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Via Electronic Mail

To: Planning Commission Chair and Commissioners
(PlanningCommission@sanramon.ca.gov)

RE: CAMPAD Comments on Agenda Item 3.2 (130 Market Place)

Dear Chair Alpert, Commissioners:

On behalf of Citizens Against Market Place Apartment/Condo Development (CAMPAD), I am writing to express opposition to the proposed approval of TRC Retail's proposed development.

First, we have become aware for the first time that the Community Development Director has entered into a so-called "Agreement to Extend Time for City to Act." However, instead of extending the time, it actually shortens it. The Staff Report incorrectly claims that the Agreement will "allow the City additional time to process and act on the Project." (Packet pg. 523.) This is untrue.

In contrast, the Agreement (Packet pg. 915) correctly states that the CEQA provision calling for determinations within 30 days of a project being deemed complete is "directory and not mandatory." This means that the City cannot be forced to comply with the CEQA processing deadlines. Moreover, the 60-day clock for project approval starts only after, and if, the Commission ultimately approves an exemption. In contrast, the Agreement commits the City to complete any City Council appeal by March 14, 2023, or 63 days from today. The Commission must not contract away the public's right to a participatory process and repudiate this impermissible Agreement.

As explained previously, the Commission has broad authority under the Housing Accountability Act to deny the project for failing to meet objective standards and to impose conditions of approval that do not reduce residential density. As proposed, the project does not meet the definition of horizontal mixed-use in Zoning Ordinance and General Plan and blatantly violates the General Plan's express obligation on the applicant to establish master plans both with its own TRC-owned adjacent site and throughout the Market Place complex. The project also still does not provide adequate parking.

The project also does not satisfy the conditions for in-fill development exemption from CEQA because it is not compliant with Zoning Ordinance and General Plan and will have foreseeable traffic impacts that were not properly evaluated.

CAMPAD submitted comments in advance of the October 4th hearing, the Commission meetings on November 1st and November 15th and also submitted comments on TRC's deficient response letter of November 11th. CAMPAD similarly communicated with City officials in September and November 2021 regarding TRC's initial application, submitted comments on the Preliminary Housing Development application on January 29, 2022 and on the deficient VMT analysis on July 29, 2022. For the purpose of providing a complete record, these previous correspondences are attached.

CAMPAD urges the Commission to deny the project or impose conditions protect community-serving retail and comply with the City's laws.

Sincerely,

GREENFIRE LAW, PC



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Attorneys for CAMPAD