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December 6, 2022

*Via Electronic Mail*

To: Planning Commission Chair and Commissioners  
([PlanningCommission@sanramon.ca.gov](mailto:PlanningCommission@sanramon.ca.gov))  
Community Development Director, Debbie Chamberlain  
([DChamberlain@sanramon.ca.gov](mailto:DChamberlain@sanramon.ca.gov))

**RE: CAMPAD Comments on Nov. 11, 2022 TRC Retail Letter re 130 Market Place**

Dear Chair Alpert, Commissioners and Director Chamberlain:

On behalf of Citizens Against Market Place Apartment/Condo Development (CAMPAD), I am writing regarding TRC Retail's attorneys' November 11, 2022 reply to the Planning staff letter of October 17, 2022 concerning 130 Market Place. Unfortunately, we experienced some delay in obtaining a copy of this letter.

Director Chamberlain had informed CAMPAD on November 5, 2021 that "[w]hen a formal submittal is received, City staff will be reaching out to CAMPAD and its membership, and any other interested parties, to solicit their input on the proposal." This did not occur. Moreover, that letter indicated that future developments would be posted on a dedicated webpage: [https://www.sanramon.ca.gov/our\\_city/departments\\_and\\_divisions/community\\_development/planning\\_services/marketplace](https://www.sanramon.ca.gov/our_city/departments_and_divisions/community_development/planning_services/marketplace). That page has not been updated since September. CAMPAD requests that the staff post all substantive communications to the webpage promptly to allow the public to remain apprised of the project status.

Regarding TRC's November 11th reply, CAMPAD requests that the Commission respond to TRC to clarify that, under Zoning Ordinance section D6-28 and state law (see, e.g., Gov. Code, § 65589.5(j)(2)(A) (the "local agency" is given authority to determine consistency), the Commission, not staff, has the responsibility and authority to deny, approve, or conditionally approve the application. The Commission cannot allow itself to be straightjacketed by *ultra vires* and premature conclusions in the October 17th letter (see, e.g., Commission Bylaws § VI(E)(3) (letters on behalf of the Commission "shall have the consent of the Commission prior to being issued")). TRC's attempt to generate a record of a so-called City "determination" of compliance must similarly be disclaimed. Staff do not have the authority to make a final "determination" at this stage; that is the sole purview of the Commission or the City Council.

Turning to the substance of the letter, TRC's technocratic reply regarding the proposed project definition ("Comment 1") is not responsive to the underlying, broader question of whether the proposed project complies with the mixed-use standards. As described in CAMPAD's October 3, 2022 comment to the Commission, the Zoning Ordinance requires that on MU parcels

residential units either be built above non-residential uses (vertical mixed use) or situated behind street-fronting nonresidential uses (horizontal mixed use) (Zoning Ord. § D2-15(B)). The proposed design does not follow either format. The application is objectively not compliant with the General Plan and Zoning Ordinance requirements.

The project similarly does not constitute an “integrated mix” of uses because it is a separate tract of semi-detached homes and does not “reflect high quality design with integrated open space and recreational and/or cultural amenities” (Id., §§ D2-12(A); D2-15(B)(1)). Furthermore, Appendix A of the Zoning Ordinance provides “guidelines” that the “City will use” specifically for “reviewing proposals to change existing shopping centers in the MU zone.” These guidelines were deliberately devised precisely for the current circumstance because the Council recognized that scarce shopping center sites present unique opportunities that must not be squandered. The City does not have authority to ignore this section of the Ordinance. The Appendix A standards clearly have not been followed.

Therefore, even if the mixed use definition itself does not objectively specify the quantity of non-residential square footage or extent of Starbucks remodel required, as alleged by TRC’s attorneys, the Commission is required to apply its judgement to conclude that the application does not satisfy the purpose of the standards; does not comply with the horizontal mixed use definition; in comparing other contemporary developments in the region,<sup>1</sup> with respect to the extent of commercial development that can be offered on this mixed use site, is not “high quality” and is not “integrated;” does not present adequate amenities; and does not comply with criteria, expectations, and the degree of commercial development dictated in Appendix A.

In Comment 3, TRC claims that increasing the size of garages will inherently result in a reduction in “residential density by using land currently proposed for housing units.” The legalistic answer makes not effort to address the underlying concern that families in housing of this type, particularly with ADUs, commonly have more cars than supported by available parking, which may result in negative externalities for neighbors and retailers.

TRC’s rebuttal is also contrived. Unlike the usual case where the applicant is seeking to build on a predetermined lot, TRC is simultaneously requesting a subdivision approval sized to this project proposal. The Commission has the authority to approve different lot dimensions that better meet mixed use objectives and would allow for alterations to the units or parking without reducing residential density. The Commission must look at the site more holistically.

For over 30 years the Nob Hill Foods building housed a successful grocery store. With the coming influx of thousands of new residents, San Ramon needs a full-service market now more than ever. Destruction of essential retail is inconsistent with General Plan Policies 4.6-I-18, 4.6-I-19, 4.6-I-20, 4.6-I-21 and 5.6-G-2 and also contradicts the conclusion of the May 23, 2022 *Retail Development Opportunities Analysis* that the City must enable “reinvestment in existing retail properties to maintain San Ramon’s retail footprint[.]”

In the coming three hearings, the Commission must remedy the applicant and staff’s failure to involve the Commission and public at a preliminary design stage. Foregoing early conferral with the Commission does not insulate the application from appropriate scrutiny or alteration, even if this is inconvenient or costly for TRC. The Commission should request that staff and TRC

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<sup>1</sup> For instance, The Shops at Waterford (4400 Tassajara Rd. in Dublin), which hosts Safeway market and residences (Waterford Apartments) above restaurants and shops is a good example of the type of high-quality, integrated design that should be promoted here (<https://www.bizjournals.com/eastbay/stories/2003/05/05/story5.html>).

prepare site design alternatives that comply with the design standards discussed above and retain the grocery store footprint. For instance, this could be achieved by building a new grocery store with structured parking along Alcosta Blvd., developing part of the site in a vertical mixed use format, and/or shifting the residential units to where the Starbucks and associate parking lot is located.

The Commission should transparently allow TRC the opportunity to explain why site alterations or conditions are, or are not, feasible. For conditions that TRC claims are infeasible, the Commission must obtain adequate explanations and financial projections supporting such conclusions. The Commission must also require TRC to submit drafts for Commission review of the internal and external master plans expressly required by General Plan Policies 4.6-I-23 and 4.6-I-26. If TRC is unwilling to provide relevant information or comply with feasible objective and subjective conditions, the Commission must deny the application.

TRC conceded to the Contra Costa Superior Court that the SB 330 deadline, which expired on October 17, 2022, only applied to notices regarding objective standards and that the Commission still “can approve a project subject to certain condition that implement certain non-objective standards.” (TRC Surreply in Opposition to TRO Application, p. 1, ln. 6-8 (Oct. 12, 2022).) If the Commission ultimately, at the conclusion of the proceeding, determines that objective conditions have been met, it still has a duty to condition the project for maximum compliance with all City laws and policies. Assessing the range of possibilities and generating reasonable conditions of approval is still possible, if the Commission carefully plans the hearings for this purpose.

CAMPAD looks forward to participating in future hearings and implores the Commission to creatively exercise its full authority to uphold the City’s laws and protect the public interest.

Sincerely,

GREENFIRE LAW, PC



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