

**CITY OF ANTIOCH
PLANNING COMMISSION**

**Regular Meeting
6:30 p.m.**

**May 19, 2010
City Council Chambers**

Chairman Johnson called the meeting to order at 6:33 p.m. on Wednesday, May 19, 2010 in the City Council Chambers.

Chairman Johnson stated 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 Thursday, May 27, 2010.

ROLL CALL

Present: Commissioners Azevedo, Langford, Baatrup, Travers, Manuel, Vice
Chairman Westerman and Chairman Johnson
Staff: Director Community Development Tina Wehrmeister
Senior Planner, Alexis Morris
City Engineer, Joe Brandt
Secretary II, Cheryl Hammers
City Attorney Lynn Tracy Nerland
Minutes Clerk Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None

CONSENT CALENDAR

- 1. Approval of Minutes: March 3, 2010**

On motion by Commissioner Azevedo, seconded by Commissioner Westerman, the Planning Commission approved the Minutes of March 3, 2010. The motion carried the following vote:

**AYES: Johnson, Westerman, Baatrup, Azevedo, Travers, Manuel
NOES: None
ABSTAIN: Langford
ABSENT: None**

City Attorney Nerland reviewed protocols for the meeting this evening given the large crowd in attendance. In particular, she indicated that the meeting will begin with a staff report and then the Planning Commissioners will then have an opportunity to ask questions or seek clarification from staff. In accordance with the City's practice, the project proponent (Wal-mart) will then have 10 minutes to make a presentation. If there is a spokesperson for the opposition, then that person would also have 10 minutes. Otherwise, each additional speaker would have a limited time to speak. Given the crowd, staff recommended a 2 minute limit to ensure that everyone would have an opportunity to speak. The Planning Commission will consider the first resolution before it to certify the Final EIR before considering the design review application.

Consensus of the Planning Commission was to limit speakers to two minutes and so the Chair limited the public comments to two minutes.

NEW PUBLIC HEARING

- 2. AR-04-25 Walmart Expansion** – Robert A. Karn and Associates, Inc. requests design review approval of the expansion of the existing 141,498 square-foot Walmart store by 33,575 square feet, increasing the total floor area to 175,073 square feet. The proposed project is located at 4893 Lone Tree Way (**APN: 056-011-030**). The Planning Commission will also consider the certification of a Final Environmental Impact Report (EIR) for the project.

Senior Planner Morris presented the staff report dated May 13, 2010, recommending the Planning Commission: 1) Motion to approve the resolution certifying the Walmart Expansion Project Final Environmental Impact Report (EIR); 2) Motion to adopt the resolution approving the design of the Walmart expansion project (AR-04-25).

Chairperson Johnson opened the public hearing.

PROPONENTS

Angie Stoner, Public Affairs Manager, representing Walmart thanked the Planning Commission for the opportunity to present their proposal and staff for their expertise during the process. Additionally, she thanked 6,000 local residents who signed cards in support of the project over the past five years. She provided a brief history of the project and Walmart. She noted with the recommendation from staff and no significant impacts addressed in the EIR, she believes the project meets the requirements set forth in the City's guidelines and therefore requests the Planning Commission approve the expansion.

Todd Anderson, Project Engineer, gave a brief overhead presentation of the project site plan.

Michael Salmon, Project Architect, gave a brief overhead presentation of the architecture proposed for the Walmart expansion.

In response to Chairperson Johnson, Ms. Stoner stated they have read and understand all the conditions of approval contained within the staff report.

OPPONENT

George Van Hasselt, representing East County Democrats for Action Club and Citizens for Smart Growth, indicated that he was the spokesperson for the opposition. He reported a peer study indicates that for every new job Walmart creates, 1.4 jobs are lost in the community and with the approval of this project there is potential of other retailers closing causing additional job loss. He noted groceries are not subject to sales tax and therefore Antioch will incur a loss of tax revenues. He expressed concern for the increase in the police calls for service from Walmart as well as low wages and the lack of benefits for employees. Additionally, he noted the negative impacts of additional traffic in the area from an expansion.

PUBLIC COMMENTS

Mel Teigen, Antioch resident, speaking on behalf of twelve local residents, voiced his support for the proposal to expand Walmart. He noted the current proposal has addressed all previous objections to the project and will create healthy competition in Antioch.

Hans Ho, Antioch resident, spoke in support of the project noting it will increase revenue and jobs and provide consumers with affordable prices. He urged the Planning Commission to approve the project.

Harold Ketchum, Antioch resident, speaking in support of Walmart stated he has worked for Walmart for 11 years and has supported his family on his wages and benefits. He noted this proposal will benefit Antioch residents.

Devi Lanphere, representing the Antioch Chamber of Commerce, voiced support for the project and noted the benefits to the community as a result of the expansion application. She urged the Planning Commission to approve the project.

Ed Basaldua, speaking on behalf of the Hispanic Chamber of Commerce of Contra Costa County, voiced support for the expansion of the Walmart store. He stated this project will have no detrimental impact on existing businesses and will create jobs and increase tax revenue for the community. He urged the Planning Commission to approve the proposed expansion.

Terry Ramus, Antioch resident, voiced his support for the Walmart proposal and noted the City needs to be friendly to business so they can provide the community with jobs and tax revenue. He noted Walmart has addressed the City's requests and therefore he urges the Planning Commission to approve the project.

Arne Simonsen, Antioch resident, clarified the item before the Commission this evening is consideration of the Design Review and EIR for the project. He noted Walmart is a destination place that will draw in shoppers for other businesses in the area. He further noted the project's traffic impacts will be insignificant due to traffic in the area being greatly reduced with the opening of the Highway 4 Bypass. He stated the project meets all criteria for Williamson Ranch and he urged the Planning Commission to approve the expansion proposal.

Natalie Escabado, Antioch resident, thanked Walmart for helping her school by giving them a grant.

Rich McToshich, Walmart Store Manager, acknowledged several employees in attendance this evening to show their support for the expansion project. He noted that with the expansion they would employ approximately 385 people many of whom live in Antioch. He further noted they believe in giving back to the community and he is on the Board of Directors for the Antioch Chamber of Commerce. He provided the Planning Commission with 900 signatures from residents in support of the expansion project.

Denise Thompson, Brentwood resident and Walmart employee, spoke in support of Walmart and the benefits and support she received during a family crisis.

Curtis McDonald, Pittsburg resident and Walmart employee, spoke in support of the benefits and job advancement opportunities offered by Walmart.

Jessica Williams, Oakley resident and Walmart employee, discussed the job advancement and volunteer opportunities available at Walmart.

Fred Hoskins, Antioch resident, spoke in support of the Walmart expansion and stated he believes suppressing competition and kowtowing to special interest groups is unethical.

Allen Payton, Antioch resident, clarified this project fits within the previously approved guidelines for the shopping center and therefore to deny the project based on the issue of competition is not the government's job.

Julie Zmerzlikar, Antioch resident, spoke in support of the Walmart expansion noting it would be an opportunity for her to shop locally.

Benjamin Sherwood III, Bethel Island resident and Walmart employee speaking in support of the expansion, discussed the ability for him to transfer from the east coast and retain his job at Walmart.

Chairperson Johnson read written comments from the following individuals who submitted speaker cards indicating their support of the Walmart expansion project.

Bret Jackson, Antioch resident
Fernando Richards, Antioch resident
Esmeralda Lopez, Oakley, resident
Martha Taylor, Brentwood resident
Shawn Ray, Antioch resident
Kim Barbadille, Antioch resident
Ashley Williams, Antioch resident
Luis Tokashiki, Antioch resident
Michele Butler, Pittsburg resident
Gabrielle Willson, Antioch resident
Cindy Rockwell, Antioch resident
Kyle Curto, Antioch resident

Michael Seadeek, Antioch resident speaking in support of the Walmart expansion, noted it will be a great asset for people with disabilities who would be provided with the ability to shop for all their needs in one location. He noted the arguments against the project would apply to any user if Walmart sold the property.

Steve Summers, Oakley resident, stated he would hope the City would be loyal to businesses already existing in Antioch and he expressed concern he would lose his job at Lucky if the expansion were approved. He stated he is opposed to the expansion.

Kathy Summers, Oakley resident, requested the Planning Commission make decisions that will not destroy other businesses and families. She expressed concern that Walmart has low prices due to the fact that many items sold are made overseas.

Steven Burke, Antioch resident, stated he works for Lucky who invests in the community and that they are a California owned and operated business. He expressed concern that the economy will not support an additional grocery retailer and therefore some existing businesses will be forced to close if the expansion were approved.

Mary Dodson, Antioch resident, voiced her opposition to the expansion of Walmart due to their negative traffic impacts. She stated she feels Antioch currently has enough retailers.

Natalie Weber, from the law firm of Herum Crabtree and representing Antioch Citizens for Smart Growth, stated she feels the Planning Commission cannot certify the EIR and approve the project as the EIR is fatally defective in addressing the impact and mitigation for air pollution from the project and its effect on the San Joaquin air basin. She noted if the Planning Commission moves to approve the EIR they still have the discretion to deny the project. She commented that there have not been any changes with the project since it was originally denied by the City Council in 2007 and therefore she supports the Planning Commission not certifying the EIR and denying the project.

Johnny Ray, Antioch resident, stated he has been a retail clerk for 34 years and he feels other retail stores will close with the expansion of Walmart. Additionally, he noted

the Planning Commission should ensure residents have stores available in their local neighborhoods.

Maria Pallares, Antioch resident, spoke in opposition to the expansion and urged the community to support current stores in the City. She suggested Walmart look at expanding their store in Pittsburg.

Rich Nelson, Antioch resident and Lucky employee, expressed concern that there is significant criminal activity in the open space and park area adjacent to the store, which begins at Walmart. He reported there is a van in their parking lot which has been there for four months and garbage and shopping carts are littering the neighborhood. He questioned what the City's plans are when Lucky will be forced to close.

Mr. Seger, Oakley resident representing Antioch for Smart Growth, expressed concern that jobs would be lost if the Walmart expansion project is approved. He urged the Planning Commission to move forward on a big box ordinance that would require them to provide an economic impact survey. He expressed concern that larger businesses receive favor which makes it difficult for smaller businesses to compete.

Donna Wilson, Antioch resident, stated she feels Walmart has accommodated what the community is asking for and addressed their concerns by providing security and not having a 24 hour operation. She noted they bring affordability, convenience and employment opportunity. She further noted that she currently shops in Brentwood and this expansion would provide her with the opportunity to shop in Antioch.

Phil Tucker, Martinez resident representing California Healthy Communities Network/Tides Center, provided the Planning Commission with information challenging the BAE Economic Impact Study. He discussed the risk of existing stores closing and jobs being lost in Antioch if the expansion were approved. He urged the Planning Commission to not approve the project as there are deficiencies in the analysis.

REBUTTAL

Angie Stoner representing Walmart thanked the Planning Commission for the time they spent listening to their proposal and public comments this evening. She stated they have spent over 5 years working on the project and with the recommendation by City staff they urged the Planning Commission to approve the expansion for Antioch.

Chairperson Johnson declared a recess at 8:05 PM. The meeting reconvened at 8:28 pm with all Commissioners present.

Chairperson Johnson thanked the residents who spoke this evening.

Bert Verrips, EIR consultant, responding to comment by Natalie Weber representing Herum Crabtree and Antioch Citizens for Smart Growth regarding air quality impacts, reported the air quality analysis for the expansion shows the project will not have any

significant air quality impacts in the San Francisco or San Joaquin air basins. In responding to written comments from M.R. Wolfe representing California Healthy Communities Network, he noted that they do not present any new evidence that would prompt altering the conclusions of the Urban Decay Study or EIR. He further noted that the additional written comments from M.R. Wolfe dated May 19, 2010 regarding noise, urban decay and air quality have been adequately responded to in writing in the final EIR. He provided the location of the responses in the documents and noted he stands by all of the information in the draft EIR, analysis and conclusions, as augmented by the final EIR.

In response to a question from Commissioner Travers, Captain Cantando, Antioch Police Department, stated when any large retail store opens in Antioch, it draws large crowds and there is potential for crime. He reported Walmart is vigorously pursuing shoplifters. When the Antioch Police Department notified Walmart of the number of crimes occurring outside their store, Walmart agreed to provide security for the parking lot.

With no other questions, City Attorney Nerland stated that the Commission may have been contacted regarding this application and if there is significant information that has not become part of the public record which they are considering in their deliberations, now would be the time to share that information with fellow Commissioners.

Commissioner Azevedo reported that he received one phone call; however, the caller did not leave their name and did not indicate if she was opposed or in support of the project.

Chairperson Johnson stated he received several emails and phone calls and responded to only one because the caller asked if he lived in Antioch. Additionally, he noted he met with Ms. Stoner at the Walmart location; however, there was no information discussed that has not been presented this evening.

Commissioner Travers stated he met with representatives with Walmart recently and in 2005. He noted he received approximately 30 phone calls and emails and to those that provided contact information, he suggested they attend the Public Hearing this evening. He received no additional information that had not been presented this evening. Commissioner Travers clarified the issue before the Planning Commission is to determine if the EIR is valid. He noted he feels it is valid and consistent with another project in the area.

Commissioner Azevedo thanked everyone who attended and provided input this evening. He noted the project meets the intent of the General Plan and community standards. He discussed the right for all businesses to compete for customers. He noted this project is consistent with the 2005 Ozone Strategy as spelled out in the General Plan. He noted it is his intent to certify this EIR as it identifies and mitigates for all impacts to less than a significant impact.

Commissioner Langford stated he feels the EIR is valid and the project should move forward.

Commissioner Baatrup stated in his review and listening to the testimony he has determined the EIR has been thoroughly analyzed and he is in favor of supporting its approval. He indicated that the question was not about whether someone likes an applicant but about analyzing environmental impacts.

Commissioner Westerman thanked everyone in attendance this evening. He stated he feels the EIR is valid and complete and therefore he supports the project.

Chairperson Johnson thanked the public for their input and stated the EIR meets all the requirements and the intent of the General Plan and therefore he is in favor of approving the project.

RESOLUTION NO. 2010-15

On motion by Commissioner Azevedo, seconded by Commissioner Travers, the Planning Commission unanimously approved the resolution certifying the Walmart Expansion Project Final Environmental Impact Report (EIR) and, Therefore, be it resolved and determined, as follows: 1) That the recitals in the resolution are true and correct, and, 2) That the EIR is adequate and complete, that the EIR has been prepared and in compliance with CEQA and has been independently reviewed and analysis by the Planning Commission, and, 3) That the extent the final EIR contains additions, clarifications, and modifications that none of which is significant, new information that would require further circulation of the EIR, and 4) Making the findings attached in exhibit A which includes the mitigation measures for the project.

AYES: *Johnson, Westerman, Baatrup, Azevedo, Travers, Manuel, Langford*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

The Commission then turned to the design review approval. Commissioner Langford in reviewing the project architecturally made the following suggestions:

- Incorporate architectural features on the new section to the left of main entrance similar to those on the right side.
- Decorative finish for the concrete (scored, colored, stamped).
- Screen east elevation tire and battery storage area.
- Enhance landscaping at the Auto Center.
- Wrap stone to the east elevation.
- All planters areas irrigated with an automated system.
- Appropriate finish put on metal trellis to prevent rust.

Michael Salmon, project architect, clarified the focus of the building design is on the entrances; however, Walmart does not have reluctance to respond to design issues.

Commissioner Manuel stated the Planning Commission has the opportunity to soften the view of the store by adding additional elements as suggested by Commissioner Langford.

Commissioner Travers concurred with scoring and coloring of the concrete, as well as enhancing the building architecture.

Commissioner Baatrup agreed with Commissioner Langford regarding enhancing the east elevation exposure to Hillcrest Avenue. Additionally, he suggested trash receptacles be placed in the parking lot and improve landscaping in the parking lot.

Commissioner Westerman stated he agrees with Commissioner Langford and suggested additional trees on the west and east elevations. He expressed concern regarding the pallet/shopping cart/shelving storage area to the west of the building and encouraged the applicant to remove items that are not related to pallet storage.

Chairperson Johnson suggested signage be placed on the east elevation.

Commissioner Manuel suggested identifying/numbering the entrances for public safety.

Following discussion, the Planning Commission consensus supported the blue color for the bollards adjacent to the pedestrian walkways and the revision to project specific condition #4 as presented by the applicant this evening.

Chairperson Johnson declared a recess at 9:32 PM. The meeting reconvened at 9:46 pm with all Commissioners present.

In memorializing the direction given by the Planning Commission this evening, City Attorney Nerland described the additional conditions of approval for the Planning Commission's consideration:

- That all wrought iron would have protective coating or galvanized painting.
- That the west side of the south elevations will have two columns/pilasters and a tree.
- That the south elevation hardscape would be colored and/or patterned submitted to Community Development staff for approval.
- That the Hillcrest Avenue east elevation would have additional planting and stonework for the Community Development Director's approval.
- That there be appropriate trash receptacles in the parking lot at each cart corral.
- That the west elevations will have additional trees planted as part of the landscape plan submitted to Community Development staff for approval.
- Bollard color will be blue.

- Battery/Tire Storage structure on the east elevation will have a screen wall.
- The revision to standard condition #4 as submitted by the applicant pursuant to a letter dated May 17, 2010 to allow additional time to complete the expansion if the project is legally challenged.

Mr. Anderson stated on behalf of Walmart that he reviewed the mitigation monitoring plan in the EIR, the conditions of approval, the added conditions from this evening and they concur with the findings, reports and the project description as set forth in exhibit A to the resolution.

In response to Commissioner Langford, Ms. Montesinos stated they are willing to consult with the owner of the monument sign and if agreeable, the sides will be enclosed appropriately for security and aesthetic reasons.

A motion was made by Commissioner Langford to adopt the resolution with standard conditions #1-32 as written and project specific conditions #33-41 as written and additional conditions #42 . 49. Commissioner Azevedo proposed amending that motion to include additional wording to project specific condition #4 as proposed in the memorandum presented this evening and dated May 19, 2010.

RESOLUTION NO. 2010-16

On motion by Commissioner Langford, seconded by Commissioner Baatrup, the Planning Commission unanimously adopted the resolution approving the design of the Walmart expansion project (AR-04-25) with standard conditions #1-3, 5-32 as written, project specific conditions #33 – 41 as written, with standard condition #4 revised to add the following language:

#4 These timeframes shall be temporarily suspended if a legal challenge is filed, and shall recommence once such challenge is finally resolved.

And the addition of project specific conditions #42-49 to read:

- #42 That all metal surfaces shall have protective coating or galvanized painting.**
- #43 That two columns and a tree shall be added to the west side of the south elevation.**
- #44 That the hardscaping in front of the south elevation of the building shall be patterned or scored and colored subject to review and approval of the Community Development Department.**
- #45 That additional planting, stonework and signage shall be added to the east elevation facing Hillcrest Avenue, subject to review and approval of the Community Development Department.**
- #46 That trash receptacles shall be placed in the parking lot at every cart corral.**
- #47 That additional trees shall be added to the west elevation, the type and number shall be subject to review and approval of the Community Development Department.**

#48 That the bollard colors will be blue as shown on the elevations.

#49 That the outdoor storage area for the tire center located at the east elevation shall be screened by a solid screen wall that matches the building, subject to the review and approval of the Community Development Department.

AYES: *Johnson, Westerman, Baatrup, Azevedo, Travers, Manuel, Langford*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

ORAL COMMUNICATION

None

WRITTEN COMMUNICATIONS

Chairperson Johnson reported the Commission received a letter from the Hispanic Chamber of Commerce indicating their support for the Walmart project.

COMMITTEE REPORTS

Commissioner Azevedo reported on his attendance at TRANSPLAN and noted items addressed were the election of alternate to the Contra Costa Transportation Authority, a vote to include the Mokelumne bicycle and pedestrian overcrossings in the State Route 4 widening project, and staff agreeing to put a \$10.00 fee on automobiles registered in Contra Costa County on the ballot. He offered to provide a copy of the fee study to the Commission. He invited the community to attend the groundbreaking for the State Route 4 widening on June 7, 2010, at 10:00 AM.

City Attorney Nerland requested the report from Commissioner Azevedo and offered to have copies available for anyone who wishes to receive a copy.

ADJOURNMENT

Chairman Johnson adjourned the Planning Commission at 10:13 p.m. to the next regularly scheduled meeting to be held on June 2, 2010.

Respectfully Submitted,

Kitty Eiden