

CALIFORNIA COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION FIVE

Citizens Against Marketplace Apartment/Condo Development v. City of San Ramon

Citizens Against Marketplace · No. A170988/A172221 · Decided April 24, 2026

SUMMARY

The California Court of Appeal reviewed consolidated appeals challenging San Ramon’s approval of a mixed-use infill housing project and a related post-judgment record-costs award. The court upheld the city’s findings that the project was consistent with the general plan and zoning ordinance, rejected the CEQA challenge to the categorical infill-development exemption, and affirmed the costs order. The opinion is certified for publication except for specified portions addressing CEQA and record costs.

CASE DETAILS

COURT	California Court of Appeal, First Appellate District, Division Five
WRITING FOR THE COURT	Burns, J.; Jackson, P.J.; Simons, J.
JURISDICTION	California Court of Appeal, First Appellate District, Division Five
DECIDED	April 24, 2026
DOCKET	A170988/A172221
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated appeals from the denial of two petitions for writ of mandate and declaratory relief challenging approval of an infill housing project and the City's CEQA categorical exemption, together with an appeal from a post-judgment order awarding the City administrative-record preparation costs.
STANDARD OF REVIEW	The Court of Appeal reviews the City's decision, not the trial court's. It reviews the City's general-plan and zoning-consistency determinations for abuse of discretion and defers to the City's interpretation unless no reasonable person could have reached the same conclusion. The CEQA consistency issue is reviewed under the same substantial-evidence-supported consistency analysis, and the City's finding concerning traffic impacts is reviewed under the traditional substantial-evidence standard. The necessity and reasonableness of administrative-record costs are reviewed for abuse of discretion.

PRECEDENTIAL VALUE	Published in part; Discussion section A concerning general-plan and zoning consistency is precedential, while Discussion sections B and C concerning CEQA and record costs are unpublished.
PARTIES	Citizens Against Marketplace Apartment/Condo Development v. City of San Ramon

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QUESTIONS PRESENTED

1. Whether the City abused its discretion by finding the housing project consistent with the general plan despite the absence of a master plan.
2. Whether the City abused its discretion by finding the project qualified as horizontal mixed use under the general plan and zoning ordinance.
3. Whether substantial evidence supported the City's determination that the project qualified for CEQA's infill-development categorical exemption, including the finding that it would not cause significant traffic effects.
4. Whether the City was entitled to recover reasonable costs it incurred in preparing the administrative record even though Citizens elected to prepare the record.
5. Whether the trial court abused its discretion in the amount of administrative-record costs awarded to the City.

HOLDINGS

1. The City did not abuse its discretion in finding the project consistent with the general plan. The master-plan policy was amorphous and aspirational rather than an unequivocal mandatory requirement that compelled preparation of a master plan for this project.
2. The City did not abuse its discretion in finding the project consistent with the general plan and zoning ordinance's horizontal mixed-use provisions.
3. A writ petitioner's election to prepare the administrative record does not preclude the prevailing public agency from recovering reasonable costs it actually incurred in preparing the record.
4. The City's CEQA exemption determination was upheld because substantial evidence supported the findings that the project was consistent with applicable planning and zoning requirements and would not cause significant traffic effects.

5. Citizens forfeited its challenge to the amount of the costs because it failed to provide an adequate appellate record containing the City's memorandum of costs and supporting materials.

KEY QUOTATIONS

“A project is consistent with a general plan “ ‘ “if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” ’ ” (5)

“Determining project consistency is, by design, nearly always an exercise of discretion: the city’s job is to interpret the language, weigh and balance the various policies and interests reflected in it, and determine whether, overall, the project is compatible with, and does not frustrate, the general plan.” (8)

“Labor costs (of both public employees and retained attorneys) incurred to prepare an administrative record are recoverable under Public Resources Code section 21167.6, subject to trial court review for necessity and reasonableness.” (16)

FACTUAL BACKGROUND

Marketplace Center in San Ramon was designated and zoned for mixed use. Marketplace at San Ramon, LLC proposed demolishing a former grocery-store building on part of the site and constructing 44 homes, including condominium units and junior accessory dwelling units, while renovating an existing Starbucks. The City found the project consistent with its general plan and zoning ordinance, characterized it as horizontal mixed use, and determined it qualified for CEQA's categorical exemption for infill development. Citizens challenged those determinations, principally arguing that the City was required to require a master plan and that the project would cause significant traffic effects.

PROCEDURAL HISTORY

Citizens first petitioned the Contra Costa County Superior Court for writ relief and sought a temporary restraining order concerning the City's treatment of the proposed project under the Housing Accountability Act. The trial court denied interim relief, the City's planning commission approved the project, and the City Council denied Citizens' administrative appeal and approved the project as consistent with the general plan and zoning ordinance and exempt from CEQA. Citizens filed a second writ petition challenging the final approval and CEQA exemption; the cases were consolidated, the trial court denied both petitions, entered judgment for the City and Marketplace at San Ramon, LLC, and awarded the City \$38,568.62 in record-preparation costs.

DISPOSITION

affirmed

CASES CITED

- Save Lafayette v. City of Lafayette, 85 Cal. App. 5th 842, 850 (2022)
- Orange Citizens for Parks & Recreation v. Superior Court, 2 Cal. 5th 141, 153-158 (2016)
- Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto, 1 Cal. App. 5th 9, 17, 19 (2016)
- Holden v. City of San Diego, 43 Cal. App. 5th 404, 411-413 (2019)

- Sequoyah Hills Homeowners Assn. v. City of Oakland, 23 Cal. App. 4th 704, 719 (1993)
- Anderson First Coalition v. City of Anderson, 130 Cal. App. 4th 1173, 1193 (2005)
- Save Livermore Downtown v. City of Livermore, 87 Cal. App. 5th 1116, 1125-1126 (2022)
- Joshua Tree Downtown Business Alliance v. County of San Bernardino, 1 Cal. App. 5th 677, 696-698 (2016)
- Olen Properties Corp. v. City of Newport Beach, 93 Cal. App. 5th 270, 277-279 (2023)
- Bankers Hill 150 v. City of San Diego, 74 Cal. App. 5th 755, 776 (2022)
- San Franciscans Upholding the Downtown Plan v. City & County of San Francisco, 102 Cal. App. 4th 656, 677-678 (2002)
- Protect Tustin Ranch v. City of Tustin, 70 Cal. App. 5th 951, 960 (2021)
- Sierra Club v. County of Fresno, 6 Cal. 5th 502, 511-512, 523 (2018)
- Berkeley Hillside Preservation v. City of Berkeley, 60 Cal. 4th 1086, 1092 (2015)
- Stop Syar Expansion v. County of Napa, 63 Cal. App. 5th 444, 462 (2021)
- Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego, 139 Cal. App. 4th 249, 269, 273-274 (2006)
- Upland Community First v. City of Upland, 105 Cal. App. 5th 1, 36 (2024)
- Jensen v. City of Santa Rosa, 23 Cal. App. 5th 877, 894 (2018)
- Benach v. County of Los Angeles, 149 Cal. App. 4th 836, 852 (2007)
- Schellinger Brothers v. City of Sebastopol, 179 Cal. App. 4th 1245 (2009)
- Noland v. Land of the Free, L.P., 114 Cal. App. 5th 426, 445 (2025)
- Chaparral Greens v. City of Chula Vista, 50 Cal. App. 4th 1134, 1151-1152 (1996)
- The Otay Ranch, 15 L.P. v. County of San Diego, 230 Cal. App. 4th 60, 67-72 (2014)
- Wagner Farms, Inc. v. Modesto Irrigation Dist., 145 Cal. App. 4th 765, 774 (2006)
- River Valley Preservation Project v. Metropolitan Transit Development Bd., 37 Cal. App. 4th 154, 180-182 & n.31 (1995)
- St. Vincent's School for Boys, Catholic Charities CYO v. City of San Rafael, 161 Cal. App. 4th 989, 1014, 1016-1017, 1019 (2008)
- Hotels Nevada, LLC v. L.A. Pacific Center, 203 Cal. App. 4th 336, 348 (2012)
- People v. Preslie, 70 Cal. App. 3d 486, 492 (1977)
- Osgood v. Landon, 127 Cal. App. 4th 425, 435 (2005)

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