

Planning Commission Minutes
Meeting of September 7, 1999

The motion passed by the following vote:

AYES: Commissioners Sabye, Livingstone, DiGeronimo, Fahey and Chair Kerger

NOES: None

ABSTAIN: None

ABSENT: None

9.2 Text Amendment TA 99-002. Staff report by Charlie Mullen, Associate Planner.

Request: Request for a text amendment to the Agricultural (AG) District of the Zoning Ordinance to add "Cemetery" to the list of Commercial Uses category, which can be conditionally permitted subject to a use permit.

Location: Citywide, and potentially for a site located north of Old Ranch Road (APNs: 210-550-017 & -018).

Charlie Mullen, Associate Planner, summarized the staff report for the Commission and audience.

Jeff Thayer, Davidon Homes, applicant, reiterated that this is not a project application, but to obtain a text amendment to the zoning ordinance.

There being no questions, Chair Kerger opened the public hearing.

Gary (and Diane) Schneiderman, 609 Bancroft Place, San Ramon, indicated that this application would create negative impacts to the quality of living in the adjoining neighborhoods and would affect the value of homes.

Comm. DiGeronimo stated that this is only a potential use and there is not a project before the Commission. He asked Mr. Schneiderman if he would prefer houses to this use. Mr. Schneiderman stated that there is a clear goal by this text amendment application to construct a cemetery next to our homes and this is an inappropriate use.

Catherine Pettiniech, 405 Merriwood Place, San Ramon, stated that this is a family community and this proposal would be detrimental to the development of her children. She was told at the time she purchased her home that this area would remain open space. She stated her issues and concerns with noise, violation of constitutional rights due to various religious beliefs, and vandalism. Ms. Pettiniech stated that this use is unacceptable and has negative aesthetics.

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Joseph Miller, 1501 Old Ranch Estates Drive, San Ramon, indicated that he did not receive a notice of the public hearing. He does not understand why CEQA was quoted if this is not a project. He stated that this use would reduce property values and suggested utilizing unincorporated areas, which would later be incorporated into the City. He stated that this use is in violation of Ordinance Nos. 129 and 197 and the property is in the RCOD area. (see attached letter dated 9/7/99)

Bob Saxe, City Attorney, addressed the CEQA question posed by Mr. Miller. He stated that a negative declaration is not focused on a specific project, but on the adoption of the Zoning Ordinance. He also stated that amending the Zoning Ordinance does not require noticing the same as that for a project.

Comm. DiGeronimo asked what specific policies are quoted with regard to the General Plan. Mr. Miller responded riparian and environmental.

Pat Tuohy, 316 Pine Valley Court, San Ramon, stated the following concerns with the proposed text amendment:

- 1) irrigation of a cemetery will have an affect on the water supply;
- 2) a cemetery is not incidental to agricultural uses;
- 3) a cemetery is permanent and therefore not consistent with the AG District purposes;
- 4) use would impact the quality of life as well as home values; and
- 5) inconsistent with the specific purposes of the Zoning Ordinance.

Comm. DiGeronimo asked counsel if he had any comments to Mr. Tuohy's testimony. Mr. Saxe stated that there is nothing wrong with the City including language for provisions of a cemetery. This would be a recommendation by the Planning Commission to the City Council and therefore, there is not an issue of consistency or inconsistency.

Lars Jensen, 701 Hawthorne Court, San Ramon, stated that this text amendment makes no sense for this area.

Ann Marie Johnson, 400 Merriwood Place, San Ramon, indicated that a cemetery is a commercial use and does not see it as an infill project. This site is extremely visible. She asked if Davidon would develop the cemetery or have someone else develop and run the facilities.

Curt Kinney, 2439 Ascension Drive, San Ramon, stated that he had approached Davidon Homes with the idea of putting a cemetery on their property. He also added that the water for the cemetery would be recycled and the only lights would be from the mausoleum. He voiced his support for the text amendment and the need for a cemetery in San Ramon.

Haldun Prin, 615 Bancroft Place, San Ramon, stated that he is against the text amendment application. He said that he would support single-family homes in this area.

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Paul Lyra, 9762 Alcosta Boulevard, San Ramon, indicated that he is opposed to the text amendment. He stated that there has been undue pressure put on the process due to Mr. Kinney's involvement even though he is a resident and is able to speak as a private citizen. He feels that the process has been contaminated.

Comm Sabye assured Mr. Lyra that the Commission makes their decision on testimony and not on one individual's opinion.

Chair Kerger read other comments into the record as follows:

John and Flo Dalisky, 600 Bancroft Place, San Ramon:

We are against the idea of a cemetery in the Old Ranch Road area and the TA 99-00 text amendment in general allowing cemetery zoning in San Ramon.

Jack Saada, 612 Bancroft Place, San Ramon:

I am opposed to having the zoning changed. I just bought my property and having known about this I would certainly not moved to Old Ranch.

Aaron Rickett, 312 Pine Valley Court, San Ramon:

The cemetery will look ugly up on the hill and will decrease values on homes on Alcosta.

William Rickett, 312 Pine Valley Court, San Ramon:

The cemetery will decrease home values, increase traffic, waste irrigation water, and ruin the natural beauty of the hill and animal habitat.

Nathan Howard, 9520 Broadmoor Drive, San Ramon:

Cemetery would make San Ramon lose the way it is naturally, as it would make it look bad, decrease home value(s).

Rupa Nargin, 412 Old Ranch Court, San Ramon:

This move can bring down surrounding property values and will discourage new patrons in San Ramon.

Sreela Pal, 200 Alderwood Lane, San Ramon:

I am against addition of cemetery near Old Ranch Road.

May Kwan, 9740 Alcosta Boulevard, San Ramon:

Now everyday I go out to my backyard, I see hills, sky, birds, trees, everything reminds me of nature and it makes me so relaxed, but if there is a cemetery, I can't relax, it makes me think of death! I strongly oppose this plan.

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Suzanne Glab, 12231 Santa Teresa Drive, San Ramon:

I do not feel San Ramon is an appropriate city for a cemetery. I am strongly opposed to this agenda item. There is already controversy about open space and land use in San Ramon. In my opinion, this compounds current problems and issues.

Lori Kehriotis, 3230 Montevideo Drive, San Ramon:

Have other developers been notified? Will decrease appeal, desirability of homes there. Have we thought about funeral processions and seeing hearses parading through our city? Put a school or park there.

Quan Walker, 307 Harding Place, San Ramon:

I would prefer to have a play area there and have a cemetery elsewhere, farther away from home.

Daniel Schlotter, 306 Harding Place, San Ramon:

I am opposed to adding cemetery and other items to this use. I also do not know why other certain people were sent the flyer.

Thurston, 300 Harding Place, San Ramon:

We personally would not have to look at the head stones from our back yards, but how close would it be to homes. As long as it was kept up and gated to keep kids out of it, it may be a better alternative to more homes.

Mark Zerott, 313 Harding Place, San Ramon:

I would vote to keep the property as is.

Gary Beer, 312 Harding Place, San Ramon:

Do not wish to see land used for cemetery of commercial, would strongly contest.

Rhonda Beer, 312 Harding Place, San Ramon:

I do not wish to speak but as a homeowner I do not want the view from my front window to be of anyone that has been put to rest. This is not the place for it.

Judy Meltzer, 318 Harding Place, San Ramon:

Against application.

Kathleen Alexander, 323 Harding Place, San Ramon:

I don't want the land off of Old Ranch Road to be rezoned to include a cemetery. I feel that this would devalue our homes. The land should be left alone for the animals that live there. Leave their habitat alone.

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Mark Alexander, 323 Alexander Place, San Ramon:

Environmental concerns that area is habitat for foxes, coyotes, deer, turkey, and vultures. Traffic concerns and other impact studies.

H. Frank Meltzer, 318 Harding Place, San Ramon:

I feel that a cemetery would be an eye sore and it would devalue all of the surrounding properties. Also none of my neighbors are aware that this is even being proposed. I think all the homeowners within sight of this should be made aware of this.

Colleen Wong, 324 Harding Place, San Ramon:

Against application.

Lynne Bassell, 3370 Roma Place, San Ramon:

As a homeowner in the area of the proposed cemetery, I do not think we are in need of a cemetery in city limits and definitely not in a family home area.

Karen and Phil Shelp, 3305 Veracruz Drive, San Ramon:

A cemetery would be an eyesore, lower home values in the immediate area, ruin open space areas that give the area some green space. Lots of animals live there now.

Jacque Foster, 10017 Santa Rosa Avenue, San Ramon:

Upon initial inspection of proposal, I do not approve. Citywide working change.

Joseph Kwan, 9740 Alcosta Boulevard, San Ramon:

The time I bought my house, nothing is said to be built beside my backyard. I strongly oppose a cemetery light behind my property.

Comm. DiGeronimo indicated that he would like to have the public hearing continued because of the comments regarding noticing of the proposed application.

Chair Kerger asked the applicant if he had any comments to the testimony received.

Mr. Thayer indicated that he had submitted a 500-foot mailing list prepared by a title company to the City for notification of the public hearing. He added the following comments:

- 1) this entire development would have several hundred feet of buffer from the neighboring residences;
- 2) there has always been intent by Davidon to construct on this site;
- 3) funeral processions would not go through a neighborhood and would be in the off-peak hours;
- 4) more than half of the site will remain as open space ;

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- 5) the cemetery would be independent from the neighborhood and should not have any negative impacts on the surrounding neighborhoods; and
- 6) would not develop this project themselves.

Comm. DiGeronimo stated that he feels that a cemetery can enhance the views. If he had a choice between high-density houses and a cemetery, he would choose a cemetery. He asked that the citizens keep an open mind on this subject.

Chair Kerger asked counsel what the Commission's next steps for this application are. Mr. Saxe indicated that the public hearing needs to be continued; new comments will be taken; the hearing closed and the Planning Commission will then act on the Negative Declaration; and make a recommendation to the City Council. The City Council will hold a public hearing and the Council will make the final decision as prescribed by state law.

Comm. DiGeronimo asked that there be a more definitive statement of the text amendment that will be recommended to the Council by the Commission and that this verbiage be made available for public review as far in advance as possible.

It was moved by Comm. DiGeronimo and seconded by Comm. Livingstone to continue the public hearing of TA 99-001 to 10/5/99, that staff provide a definitive statement of the proposed text and re-notice the public hearing.

Comm. Livingstone asked that staff not be limited when preparing the proposed text as this is a citywide text amendment and is not site specific.

The motion passed by the following vote:

AYES: Commissioners DiGeronimo, Livingstone, Fahey, Sabye and Chair Kerger

NOES: None

ABSTAIN: None

ABSENT: None

10. NON-PUBLIC HEARING ACTION ITEMS

-None-

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11. STUDY SESSION/COMMISSIONER'S ITEMS/STAFF ITEMS

11.1 Tentative Agenda for Planning Commission meeting of September 21, 1999.

Staff was directed to find a meeting place for the September 21st meeting that will be large enough to accommodate the members of the public wishing to hear the Country Faire Residential/Commercial Subdivision item.


11.2 Committee Liaison Reports

No reports.

11.3 Commission Discussion Items

There being no further discussion, Chair Kerger adjourned the meeting at 9:22 p.m. to the next regularly scheduled meeting starting at 7:00 p.m. Location to be determined and noticed.

Submitted by:


D'Laine A. Steinbrenner
Recording Secretary

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* * * *

PASSED, APPROVED AND ADOPTED on this 21st day of September, 1999 by the following vote:

AYES: Commissioners Fahey, DiGeronimo, Livingstone, Sabye and Chair Kerger

NOES: None

ABSENT: None

ABSTAIN: None