

**CITY OF ANTIOCH  
PLANNING COMMISSION MINUTES**

**Regular Meeting  
7:30 p.m.**

**May 16, 2007  
City Council Chambers**

Chairman Travers called the meeting to order at 7:35 p.m. on Wednesday, May 16, 2007, in the City Council Chambers.

**ROLL CALL**

Present: Commissioners Henry, Martin, Long, Delgadillo (arrived at 7:55 p.m.), Vice Chairman Azevedo and Chairman Travers  
Absent: Commissioner Brandt  
Staff: Deputy Community Development Director Wehrmeister  
Senior Planner Oshinsky  
Senior Planner Morris  
Assistant City Engineer Bernal  
City Attorney Nerland  
Minutes Clerk Lawson

Chairman Travers stated that no public hearings will be heard after 10:00 p.m. and that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, May 23, 2007.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes: None

**NEW PUBLIC HEARING**

2. **PW-357-302-07 – James R. Burns II for Hillcrest Medical Office Building – requests approval of a Condominium Minor Subdivision Map to create 50 commercial condominium units for purposes of medical office condominiums. The 2.0 acre project site is located at 3454 Hillcrest Avenue (APN 052-370-011, 016).**

Senior Planner Oshinsky provided an overview of the Staff Report dated May 1, 2007.

**OPENED PUBLIC COMMENT**

Jim Burns, Applicant, stated that he did agree with the conditions of approval, per the Staff Report.

**CLOSED PUBLIC COMMENT**

**RESOLUTION NO. 2007-12**

***On motion by Commissioner Martin, and seconded by Commissioner Long, the Planning Commission approved PW-357-302-07 a Condominium Minor Subdivision to create up to 50 commercial condominium units for purposes of medical condominium units at the Hillcrest Medical Office Building site. The 2.0 acre site is located near the southeast corner of Hillcrest Avenue and Wildflower Drive at 3454 Hillcrest Avenue (APN's 052-370-011 and 016).***

**AYES:                   Martin, Long, Henry, Azevedo and Travers**

**ABSENT:               Delgadillo and Brandt**

Commissioner Delgadillo arrived at 7:55 p.m.

- 3.     PDP-06-01, PD-06-05, UP-06-32 – The Orchard at Slatten Ranch, Capital and Counties USA, Inc., requests that the Planning Commission review a Preliminary Development Plan application for the proposed Orchard at Slatten Ranch shopping center and a Final Development Plan rezone and Use Permit, for a department store and three pad buildings. The project site is located on the west side of Empire Avenue just north of the Slatten Ranch and Empire Shopping centers and east of the future northern extension of Slatten Ranch Road (APN's 056-120-049, 050, 051 and 060).**

Senior Planner Morris provided an overview of the Staff Report dated May 11, 2007, and distributed a Memorandum dated May 16, 2007, with amended changes. Also distributed to the Commission was a letter and preliminary plan from Mr. Michael Orfanos, wherein Senior Planner Morris noted that Staff had met with Mr. Orfanos and his architect on April 12. Mr. Orfanos also had submitted a plan to the City of Brentwood for preliminary review, but has not submitted any entitlement applications for his property to date.

Commissioner Martin spoke to Condition No. 80, and expressed concern to the bike lane being eliminated. Assistant City Engineer Bernal stated that Slatten Ranch Road was designed to its ultimate configuration at Lone Tree Way, and to widen this street would have a significant impact to the area. Therefore, the bike lane would be lost to a right turn lane if it is not feasible to widen the street, as in this case. Senior Planner Morris interjected that the bike lane would be lost on Slatten Ranch Road, but the

overall specific plan for the area is that the new trail that will be constructed adjacent to the Bypass would become the bike trail for the area.

In responding to Commissioner Martin, Assistant City Engineer clarified that Condition No. 74 should read: "That the westerly driveway on A Road shall be limited to right out only turning movements only or as required by the City Engineer.

### **OPENED PUBLIC HEARING**

Fergal McHugh, Vice President of Acquisitions and Development for Capital and Counties USA, Inc., explained his purpose regarding the proposed application and noted that an Engineering Consultant and a Traffic Engineer, were also available for any additional technical questions. For the record, he noted an error on the Agenda that was listed within the description of the project, and stated that the last sentence should read: "The project site is located on the **west** side of Empire Avenue, just north of the Slatten Ranch and Empire Shopping center and **east** of the future northern extension of Slatten Ranch Road."

Darrell Custer, Landscape Architect, provided a brief overview of the conceptual landscape design and referred to a displayed wall map.

Andrea Swanson, Thomas, Bach and Associates, Landscape Architect, spoke to the proposed landscape plan and referred to a displayed conceptual drawing.

Trent Flemming, Architect for the applicant, displayed a scaled model of the proposed pylon sign that would front the Highway 4 Bypass.

Morgan McIntosh, Architect for the applicant, addressed the architectural elements of the proposed department store design, on behalf of JC Penney, and referred to a displayed wall map.

Commissioner Long requested that additional landscaping to provide shade be placed in the area that is adjacent to the JC Penney building. Ms. Swanson stated that due to the inadequate planting space, she could place planter pots in this area.

Commissioner Martin stated that he could not envision this project to be pedestrian friendly, as noted by the applicant, and requested that the parking lot be developed in a more pedestrian friendly-type design. He requested that the applicant make certain that this project have an orchard theme look when it is fully developed, and that he wanted to see a design that depicted the three pads that connected to the center aisle or even aisles that run between several of the different rows of parking. Commissioner Martin expressed concern to the south rear parking area; in terms of the area being unsecured and in some cases not utilized, due to safety concerns of employees.

Commissioner Azevedo commented on the pedestrian walkway and suggested that it be extended to the west side of the JC Penney building, so that one can see an

extension of the linear walkway. He stated that he agreed with Commissioner Martin regarding his concerns to the rear parking area.

Commissioner Long stated that she wanted to see additional vegetation at the outside food courts and that the parked vehicles be placed further away to avoid fumes that could be directed towards the outside eating areas.

Chairman Travers expressed concern about the walkway and suggested placing additional seating in this area, due to the heat in the summer. Moreover, given the size of the parking lot, he suggested that a balance be found between additional parking versus more arbors, pergolas, vegetation and resting areas. He also suggested that the proposed arch in front of the JC Penney be further embellished in some manner.

Commissioner Martin referred to Attachment B of the Staff Report, and requested that the four Department Stores listed as discount, full line, junior and off-price were redundant and be eliminated from the list, as well as theatre uses. Deputy Director of Community Development (DDCD) Wehrmeister stated that this could be done, and noted that this list would go with the Master Use Permit for this project only, and when future development is brought forward for the area north of A Road and west of Slatten Ranch, this list would then again be brought back to the Commission with the attached applications. The proposed uses could then be added back into the list, if those developments would include department stores. Senior Planner Morris interjected that the use of public agency also be eliminated and added to Staff's memo. Mr. McHugh agreed with Commissioner Martin's request, as well as staff's request to eliminate uses for credit agency, employment centers, miscellaneous retail and public agency. City Attorney Nerland also interjected that if recreation is meant to be a retail use, it needs to be rephrased.

### **OPENED PUBLIC COMMENT**

Mr. Orfanos, resident, further elaborated on a letter that he had submitted to the Commission dated May 15, 2007. He expressed concern to the future development of his property and distributed a letter to the Commission that he had written to Local Agency Formation Commission (LAFCO) in 1998 that was written before the annexation of Empire Avenue into the City of Antioch.

In responding to Commissioner Azevedo, Mr. Orfanos referred to a proposed plan for his property and noted that he was currently in contract for the residential portion and there has been interest in the commercial portion of his property. The commercial portion of the property could not be shown to the interested party, because the access cannot be confirmed. Mr. Orfanos stated that he does not want the JC Penney project to be eliminated, but would like cooperation in obtaining access to the future development of his project.

In addressing Mr. Orfanos' concerns, Assistant City Engineer Bernal described the proposed circulation patterns, per the Staff Report, and stated that the JC Penney side

is constrained east/west and north/south and the Capital and Counties group have tried to keep the A Road as far to the south as possible. Furthermore, with the City's required setbacks and JC Penney not purchasing additional land, that the A Road is as far south as it can be placed and has met all setback and City requirements. DDCD Wehrmeister interjected that due to the required distance between signals there is a limited amount of signals that will occur in a particular stretch of roadway and the current location shown would benefit Mr. Orfanos and the property to the north. If this signal were to move strictly to Mr. Orfanos' property, then the benefit of any access would not be given via signal to the property to the north.

Mike Friddle, resident of Brentwood, spoke to Mr. Orfanos' proposed plan of 5 acres of high density. He expressed concern that this would create additional traffic and safety issues.

Anthony Macaluso, resident of Empire Avenue, expressed concerned to the proposed JC Penney project, in terms of future impacts that would create additional traffic, adequate lighting and added noise issues.

Chairman Travers informed the residents that they could voice their concerns to the City Council when this item is agendized on June 12.

Mr. McHugh spoke to the past history of the project and stated that in meeting with the City of Brentwood; he was never made aware that there was a proposed development to the east side of Empire Road. Furthermore, that pending approval by the Planning Commission and City Council, this project is anticipated to be under construction by the end of July and opened in March 2008. In referring to the Master Use List, Attachment "B", Mr. McHugh requested that in the event that JC Penney were to ever vacate the project, he would request "Department Store-Full Line" remain on the list, wherein Staff agreed.

### **CLOSED PUBLIC HEARING**

Commissioner Long stated that she approved of the project and encouraged the nearby residents to obtain a copy of the Mitigated Negative Declaration from City Staff that would address their concerns.

Commissioner Martin stated that in regards to the central pedestrian link, he requested that the number of trees be increased, as well as increased in the bio swell areas. He also suggested that walkway's are developed from the three pads leading to the central pedestrian link. Furthermore, that the applicant works with Staff on security and parking issues in the rear of the building and that a plan be developed in which JC Penney will develop security guidelines, if the rear parking is not eliminated.

Commissioner Henry stated that he appreciated the comments heard from the nearby residents. He felt that the spill over lighting issue could be addressed through Condition No. 59, and in terms of the two main pedestrian walkways leading to JC Penney, rest

areas are needed. He felt that food court areas should have shaded areas for seating and the JC Penney architectural design theme be carried out throughout the remaining development. He felt that mitigation could be accomplished by screening off roof and mechanical equipment, wherein this would lessen the visual aspects from the adjacent property owner's views. Commissioner Henry further wanted to ensure that the hours of truck deliveries are incorporated into the standard conditions and not just addressed through the Mitigated Negative Declaration. DDCD Wehrmeister interjected that this could be addressed under Condition No. 47 and spelled out in categories. For the record, Senior Planner Morris read the hours of operation for truck deliveries that were included within the Mitigated Negative Declaration.

Commissioner Azevedo stated his approval of the project, and in speaking to the adjacent property owner's concerns he encouraged them to voice their concerns to the City Council.

Commissioner Delgadillo stated his approval of the project, but felt that the parking concept could be improved upon, in terms of the design of the Broadway Plaza concept in Walnut Creek. He stated his approval of the additional vegetation and encouraged the applicant to carry this concept to the future build out of the north parcel.

Regarding Condition No. 59, Chairman Travers suggested that seating not exceed a distance of 100 feet along the main walkway. Commissioner Long interjected that language also include "that enhanced landscaping is placed in the surrounding areas of the eating establishments."

In responding to Commissioner Travers, DDCD Wehrmeister stated that issues relating to quiet hours, delivery hours and cleaning of the parking lot shall be addressed through Condition No. 47, even though it is addressed in the Mitigated Negative Declaration.

DDCD Wehrmeister stated that due to a security representative from JC Penney's not being in attendance, she would contact JC Penney's regarding their security procedures for rear parking lots at other stores, before this project goes before the City Council. Commissioner Azevedo suggested that the applicant submit a security plan, wherein City Attorney Nerland stated that a plan could be submitted by the applicant that will be subject to the approval of the Community Development Director.

City Attorney Nerland stated that in regards as to whether the intended operational use is 24/7, City Staff should weigh in on this issue, if in the future it is desired by the applicant. DDCD Wehrmeister felt this would be appropriate with a modification to the Master Use List stating that a request for 24 hour operation would come back for a separate use permit.

---

**RESOLUTION NO. 2007/13**

***On motion by Commissioner Martin and seconded by Commissioner Long, the Planning Commission recommended approval of an Ordinance to rezone approximately 13.64 acres, making up the JC Penney at the Orchard at Slatten Ranch Project site, to the Planned Development District (PD) and;***

**RESOLUTION NO. 2007/14**

***On motion by Commissioner Martin, and seconded by Commissioner Long, the Planning Commission recommended approval of a Final Planned Development, Use Permit and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the JC Penney at the Orchard at Slatten Ranch Project (PDP-06-01, PD-06-05 and UP-06-32), with the following amendments:***

- ***Project Specific Condition No. 47: The Planning Commission requests that the list of Mitigation Measures and the Mitigated Negative Declaration Booklet be included in Project Specific Condition No. 47, as written in the initial study.***
- ***Project Specific Condition No. 55: Modify in accordance to the Staff Memorandum dated May 16, 2007 which reads: “That the project shall comply with Property Maintenance Ordinance §5-1.204 and enter into a joint maintenance agreement with the shopping center property owners for landscaping maintenance of the entire site. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in §5-1.204(G).”***
- ***Project Specific Condition No. 58: Adding the verbiage: “That every 100 feet, a rest area will be provided on walkways, and increase the landscaping throughout the parking area.”***
- ***Project Specific Condition No. 74: Modify the language to read: “That the westerly driveway on A Road shall be limited to right out turning movements only, or as required by the City Engineer.”***
- ***Project Specific Condition No. 86: Add wording to read: “A Use Permit is required for 24 hour operation.”***
- ***Add Project Specific Condition No. 87 to read: “The applicant will work with Staff to ensure the area around the south parking space is safe.”***
- ***Add Project Specific Condition No. 88 to read: That the following uses shall be removed from the Master Use list for the Orchard at Slatten Ranch: Credit Agencies, Department Store – Discount, Department Store – Junior, Department Store – Off-Price, Employment Center, Miscellaneous Retail, Public Agency and Theatre. Change “Recreation” to “Retail Recreation” and change “Department Store – Full Line” to “One (1) Department Store – Full Line.”***
- ***Add Project Specific Condition No. 89 to read: “All outdoor dining areas shall include enhanced landscaping such as planters, trellises and shade structures.”***

**AYES:** *Martin, Long, Henry Azevedo, Delgadillo and Travers*  
**ABSENT:** *Brandt*

Mr. McHugh stated that he agreed to the motions approved by the Planning Commission.

### **CONTINUED HEARING**

- 4. Z-07-01 – RDA Ordinance Update.** The City of Antioch is requesting amendments to the City’s Zoning Ordinance, Title 9, Article 40 “Residential Development Allocation (RDA)”, to address several development allocation processing requirements.

Staff recommends that this item be continued to June 20, 2007.

***On motion by Commissioner Martin and seconded by Commissioner Azevedo, the Planning Commission continued Item No. 4 to June 20, 2007.***

**AYES:** *Martin, Azevedo, Long, Henry, Delgadillo and Travers*  
**ABSENT:** *Brandt*

### **ORAL COMMUNICATIONS**

Commissioner Long stated that the City Park Build would begin on May 16.

### **WRITTEN COMMUNICATIONS**

None.

### **COMMITTEE REPORTS**

None.

### **ADJOURNMENT**

***Chairman Travers adjourned the Planning Commission meeting at 10:40 p.m. to the next regularly scheduled meeting on June 6, 2007.***

Respectfully Submitted,

Debra Lawson  
Minutes Clerk