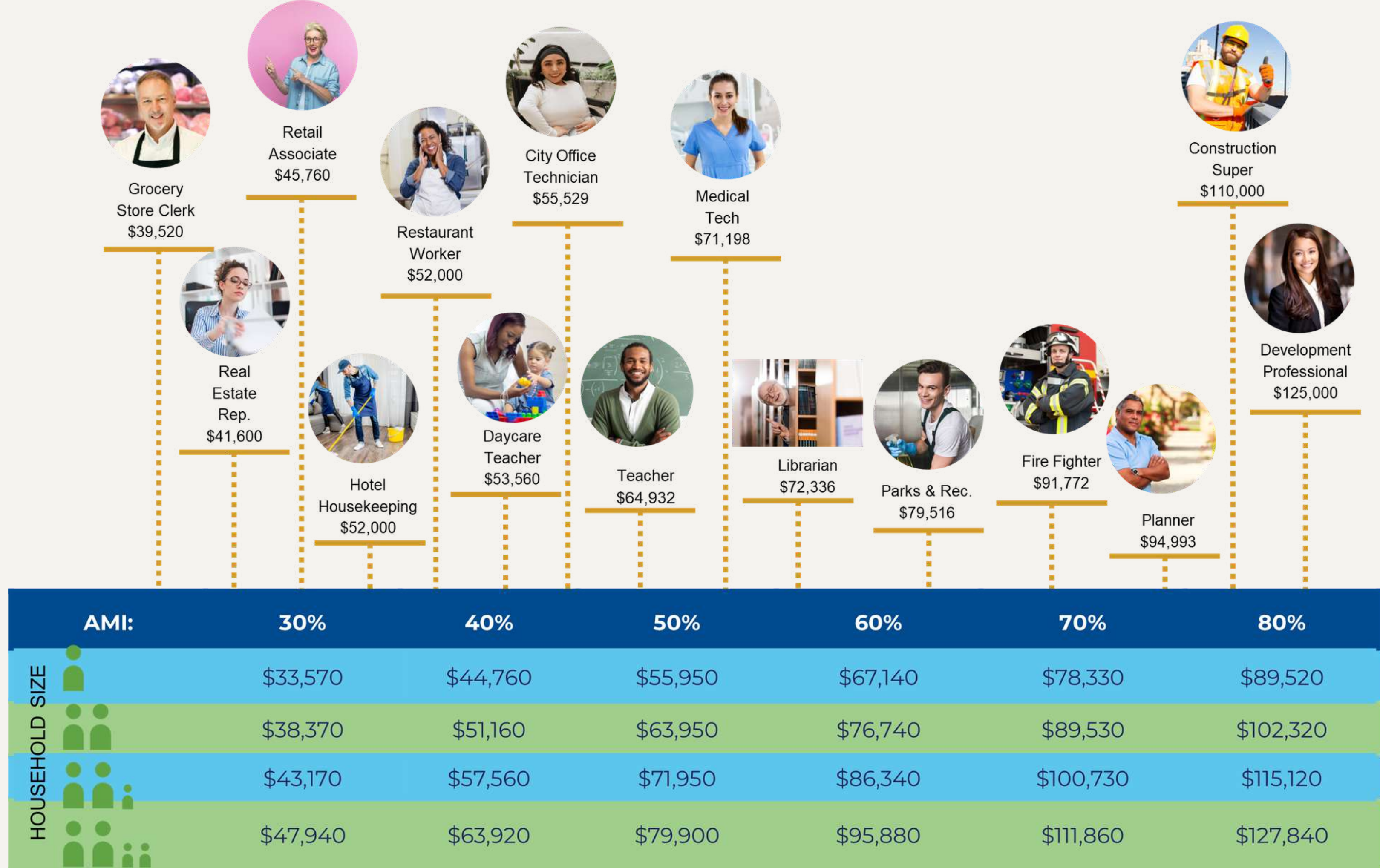
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Bishop Ranch Neighborhoods



BR



Sources: City of San Ramon, County of Contra Costa, Indeed, Salary.com, Glassdoor, Novogradac HUD Income Limits

From: [Deb Briggs](#)
To: [City Clerk \(Public\)](#)
Subject: comment for City Council special meeting
Date: Monday, April 6, 2026 3:58:35 PM
Attachments: [Orchards appeal - ChatGPT summary.docx](#)

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

Thank you for providing the text of the appeal and staff's responses prior to this meeting.

I read that document, but am unfamiliar with the many citations, so asked ChatGPT to summarize (attached).

After reading the original document and the summary, I agree with staff's recommendation that the appeal should be rejected.

However, I also agree with the general point that the appeal made, which was that the City should not expect to issue environmental clearance once at the start of a 20 year project. Per the response, I understand that the "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."

Can we ask the staff to clarify how that process will work? Will CEQA applicability be assessed prior to approving these Districts for construction? What would happen if the builder were unable or unwilling to present a plan to bring these projects into compliance with CEQA prior to the approval?

Regards,

Deb Briggs

San Ramon, CA

Here's a structured, plain-English analysis of the **appeal vs. the City's response**, based on the staff report and embedded appeal text in your agenda packet .



1) Big Picture

- The appeal challenges approval of the **Orchards Development Project** on **8 grounds**.
- The City's position is consistent throughout:

👉 *"No new information... Planning Commission did not err... deny the appeal."*

The disagreement is fundamentally about:

- **Scope of environmental review (CEQA)**
 - **Long-term phased development risks**
 - **Procedural fairness / process**
 - **Application of state housing law (HAA, SB 330)**
-



2) Main Points in the Appeal

A. CEQA / Environmental Review (Core Argument)

The appellant argues:

- The City is improperly using **CEQA §15183** as a **blanket exemption** for a **20-year phased project**.
- Environmental impacts (traffic, noise, GHGs) will **change over time**, especially with phased buildout.
- The applicant's own consultant admits mitigation may need **re-evaluation after each phase**.
- Therefore:

👉 The City should include **explicit triggers for future environmental review**.

Theme:

→ “You can’t lock in environmental clearance today for a 20-year evolving project.”

B. Phasing & Uncertainty

- The project is **not a single build**, but a **multi-decade master plan**.
- Future phases (mixed-use, multifamily) are **less defined**.
- Conditions (traffic, demand, infrastructure) will **change materially** over time.

Theme:

→ “The analysis is too static for a dynamic project.”

C. Transportation Concerns (Implicit in 4.1 and likely others)

- Traffic consultant recommends **reassessing mitigation per phase**.
 - Suggests:
 - Traffic impacts are **not fully resolved upfront**
 - Assumptions may become outdated
-

D. Procedural / Governance Concerns (Supplement)

From later appeal points:

- City lacks **clear appeal procedures / transparency** compared to other jurisdictions.
- Raises concerns about:
 - **Fairness**
 - **Process clarity**
 - **Potential bias**

E. Technical / CEQA Compliance Details

- Example: correction of **AB 52 tribal consultation notice terminology**.
 - Indicates concern about **accuracy and completeness of administrative record**.
-



3) Main Points in the City's Response

The City's responses follow a consistent legal framework:

A. CEQA §15183 Is Validly Applied

- Not a “blanket clearance,” but a **statutory streamlining tool**.
- Applies because:
 - Project is **consistent with General Plan 2040 EIR**
 - Density and land use already analyzed
- Additional review only required if impacts are:
 - **“Peculiar” to the site/project**
 - Or new/unanalyzed impacts arise

👉 City conclusion: none identified.

B. Future Phases Are NOT Approved Yet

- Only **Neighborhood District** is approved in detail.
- Mixed-use and multifamily areas are:
 - **Programmatic only**
 - Subject to **future discretionary approvals + CEQA review**

👉 Key rebuttal:

→ “We are not approving unknown future projects now.”

C. CEQA Does NOT Require Speculation

- Agencies should NOT:
 - Analyze speculative future conditions
 - Predict unknown designs or timelines

👉 Therefore:

→ Phased uncertainty ≠ CEQA deficiency

D. Phasing Does NOT Invalidate §15183

- No legal requirement that §15183 only applies to:
 - Short-term or single-phase projects

👉 Focus is:

- Consistency with prior EIR
 - Not project duration
-

E. Appeal Process Complaints Are Irrelevant

- City dismisses procedural fairness concerns as:
 - **Unrelated to the project approval**
 - Better addressed via ordinance changes
-

F. Technical Corrections (AB 52)

- Acknowledged but:
 - **Do not change conclusions**

G. Overarching Legal Shield: HAA

- City repeatedly emphasizes:
 - Limited discretion under **Housing Accountability Act**
 - Cannot deny compliant housing without strong findings
-

4) Where the City DID Address the Appeal

The City directly responds to:

- ✓ CEQA misuse claim → argues proper use of §15183
 - ✓ Phasing concerns → says future phases reviewed later
 - ✓ Traffic uncertainty → implicitly addressed via prior EIR + future discretion
 - ✓ Process complaints → dismissed as irrelevant
 - ✓ Technical CEQA issues → acknowledged but minimized
-

5) Key Gaps / Weaknesses in the City's Response

These are the **most important “misses”** or weak responses:

1. No Concrete Phase-Based Review Triggers

Appeal argument:

Require explicit triggers for future CEQA review as phases build out.

City response:

"Future phases will be reviewed later."

Gap:

-  No **defined criteria or thresholds** (e.g., traffic, VMT, buildout milestones)
-  No commitment to **re-evaluation triggers**
-  Relies on general discretion, not enforceable mechanisms

 This is the **strongest unresolved issue**.

2. Traffic Reassessment Recommendation Not Substantively Addressed

Appeal cites:

- Consultant recommends reassessing mitigation after each phase

City response:

- Does not directly reconcile this with:
 - Claim of adequate upfront CEQA coverage

Gap:

- **✗** No explanation of:
 - How phased reassessment fits within §15183 reliance
 - **✗** No condition requiring such reassessment
-

3. Long-Term (20-Year) Uncertainty Minimization

Appeal:

- Long horizon introduces real uncertainty

City:

- Focuses narrowly on:
 - “We don’t analyze speculative future conditions”

Gap:

- **✗** Does not address:
 - Whether **time itself** creates new “peculiar impacts”
 - Whether cumulative conditions could diverge from 2023 EIR assumptions
-

4. Cumulative / Adaptive Impacts Not Fully Engaged

The appeal’s concern:

- Conditions (traffic, emissions) evolve over decades

City response:

- Relies heavily on:
 - Prior EIR

- Static consistency

Gap:

-  No real discussion of:
 - Adaptive mitigation
 - Monitoring over time
-

5. Process / Fairness Concerns Dismissed, Not Engaged

Appeal:

- Raises transparency and fairness issues

City:

- Says:
“Unrelated to project”

Gap:

-  Does not address:
 - Whether process deficiencies could affect **validity of approval**
 - Legally defensible—but rhetorically weak
-



6) Bottom-Line Assessment

The Appeal

Strongest on:

- ⚠️ **Phasing + long-term uncertainty**
- ⚠️ **Need for adaptive / triggered environmental review**
- ⚠️ **Internal inconsistency (consultant says re-evaluate later)**

Weaker on:

- Process complaints (less legally relevant)
 - Minor CEQA technical corrections
-

The City's Response

Strongest on:

- ✓ Legal grounding in **CEQA §15183**
- ✓ Reliance on **General Plan EIR**
- ✓ **HAA constraints** limiting discretion

Weaker on:

- ✗ Practical realities of **20-year phased buildout**
 - ✗ Lack of **explicit future review mechanisms**
 - ✗ Limited engagement with **adaptive impacts**
-



Final Takeaway

This is a classic clash between:

- **Legal sufficiency (City)**

vs.

- **Practical/environmental robustness (Appellant)**

👉 The City wins on **black-letter CEQA + HAA law**

👉 The Appellant raises credible concerns about **real-world implementation risk**

If you want, I can break down **all 8 appeal points individually** (not just the CEQA one shown here) or assess **which arguments would actually have legal traction in court vs. just policy concerns.

From: [James Lloyd](#)
To: [City Council](#); [Mark Armstrong](#); [Marisol Rubio](#); [Robert Jweinat](#); [Richard Adler](#); [Sridhar Verose](#)
Cc: [City Clerk \(Public\)](#); [City Attorney \(public\)](#); [Steven Spedowski](#); [Lauren Barr](#); [Planning Services \(public\)](#); [Lucas Haase](#); [Cindy Yee](#)
Subject: public comment re item 2.1 for tonight's Council meeting
Date: Tuesday, April 7, 2026 11:39:13 AM
Attachments: [San Ramon- 6001 Bollinger Canyon Road- HAA - CC.pdf](#)

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

Dear San Ramon City Council,

The California Housing Defense Fund (“CalHDF”) submits the attached public comment re item 2.1 for tonight's Council meeting, the proposed 426-unit housing development project at 6001 Bollinger Canyon Road.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
CalHDF is grant & donation funded
Donate today - <https://calhdf.org/donate/>



Apr 7, 2026

**City of San Ramon
7000 Bollinger Canyon Road
San Ramon, CA 94583**

Re: Proposed Housing Development Project at 6001 Bollinger Canyon Road

By email: CityCouncil@sanramon.ca.gov; marmstrong@sanramon.ca.gov;
mrubio@sanramon.ca.gov; RJweinat@sanramon.ca.gov; RAdler@sanramon.ca.gov;
SVerose@sanramon.ca.gov

Cc: CityClerk@sanramon.ca.gov; CityAttorney@sanramon.ca.gov;
spedowfski@sanramon.ca.gov; lbarr@sanramon.ca.gov;
Planning@sanramon.ca.gov; lhaase@sanramon.ca.gov; cjee@sanramon.ca.gov;

Dear San Ramon City Council,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 426-unit housing development project at 6001 Bollinger Canyon Road. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), and California Environmental Quality Act (“CEQA”) guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project’s density unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). The HAA’s protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct “a thorough analysis of the economic, social, and environmental effects of the action.” (*Id.* at subd. (b).)

**2201 Broadway, PH1, Oakland, CA 94612
www.calhdf.org**

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to the minimum sitewide Floor Area Ratio (FAR), a waiver to use the Orchards Design Guidelines dated November 14, 2025 in lieu of the City's 9.2 Packet Pg. 67 Objective Design and Development Standards (ODDS), a waiver from Zoning Ordinance standard for Landscaping (D3-21) Plant Materials Trees, waiver from Zoning Ordinance standard for Landscaping (D3-21) Plant Materials Shrubs, a waiver from Zoning Ordinance standard for Parking and Circulation (D3-37-B.1), and a waiver from Zoning Ordinance standard for Parking and Circulation (D3-37-B.6). If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Furthermore, the project is exempt from state environmental review pursuant to section 15183 of the CEQA Guidelines. Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

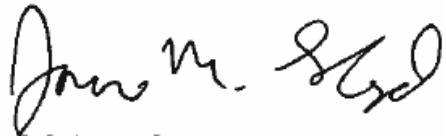
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will increase the city's tax base; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal stroke extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a stylized, cursive script.

James M. Lloyd
CalHDF Director of Planning and Investigations

From: [Matt Gelfand](#) on behalf of matt@caforhomes.org
To: [City Clerk \(Public\)](#)
Subject: Correspondence from Californians for Homeownership
Date: Tuesday, April 7, 2026 2:01:24 PM
Attachments: [2026-4-7 - Californians Letter to City Council - Agenda Item 2.1.pdf](#)

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

To the City Council:

Please see the attached correspondence regarding Agenda Item 2.1 being considered at your upcoming meeting.

All the best,

Matthew Gelfand

--

Matthew Gelfand
Counsel, Californians for Homeownership
525 S. Virgil Avenue
Los Angeles, CA 90020
matt@caforhomes.org
Tel: (213) 739-8206

Californians for Homeownership is a 501(c)(3) non-profit organization that works to address California's housing crisis through impact litigation and other legal tools.



April 7, 2026

VIA EMAIL

City Council
City of San Ramon
7000 Bollinger Canyon Road
San Ramon, CA 94583
Email: cityclerk@sanramon.ca.gov

RE: Orchards Development Project at 6001 Bollinger Canyon Road
Agenda Item 2.1., File No. DP 2024-0006

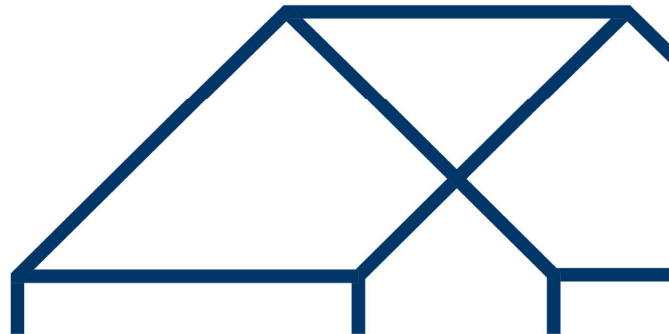
To the City Council:

Californians for Homeownership is a 501(c)(3) organization devoted to using legal tools to address California's housing crisis. We are writing regarding the project at issue in Case No. DP 2024-0006. The City's approval of this project is governed by the Housing Accountability Act, Government Code Section 65589.5. For the purposes of Government Code Section 65589.5(k)(2), this letter constitutes our written comments on the project.

The Housing Accountability Act generally requires the City to approve a housing development project unless the project fails to comply with "applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete." Gov. Code § 65589.5(j)(1). To count as "objective," a standard must "involve[e] no personal or subjective judgment by a public official and be[] uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." Gov. Code § 65589.5(h)(8). In making this determination, the City must approve the project if the evidence "would allow a reasonable person to conclude" that the project met the relevant standard. Gov. Code § 65589.5(f)(4). Projects subject to modified standards pursuant to a density bonus are judged against the City's standards as modified. Gov. Code § 65589.5(j)(3).

The City is subject to strict timing requirements under the Act. If the City desires to find that a project is inconsistent with any of its land use standards, it must issue written findings to that effect within 30 to 60 days after the application to develop the project is determined to be complete. Gov. Code § 65589.5(j)(2)(A). If the City fails to do so, the project is deemed consistent with those standards. Gov. Code § 65589.5(j)(2)(B).

If the City determines that a project is consistent with its objective standards, or a project is deemed consistent with such standards, but the City nevertheless proposes to reject it, it must



make written findings, supported by a preponderance of the evidence, that the project would have a “specific, adverse impact upon the public health or safety,” meaning that the project would have “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” Gov. Code § 65589.5(j)(1)(A); *see* Gov. Code § 65589.5(k)(1)(A)(i)(II). Once again, “objective” means “involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.” Gov. Code § 65589.5(h)(8).

Even if the City identifies legally sufficient health and safety concerns about a project, it may only reject the project if “[t]here is no feasible method to satisfactorily mitigate or avoid the adverse impact . . . other than the disapproval of the housing development project . . .” Gov. Code § 65589.5(j)(1)(B). Thus, before rejecting a project, the City must consider all reasonable measures that could be used to mitigate the impact at issue.

These provisions apply to the full range of housing types, including single-family homes, market-rate multifamily projects, and mixed-use developments. Gov. Code § 65589.5(h)(2); *see Honchariw v. Cty. of Stanislaus*, 200 Cal. App. 4th 1066, 1074-76 (2011). And the Legislature has directed that the Act be “interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.” Gov. Code § 65589.5(a)(2)(L).

When a locality rejects or downsizes a housing development project without complying with the rules described above, the action may be challenged in court in a writ under Code of Civil Procedure Section 1094.5. Gov. Code § 65589.5(m). The legislature has significantly reformed this process over the last few years in an effort to increase compliance. Today, the law provides a private right of action to non-profit organizations like Californians for Homeownership. Gov. Code § 65589.5(k). A non-profit organization can sue without the involvement or approval of the project applicant, to protect the public’s interest in the development of new housing. A locality that is sued to enforce Section 65589.5 must prepare the administrative record itself, at its own expense, within 30 days after service of the petition. Gov. Code § 65589.5(m). And if an enforcement lawsuit brought by a non-profit organization is successful, the locality must pay the organization’s attorneys’ fees. Gov. Code § 65589.5(k)(2). In certain cases, the court will also impose fines that start at \$10,000 per proposed housing unit. Gov. Code § 65589.5(k)(1)(B)(i).

In recent years, there have been a number of successful lawsuits to enforce these rules:

- In *Eden Housing, Inc. v. Town of Los Gatos*, Santa Clara County Superior Court Case No. 16CV300733, the court determined that Los Gatos had improperly denied a subdivision application based on subjective factors. The court found that the factors cited by the town, such as the quality of the site design, the unit mix, and the anticipated cost of the units, were not objective because they did not refer to specific, mandatory criteria to which the applicant could conform.

- *San Francisco Bay Area Renters Federation v. Berkeley City Council*, Alameda County Superior Court Case No. RG16834448, was the final in a series of cases relating to Berkeley's denial of an application to build three single family homes and its pretextual denial of a demolition permit to enable the project. The Court ordered the city to approve the project and to pay \$44,000 in attorneys' fees.
- In *40 Main Street Offices v. City of Los Altos*, Santa Clara County Superior Court Consolidated Case Nos. 19CV349845 & 19CV350422, the court determined that the Los Altos violated the Housing Accountability Act, among other state housing laws, by failing to identify objective land use criteria to justify denying a mixed-use residential and commercial project. The City was ultimately forced to pay approximately \$1 million in delay compensation and attorneys' fees in the case.
- In *Californians for Homeownership v. City of Huntington Beach*, Orange County Superior Court Case No. 30-2019-01107760-CU-WM-CJC, a case brought by our organization, the court ruled that Huntington Beach violated the Housing Accountability Act when it rejected a 48-unit condominium project based on vague concerns about health and safety, including traffic concerns similar to those raised by comments on the project you are considering. Following the decision, the City agreed to pay \$600,000 in attorneys' fees to our organization and two other plaintiffs.

Based on the above legal framework, state law requires the City to approve this project. We have also considered the City's environmental review for the project and determined that it complied with state law. We urge you to approve the project.

Sincerely,



Matthew Gelfand

From: [SHERRIE SIVARAMAN](#)
To: [City Clerk \(Public\)](#)
Subject: Public Comments on Special City Council Meeting Tonight April 7, 2026
Date: Tuesday, April 7, 2026 4:39:35 PM

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

To the San Ramon City Council:

I have been following the issue of Sunset Development's plans to build housing in Central San Ramon since 2023 when meetings were held in the Montevideo Elementary multi-purpose room with Mr. Alex Mehran concerning building on the Chevron property adjacent to Inverness Park residential neighborhood where I have lived since 1996. The meetings in 2023 never discussed having an amphitheatre within the Chevron/ Orchards property. Much to my surprise in January 2024, Mr. Mehran gave an interview in the Danville/San Ramon online website, stating he wanted an amphitheatre on the property that would hold 2,000 to 3,000 people. Jeanita Lyman who wrote the article then stated that it could hold up to 3,500 people. I have a problem with this as it will cause excessive noise that is unfair to the existing Inverness Park neighborhood. We have a right to live peaceful lives without noise. The city council needs to take into account all the aspects of this housing development, not just a selected few. Here are my points regarding this and I sincerely request the city council not to approve the amphitheatre or to reverse the approval if they have already approved it.

- 1) California housing laws only give a pathway for the housing to be built. Amphitheatres are not included in that.
- 2) If the Environmental Report was done in 2023 which I believe it was, then it most likely did not include other decisions made like the amphitheatre and other changes that I could not fully keep up with.
- 3) 3,500 people in an amphitheatre will raise the decibel level to around 110 in my neighborhood which is always quiet and peaceful. People who buy or rent in the new housing will experience this also.
- 4) Another issue is that police and security will be costly. San Ramon couldn't even have fireworks and closed that down some years ago.

Please do not approve the amphitheatre and if you have approved it, please vote on it again. It's not fair for the peaceful residents of Inverness Park and the new people who will buy the new houses.

Sincerely,
Sherrie Sivaraman

ORCHARDS DEVELOPMENT PROJECT (ORCHARDS) APPEAL WRITTEN RESPONSE TO THE APPEAL STAFF REPORT

Appellant: Brian C. Swanson, AICP

This Written Response to the Appeal Staff Report accompanies the entire appeal record.

Purpose and scope

This reply to the Appeal Staff Report challenges the California Environmental Quality Act (CEQA) compliance and record sufficiency for the City's §15183 determination; it does not ask the Council to decide whether Orchards is "good" or "bad" policy, or to relitigate the project's merits. The question for the Council is whether the City's record demonstrates—based on substantial evidence—that the City adequately addressed each of the four required California Environmental Quality Act (CEQA) Guidelines §15183(b) inquiries for the approvals granted (the 20-year Master Plan and the Neighborhood District).

CEQA Guidelines §15183 can streamline later-project review when a project is consistent with the development density/intensity established by a prior plan-level EIR. But §15183 is not self-executing. Eligibility is the starting condition, not the end of the analysis. The City must still show, in the record, how it evaluated (and why it ruled out) (1) peculiar project/site effects; (2) effects not previously analyzed as significant; (3) potentially significant off-site or cumulative effects not discussed; and (4) substantial new information showing previously identified effects will be more severe.

1. Hilltop is a substantial-evidence case about limiting review—not a substitute for the §15183 inquiries.

The Staff Report relies heavily on *Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890 (Hilltop). *Hilltop* confirms that, where §15183 applies, later CEQA review is limited to the four §15183(b) categories. But *Hilltop* does not hold that a lead agency may reach a "no further review" outcome solely by citing plan consistency. Rather, *Hilltop* turns on whether the record contains substantial evidence supporting—or undermining—findings about peculiar effects and other §15183(b) issues.

Public Resources Code §21083.3 defines a "peculiar environmental effect" as an effect that is "distinctive" to the project or site and is not otherwise addressed in the prior plan-level EIR. The statute further provides that a peculiar effect is not considered "peculiar" if uniformly applied development policies or standards adopted in connection with the plan-level EIR "substantially mitigate" that effect. That statutory standard matters here because the Orchards approvals include later, project-specific departures from uniformly applied standards.

2. Where the Staff Report overstates "independent CEQA analysis" and understates what §15183 still requires

The Staff Report devotes substantial space to restating the project background and approval components, but frequently responds to discrete CEQA adequacy concerns by directing the Council to the §15183 checklist and its appendices as a whole, without pinpoint citations or a reasoned explanation connecting record evidence to each required §15183(b) finding. For an appeal that turns on whether the record contains substantial evidence supporting "no further review," an incorporation-by-entire-reference approach risks shifting the burden of synthesizing the record to individual Councilmembers and the public.

Throughout the Staff Report, "independent CEQA analysis" is treated as synonymous with current, cumulative disclosure. It is not. A Notice of Determination (NOD) or Notice of Exemption (NOE) is a filing that memorializes the City's conclusion that no additional environmental document is required for that approval; it is not, by itself, an updated, project-specific environmental disclosure document. Describing a series of tiered NOD/NOE outcomes as "independent CEQA analysis" therefore materially mischaracterizes what CEQA's tiering tools do and risks obscuring CEQA's core purpose: informed, transparent decision-making based on current conditions and a complete cumulative picture.

With that limited scope in mind, the key issue is whether the City exercised independent judgment and supported its §15183 conclusions with substantial evidence for the approvals granted. It asks whether the City's completed §15183 record demonstrates—clearly and with substantial evidence—that the four §15183(b) inquiries were addressed for the approvals granted (the 20-year Master Plan, the Neighborhood District, the Orchards Design Guidelines substitution, and the six State Density Bonus waivers). A Staff Report that primarily summarizes the project, but does not squarely and specifically answer the record-adequacy questions raised on appeal, makes that task more difficult for the hearing body.

Lead agency accountability and independent judgment.

A central due-process problem with the Staff Report's approach is that it implicitly treats applicant-funded technical memoranda and a "see the checklist" response as substitutes for the City's own reasoned explanation. CEQA places responsibility on the lead agency—here, the City—to exercise independent judgment and to make (and defend) the CEQA determination based on substantial evidence in the administrative record. While an applicant may participate in a hearing, legal accountability for the CEQA finding rests with the City. The Staff Report should therefore do the work of pinpointing where the record actually supports each required §15183(b) conclusion—rather than burying the Council in a general project narrative and redirecting decision-makers to search a voluminous record on their own.

A. Post-EIR approvals: "independent CEQA analysis" is different from the current cumulative disclosure.

In responding to Appeal Point 4.2, the Staff Report states that the downtown/Bishop Ranch approvals identified in my appeal each had their own "independent CEQA analysis," were approved below the maximum density allowed (with an affordable-housing exception), and therefore "resulted in no new significant impacts" beyond those already contemplated in the General Plan 2040 Environmental Impact

Report (GP 2040 EIR). The concern is that this framing overstates what those later determinations demonstrate for Orchards, and it does not answer the §15183 questions that must be addressed in the Orchards record.

For the post-December 12, 2023 discretionary approvals in the Bishop Ranch/downtown core, the City's CEQA determinations largely reflect streamlined, tiered review—typically culminating in a NOD or NOE—that relies on an earlier, program-level environmental document as the base disclosure record (e.g., the 2012 North Camino Ramon Specific Plan EIR, the 2020 CityWalk Master Plan EIR, or the 2023 GP 2040 EIR). A determination can be "independent" in the limited sense that it is a separate filing for a separate project, while still not providing a refreshed, current cumulative-impact disclosure for the area.

Tiering and notices: what a NOD/NOE means—and what it does not.

Tiering is a CEQA streamlining tool that allows later approvals to build on a certified plan-level environmental document (e.g., a General Plan, Specific Plan, or program EIR) by avoiding repetition of broad, program-level analysis and focusing later review on what is new, site-specific, or changed. It is intended to narrow the later inquiry—not to eliminate it. Even when tiering is appropriate, the lead agency must still explain how the current approval fits within the prior analysis and why additional review is unnecessary considering project-specific effects, off-site/cumulative effects, and substantial new information. (See CEQA Guidelines §§15152, 15183, 15162.)

A NOD or NOE is the City's public notice of its CEQA determination for a particular approval, and, most importantly, it triggers a short statute-of-limitations period for legal challenge. (See CEQA Guidelines §§15094 (NOD), 15062 (NOE); Pub. Res. Code §21167.) The filing of a notice is not itself evidence of updated environmental disclosure; it does not demonstrate that the City evaluated the current cumulative setting or evaluated substantial new information before reaching a "no further review" conclusion.

CEQA's disclosure purpose and the prohibition on "piecemealing."

CEQA is not designed to be a box-checking exercise; it is a disclosure statute meant to ensure decision-makers and the public understand the environmental consequences of the approval granted. A key feature of that purpose is that CEQA requires agencies to evaluate the whole of an action, not just a series of constituent approvals analyzed in isolation. That "whole action" principle is especially important where—like here—the City is asked to approve a long-horizon, phased master plan in an area already experiencing rapid-fire discretionary approvals and active construction.

For the Staff Report to say that each nearby approval had its own "independent CEQA analysis" is not, by itself, a meaningful answer to the appeal. "Independent" can mean "separately filed." At the same time, the substantive environmental disclosure for those approvals still relies on older program-level documents and streamlined determinations that do not visibly reevaluate current cumulative conditions in a way that is transparent to the Council. CEQA's cumulative-impact premise is that even approvals that appear modest when viewed alone may be significant when viewed together, in the real, evolving conditions on the ground.

That is why the table below is relevant to Orchards: it shows that, across multiple major approvals now physically underway in the same corridor, the City's CEQA posture has repeatedly used tiering/streamlining pathways that culminate in NOD/NOE filings. A series of streamlined determinations does not automatically create a current cumulative baseline that can be treated as already disclosed for a separate, later master plan approval—unless the record for each later approval (and the Orchards record itself) actually shows where and how the changed setting, off-site/cumulative impacts, and substantial new information were evaluated.

For a 20-year Master Plan approval in this setting, §15183 streamlining can only be sustained if the record shows its work on the four required inquiries—particularly off-site/cumulative impacts and substantial new information—rather than relying on a chain of prior streamlining determinations as a substitute for current disclosure.

This reply does not argue that plan-level EIRs "expire" due to age; it argues that when the City relies on §15183, the record must still show how it addressed the §15183(b) limits in the current regulatory and cumulative setting—which the table below summarizes. That the "most substantive" EIR relied upon for later approvals can be as old as the July 25, 2012-certified North Camino Ramon Specific Plan EIR—now more than a decade old. That reality underscores why a streamlined, later-approval posture cannot be treated as a substitute for current, project-level, and cumulative disclosure where the City is making a new discretionary decision in a changed setting.

The table below summarizes: (i) the most substantive environmental disclosure document relied upon for each listed approval (i.e., the document serving as the base for any subsequent tiering), (ii) the City's most recent CEQA filing for that approval, and (iii) the Spring 2026 on-the-ground construction status.

Project	Original environmental disclosure document relied upon (CEQAnet posted date)	Latest CEQA determination (CEQAnet posted date)	Spring 2026 construction status
Bishop Ranch 6 (BR-6) – City Village / SummerHill Homes	North Camino Ramon Specific Plan EIR — July 25, 2012	NOE — May 10, 2022	Under construction, partially occupied
Iron Horse Village (IHV) – Lennar Homes of California	North Camino Ramon Specific Plan EIR — July 25, 2012	NOD — December 13, 2023	Initial site work underway
Bishop Ranch 3A (BR-3A) – AvalonBay Communities	CityWalk Master Plan EIR — August 5, 2020	NOD — October 23, 2025	Initial site work underway

Project	Original environmental disclosure document relied upon (CEQAnet posted date)	Latest CEQA determination (CEQAnet posted date)	Spring 2026 construction status
Bishop Ranch 1A Park (BR-1A) – South Parkway Green - Heritage Park	CityWalk Master Plan EIR — August 5, 2020	NOD — November 21, 2024	Near completion
Bishop Ranch Service Center Affordable Housing (SC)	Infill Development Exemption (CEQA Guidelines §15332) – none required	NOE — June 6, 2025	Demolition activity has not yet started
Bishop Ranch 11 (BR-11) – Trumark Homes	GP 2040 EIR — December 13, 2023	NOD — October 23, 2025	Demolition nearly complete
Bishop Ranch 7 (BR-7) – Bartlett - KB Home South Bay Inc.	GP 2040 EIR — December 13, 2023	NOD — November 5, 2025	Demolition nearly complete
Bishop Ranch 12 (BR-12) – Annabel	GP 2040 EIR — December 13, 2023	NOE — November 11, 2025	Demolition activity has not yet started
Bishop Ranch 8 (BR-8) – Canopy	Infill Development Exemption (CEQA Guidelines §15332) – none required	NOE — Affordable Site Development Agreement — January 30, 2026	Demolition activity has not yet started

The "base" environmental disclosure documents that the City's later approvals rely upon (2012 North Camino Ramon Specific Plan EIR; 2020 CityWalk Master Plan EIR; 2023 GP 2040 EIR) predate several major citywide policy actions that now shape the City's regulatory and analytical setting for VMT and VMT-related effects—most notably: (i) the City's Objective Design and Development Standards (November 12, 2024); (ii) Ordinance 529 (May 13, 2025); (iii) the updated Climate Action Plan and CEQA Greenhouse Gas Emissions Thresholds Guidance Report (June 10, 2025); and (iv) Ordinance 534 (October 14, 2025).

What the table demonstrates is not an "expiration" problem, but a record-support problem: the checklist and appendices do not clearly show where, how, or with what evidence the City evaluated post-EIR changes and cumulative conditions before concluding "no further review required." The point is that when the City repeatedly uses tiering/streamlining pathways that rely on older program documents, the later records must clearly show where and how the City evaluated: (a) current cumulative conditions; (b) off-site/cumulative impacts not previously discussed; and (c) substantial new information before concluding that no further CEQA review is necessary. The Staff Report's phrase "independent CEQA analysis" does not supply that demonstration unless it also points the Council to specific record locations showing that this updated, cumulative evaluation actually occurred.

Finally, as the table shows, multiple projects have advanced to demolition, grading, active construction, or occupancy. For CEQA purposes, the "setting" relevant to Orchards is therefore not merely an abstract, plan-level buildout scenario; it includes the real-world, on-the-ground cumulative context created by the City's post-EIR approvals and the physical activity they have already generated.

The Staff Report's emphasis on "below maximum density" also does not resolve the §15183 inquiry. Plan consistency and density consistency are threshold conditions for streamlined review; they are not substantial evidence that off-site/cumulative impacts are unchanged, that substantial new information is absent, or that a project presents no peculiar effects. Vehicle miles traveled (VMT), and the associated CEQA topics—greenhouse gas emissions, air quality, noise, safety, circulation, public services, and other public-health-related physical effects—are sensitive to land-use mix, parking supply, phasing, and travel patterns, not solely to unit counts.

Also, the Staff Report does not address the distinct CEQA requirement that any mitigation relied upon be feasible, effective, and enforceable, with monitoring and reporting. For VMT in particular—already identified as significant and unavoidable in the GP 2040 EIR—an explanation that a project is "eligible" for §15183 does not substitute for a record showing what mitigation is required, how it will be implemented, and how performance will be verified over time.

B. The FirstCarbon Solutions "CEQA Processing Approach" memo shows that the §15183 path was selected long before key record components existed.

The Fehr & Peers VMT memorandum begins with a "CEQA Exemption" criterion that cites a prior memorandum titled "CEQA Processing Approach for the Orchard Project in the City of San Ramon, CA," dated March 20, 2025 (prepared by FirstCarbon Solutions). It states that density consistency with the DMU-S designation makes the project eligible for a CEQA Guidelines §15183 consistency analysis. That processing-approach memorandum predates several key developments that now define the City's regulatory and analytical setting, including the June 10, 2025-adoption of the updated Climate Action Plan and CEQA GHG Thresholds Guidance Report—and it predates the December 4, 2025 approval of six State Density Bonus waivers.

It is therefore difficult to treat the November 10, 2025 VMT memorandum as a neutral, "data-first" confirmation of CEQA strategy. The chronology instead raises a threshold record question for the Council: where the exemption pathway was framed months in advance of later policy changes and later project modifications, does the completed §15183 record show—by substantial evidence—how those later developments were actually evaluated before the City concluded "no further review" was required?

The point is not that early process planning is unlawful. The point is that a pre-selected CEQA "processing approach" increases the need for the final record to affirmatively show that later-arising approvals, departures, waivers, and new information were actually evaluated under the four §15183(b) issues—not assumed away by density consistency.

C. Six Density Bonus waivers and later design standards are not 'background' facts; they are part of the approvals that must be evaluated.

The Orchards approvals include six State Density Bonus waivers, including a project-wide sitewide FAR reduction to 0.79, and parking/circulation departures. They also include a project-specific design regime (Orchards Design Guidelines) adopted after the City's citywide Objective Design and Development Standards (ODDS) and used instead of those citywide standards. Under Public Resources Code §21083.3, the City must explain why these later, project-specific departures do not create distinctive environmental effects that were not already analyzed and substantially mitigated by uniformly applied policies or standards in the prior EIR.

The Staff Report also argues that, under California's State Density Bonus Law, an applicant may request waivers or reductions of development standards that would physically preclude the permitted density, and that the City is not required to grant waivers that would cause an "environmental problem." The Staff Report then cites the §15183 checklist as having "identified no environmental problems" from the Orchards waivers, including the sitewide FAR reduction.

That point does not resolve the CEQA question presented by this appeal. Density Bonus Law governs when the City must grant waivers as a matter of state housing policy; CEQA governs whether the City's environmental record provides current, project-level disclosure and substantial evidence to support its "no further review" conclusion. A conclusory checklist statement that waivers pose "no environmental problems" is not substantial evidence unless the record explains how the specific waivers actually granted—including the sitewide FAR reduction, the parking/circulation departures, and the substitution of project-specific Orchards Design Guidelines for the City's Objective Design and Development Standards—were evaluated for VMT and the associated CEQA topics in the current regulatory and cumulative setting.

D. VMT: the prior EIR's 'significant and unavoidable' finding heightens—not reduces—the need for a current §15183(b)(3)-(4) showing.

The GP 2040 EIR included a Statement of Overriding Considerations acknowledging VMT impacts as significant and unavoidable at the program level and cumulatively. Where the prior EIR already flags VMT as a known significant issue with uncertain behavioral mitigation, the §15183 inquiry should focus on whether substantial new information or the changed cumulative setting could make those effects more severe, and whether the current record shows how that risk was evaluated for the Orchards approvals.

VMT mitigation accountability: "expected" reductions are not a substitute for enforceable commitments.

CEQA requires that mitigation adopted to reduce or avoid a significant impact be feasible, effective, and enforceable through permit conditions, agreements, or other binding mechanisms, and that the lead agency adopt a mitigation monitoring and reporting program. (CEQA Guidelines §§15091(d), 15097; Pub. Res. Code §21081.6.)

Where the GP 2040 EIR already identified VMT as significant and unavoidable and discussed uncertainty in citywide transportation demand management (TDM) effectiveness, the Orchards record should point Council to the specific TDM and VMT-reduction measures that are imposed on Orchards now, explain how compliance will be monitored over time, and describe what happens if performance does not occur as projected.

The Staff Report does not directly address this accountability concern. It cites the checklist and the existence of prior EIR mitigation measures. Still, it does not identify measurable VMT performance standards, monitoring triggers, or adaptive-management mechanisms tailored to a phased 20-year Master Plan. This issue is also relevant to institutional capacity: the City Council's November 2024 dissolution of the Transportation Demand Management (TDM) Advisory Committee raises the question of which governance structure now oversees citywide TDM implementation, which the City is asking the Council to rely on.

E. The Fehr & Peers VMT memorandum's project description and 'note to reviewer' raise an alignment problem.

The Fehr & Peers VMT memorandum's Project Description describes a full buildout program (2,510 housing units plus 125,000 square feet of retail) and assumes all accessory dwelling units are built at opening. However, the City's approvals are framed as a 20-year Master Plan and the first implementing district (Neighborhood District), with other districts to follow. A screening-level VMT memo that does not clearly map its assumptions to the approvals and phasing at issue cannot, by itself, carry the weight of a 'no further review' conclusion for the full 20-year Master Plan.

This concern is reinforced by the memorandum's repeated explicit 'note to reviewer' repeated in three separate locations and its discussion of the City's not-yet-adopted VMT thresholds at the time of preparation. Those 'notes' function as a warning that further evaluation may be needed if project details, thresholds, or the cumulative setting evolve.

F. Five post-EIR policy actions changed the regulatory and analytical setting and required an express §15183(b)(3)-(4) response.

Since the December 12, 2023 adoption of the GP 2040 EIR, the City adopted or approved at least five actions central to the regulatory and analytical setting for Orchards: (1) citywide ODDS (November 12, 2024); (2) Ordinance 529 adjusting FAR in DMU-North (May 13, 2025); (3) the updated Climate Action Plan and CEQA GHG thresholds/guidance (June 10, 2025); (4) Ordinance 534 amending parking standards (October 14, 2025); and (5) project-specific Orchards Design Guidelines (November 14, 2025). My appeal contends that the §15183 record does not show how these later actions were integrated into the VMT, GHG, air quality, noise, and related impact analyses before concluding that no additional review was necessary.

G. Process integrity and access: why these points are not "unrelated" to this appeal.

In response to Appeal Item 4.6, the Staff Report characterizes concerns about the appeal process, fairness, and access to records as "unrelated to the Orchards

Development Project." It suggests that any changes "can be pursued ... separate from this Project through an amendment to the City's Zoning Ordinance." (Staff Report at p. 37 (PDF pagination), City Response to 4.6.)

Respectfully, these concerns are extremely relevant to the limited question before the Council: whether the City's CEQA record is sufficiently transparent, accessible, and explained to support a legally defensible §15183 determination for the approvals granted.

Even if a resident requests that the City consider amending an ordinance, the ordinance-amendment process is governed by the City's legislative agenda and timing. It is not a practical remedy for this appeal hearing, and it does not cure a record that fails to clearly connect evidence to each required §15183(b) finding. The Council's responsibility in this appeal is to ensure that the decision rests on substantial evidence and that the reasoning is stated in a manner that can be understood by the public and reviewed by a court if challenged.

To the extent the City references state housing laws, including the Housing Crisis Act (SB 330), the Staff Report itself acknowledges that the Council, as a hearing body, may determine how best to use any available meeting opportunities. (Staff Report at p. 37 (PDF pagination), City Response to 4.6.) In any event, SB 330 does not eliminate CEQA's disclosure obligations. If the Council needs additional time or clarification to evaluate whether the checklist and appendices answer the four §15183(b) inquiries for Orchards, the appropriate procedural response is to request targeted, citation-supported explanations and, if necessary, continue the hearing within any applicable legal constraints.

Finally, the redevelopment of the former Chevron headquarters campus is a once-in-a-generation transition for San Ramon. In much of California, Chevron's retreat from the Bay Area is treated as history; here, the consequences are the lived present. That history is precisely why the City should not allow the redevelopment to proceed on conclusory assurances or on the "ghosts" of decade-old environmental assumptions—particularly where the City has since adopted major post-EIR policy changes (ODDS, Ordinances 529 and 534, and the updated Climate Action Plan and GHG thresholds) and where VMT impacts were previously found significant and unavoidable.

References

CEQA Guidelines §15183(b)(1)–(4) (Projects Consistent with a Community Plan, General Plan, or Zoning)

Public Resources Code §21083.3 (Peculiar environmental effects; uniformly applied standards)

Hilltop Group, Inc. v. County of San Diego (2024) 99 Cal.App.5th 890

ORCHARDS DEVELOPMENT PROJECT (ORCHARDS) APPEAL

Focused questions the City Council may wish to ask staff, the applicant, and/or consultants.

Appellant: Brian C. Swanson, AICP

Purpose: These questions are intended to help the Council evaluate whether the completed CEQA record contains the current, project-specific explanation and substantial evidence required to rely on CEQA Guidelines section 15183 for the approvals granted.

Key acronyms (first use):

CEQA = California Environmental Quality Act
EIR = Environmental Impact Report
VMT = Vehicle Miles Traveled
GHG = Greenhouse Gas emissions
TDM = Transportation Demand Management
ODDS = Objective Design and Development Standards (Citywide; adopted Nov. 12, 2024)
DMU-S = Downtown Mixed Use–South
FAR = Floor-Area Ratio
NOD = Notice of Determination
NOE = Notice of Exemption

Questions

1. CEQA Guidelines §15183 four-part test (Master Plan and Neighborhood District).

Where does the record analyze each §15183(b)(1)–(4) issue, separately for the 20-year Master Plan and for the Neighborhood District?

- Cite the exact checklist pages and appendix sections used for each element of §15183(b)(1)–(4).
- Confirm whether the Master Plan and Neighborhood District are evaluated together as one action or separately, and cite where that is explained.

2. Define the CEQA "project." For the City's CEQA determination, is the "project" the 20-year Master Plan, the Neighborhood District, or both together as one action?

- Identify where that project definition appears in the checklist, technical appendices, and Staff Report.
- Explain how that project definition was applied to (i) the waiver findings and (ii) the VMT/climate analyses.

3. **Current review for the 20-year Master Plan.** What current environmental analysis supports the City's "no further review" conclusion for the 20-year Master Plan (as distinct from the Neighborhood District)?
- If relying on the December 12, 2023 General Plan 2040 EIR: cite where the Master Plan buildout assumptions, phasing, and mitigation commitments are evaluated.
 - Identify any enforceable triggers and decision points for future district-level VMT/GHG analysis (if analysis is deferred).
4. **"Peculiar effects" finding: later design standards and Density Bonus waivers.** What evidence supports the City's conclusion that Orchards has no "peculiar" project or site effects, given the project-specific Orchards Design Guidelines and six State Density Bonus waivers?
- Cite where the record evaluates whether using the Orchards Design Guidelines (approved November 14, 2025), instead of citywide ODDS (adopted November 12, 2024), could create distinctive environmental effects.
 - Cite where the record evaluates whether any of the six waivers (including the FAR and parking/circulation waivers) change the project's impact profile compared to the prior-EIR assumptions.
5. **Plan consistency and the FAR waiver (DMU-S).** What is the City's legal and factual basis for treating the approvals as "plan consistent" when the package includes a waiver reducing minimum sitewide FAR from 1.25 to 0.79 in DMU-S?
- Explain whether the FAR waiver changes the assumed mix or intensity of uses (and related trip-generation/VMT assumptions) compared to what was analyzed in the prior EIR.
 - Cite where the record evaluates the potential environmental effects of the FAR waiver under §15183(b)(1)–(4), rather than assuming density consistency alone is sufficient.
6. **Post-EIR policy changes and §15183(b)(3)–(4).** Where does the Orchards record evaluate whether post-December 12, 2023 policy actions change the regulatory and analytical setting relevant to off-site/cumulative impacts and substantial new information under §15183(b)(3)–(4)? (*see next page*)

- Citywide ODDS (Objective Design and Development Standards) (November 12, 2024).
 - Ordinance 529 (May 13, 2025).
 - Updated CAP (Climate Action Plan) and CEQA GHG thresholds/guidance (June 10, 2025).
 - Ordinance 534 (October 14, 2025).
 - Orchards Design Guidelines (approved November 14, 2025).
7. **Staff Report claim: "independent CEQA analysis" for later approvals.** The Staff Report states that multiple post-EIR downtown approvals had "independent CEQA analysis." What CEQA document(s) provide the current cumulative disclosure that the City relies on for that statement?
- Identify which of the post-EIR approvals were processed via tiering/§15183 and resulted in NOD/NOE determinations.
 - For each: identify where off-site/cumulative impacts and substantial new information were evaluated in that approval's record.
8. **Processing path pre-selected (FirstCarbon Solutions memo, March 20, 2025).** What role did the March 20, 2025 FirstCarbon Solutions (FCS) "CEQA Processing Approach for the Orchard Project" memorandum play in selecting §15183 before the VMT analysis was prepared?
- Identify where the record documents the City's independent judgment that §15183(b)(1)–(4) were satisfied based on evidence developed after the FCS memo.
 - Identify what changed (if anything) between the FCS memo, the later VMT memo, and the December 4, 2025 waiver approvals.
9. **Fehr & Peers VMT memo: project description and scope.** The VMT memo reads like an "opening-year" housing-plus-retail program. What approvals does it actually analyze—and what portions of the 20-year Master Plan approval (and later districts) were not evaluated?
- Identify which components/phases were analyzed and which were assumed or deferred.
 - Identify any enforceable commitments to re-test VMT at later phases/districts and the triggers for doing so.
10. **Fehr & Peers VMT memo: assumptions and internal warnings.** How did the City treat the memo's key assumptions and multiple "Note to Reviewer" warnings when concluding "no further review" for a 20-year Master Plan? (*see next page*)

- Evidence for assumptions (e.g., all ADUs at opening; regional-serving retail).
- Whether Ordinances 529 and 534 were incorporated into VMT assumptions—and where that is shown in the record.

11. VMT mitigation: feasible, effective, enforceable, and monitored. Where in the record are VMT/TDM measures tied to objective performance standards, monitoring, enforcement, and a mitigation monitoring/reporting program?

- Identify who is responsible, what is measured, and what happens if targets are not met (adaptive management).
- Explain how dissolution of the Transportation Demand Management Advisory Committee (November 12, 2024) affects the capacity to implement, monitor, and adapt mitigation.

12. CAP/GHG analysis: Neighborhood District vs. Master Plan. The §15183 checklist indicates CAP/CEQA GHG consistency for the Neighborhood District; where is an equivalent analysis provided for the 20-year Master Plan?

- Identify whether and how VMT findings were used to evaluate GHG emissions, air quality, noise, and related impacts for the full approval.
- Identify any commitments for later quantitative GHG analysis (if analysis is deferred).

13. Long-horizon approvals: why an expedited path? Given the multi-year Neighborhood District buildout and the 20-year Master Plan approval, what time-sensitive constraint required the City to rely on a streamlined §15183 checklist—rather than producing a record that clearly re-evaluates post-EIR policy changes, the CAP/GHG framework, and the updated cumulative setting before concluding "no further review"?