

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
MARCH 15, 2011**

**1.0 CALL TO ORDER**

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:02p.m. by Chairman Hamerly in the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Commissioners John Gamboa, Richard Haller, Milton Sparks, Michael Stoffel and Michael Willhite, and Chairman Randall Hamerly

Absent: Vice Chairman Trang Huynh

Staff Present: John Jaquess, Community Development Director  
Lawrence Mainez, City Planner  
Bruce Meikle, Senior Planner  
Sean Kelleher, Assistant Planner  
Linda McKeough, Administrative Assistant III

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

There were no Items.

The Commission concurred to flip the Agenda Items and consider Item 5.1 first followed by Item 4.1, allowing more time for deliberation of the Public Hearing Item.

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## 5.0 LEGISLATIVE

- 5.1 Design Review Application (DRB-009-008). The Applicant is requesting to modify the approved design elements related to a previously approved Fuel Pump Canopy. The Project is located at the southeast corner of Palm Avenue and Fifth Street (the address is 27323 Fifth Street) and is identified as Assessor Parcel Numbers: 1201-311-26, 30, 31, and 32. Representative: Glenn Elssmann, Mission Development Company; Alex Cuevas, AGC Design Concept, Inc.

Chairman Hamerly identified the Item and called for Staff's presentation.

Assistant Planner Kelleher gave the presentation from the Staff Report and Powerpoint presentation. He explained the Applicant's modification to the approved design details for the Fuel Pump Canopy Plans and had used a true brick product and installing the brick to a three foot (3') height, rather than installing a brick veneer product up to a height of nine feet (9'). He further explained the Applicant is not in the audience and then concluded his presentation.

Chairman Hamerly asked if the Commission had any questions of Staff.

Discussion ensued between the Commission and Staff regarding clarification of the brick veneer product that the Commission approved to be on the column and how the Applicant installed a traditional true brick and there is a six inch (6") gap between the columns. The true brick versus a brick veneer product versus the three foot (3') height of the true brick installed as opposed to the approved brick veneer to be installed up to nine feet (9') were discussed at length. If the Applicant would continue with the installation of the true brick, the Applicant would have to resubmit for the Commission's reconsideration.

Further discussion ensued between the Commission and Staff regarding what the Building Official's assessment was that the raised curb at the island would not constitute a footing capable of supporting the weight of the brick and would have to go through the plan check process based on the information that Building and Safety had. The Applicant had not gone through the plan check process by the time of the design review change. The Plans that were processed and approved in plan check showed a brick veneer which was consistent with the Commission's approval and how it appeared it was the Owner's decision to change the products to be used from a veneer product to a true brick after obtaining the plan check approval for the veneer.

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Chairman Hamerly asked if the Commission had any further questions of Staff. Hearing none, he then asked if anyone in the audience would like to speak on the Item. Hearing none, he kept the Item open and opened the floor for discussion amongst the Commissioners.

The following are comments made by the Commission regarding the design modifications: 1) this is dramatically different to what has been constructed and versus what was requested in the Plans that were approved by Building and Safety and would like to see installed with the Original Plans and consistent with the Commission's directives; 2) the three foot (3') height is hardly visible and the nine foot (9') high was requested because it is much more visible and is a stout looking structure and seems more consistent with the Canopy's structure; 3) the package that was submitted was the Fast Food Restaurant tying in relating to the Canopy and that was the package the Commission was provided; 4) with the true brick work being only three feet (3') in height, is definitely different with the smaller posts, and if they were on a thicker post, that would be acceptable, but not with the smaller posts that are there and not the standard thicker posts that the Commission required for other construction for that and have the Applicant go back to the nine foot (9') high brick veneer; 5) it looked bare and looked open; 6) one Commission agreed with Staff's recommendation to uphold the Commission's Directives to the Applicant.

The Commission had questions of the Applicant and had asked Staff if he had arrived and Community Development Director Jaquess responded no and added how Staff had met with the Applicant prior to the Commission Meeting at 5:45pm and the Applicant had mentioned to Staff that he was going to Del Taco for something to eat and return. Assistant Planner Keller added the Applicant was advised of possibly flipping the Agenda Items and how the Commission Meeting commences at 6:00pm. Community Development Director Jaquess stated and advised the Commission if it denies the Applicant's request which appears to be the Commission's intent based on the Commission's comments, to delay the Commission's final vote until after the next Item and suggested to keep the Item open for the Applicant's return and for further discussion. The Commission concurred and then Chairman Hamerly closed the Item, at this time, in order to wait for the Applicant's return and the Commission reverted back to Item 4.1

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## 4.0 PUBLIC HEARINGS

- 4.1 An Application for a Conditional Use Permit (CUP 011-001) which proposes to establish and operate a Church in a portion of an existing Building and Property. The property is located at 7709 Victoria Avenue, which is an approximate 2.13 acre Site located at the southeast corner of Victoria and Cypress Avenues (APN: 1192-491-01). Representative: Steve Sanders, Property Owner / Applicant; Rafael Chavez, Pastor – Rivers of Life Church.

Chairman Hamerly identified the Item and called for Staff's presentation.

Senior Planner Meikle gave the presentation from the Staff Report and Powerpoint presentation. He explained the Applicant's request and how the proposed Project is a Tenant Improvement (TI) and if in the future, the Applicant wants to expand the Church that he would have to return to the Commission for reconsideration. He further explained the Applicant and his Representative are in the audience and then concluded his presentation.

Chairman Hamerly asked if the Commission had any questions of Staff.

Discussion ensued between the Commission and Staff regarding if the Applicant is storing anything in the rest of the Building and if so, what types of items are being stored. Staff indicated the rooms in the back are for storage and is part of the Plan and the rooms that are not used will need to be secured since the proposed use for the Church is approximately 1,600 square feet. Whether or not the abandoned vehicles on the property were going to be removed was also discussed.

Chairman Hamerly asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Mr. Steve Sanders, 18230 JFK Drive, Riverside, California, who is the Property Owner, addressed the Commission. He stated with the existing vehicles, the previous Tenant was conducting auto improvements / storage and the City did not want that use on there so he has asked the Tenant and vehicles to move out. He added how Staff has been hugely helpful as to how to make this Project work for the Pastor. With regards to the existing storage, would be similar to a mini-storage and the Church will be moving their extra items into those units and will complete the facade improvements as one would approach from the parking lot so doors and access will have panic / safety hardware installed and will be made to look nicer and reiterated that the area was going to be used for additional storage.

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Discussion ensued between the Commission, Mr. Sanders and Staff regarding how Mr. Sanders had purchased the property in 2002 from Mr. Gary Morgan when the Building was a Feed Store and was unsure of the Building's age. Staff responded and believed it was built in 1916. Mr. Sanders explained how his family was involved with the Feed Store prior to him purchasing it. He indicated there would be no outdoor activities as part of the Church's operation at this time, and when there would be, the Pastor understands that he would need to apply for a Special Event Permit and added that the Pastor wants his congregation under one roof, as opposed as to doing multiple services and the Building's square footage does that.

Further discussion ensued between the Commission, Mr. Sanders and Staff regarding this is not the first time the Commission has considered a project on the subject property and there was a certain level of anxiety in the neighborhood about noise levels, traffic, etc. how this particular Project's use is anticipated to be an indoor activity so that the neighbors will have some peace and quiet. Mr. Sanders responded that he understood that and how he has read the letters and his desire is not wanting the neighbors to go through this pain and he then explained how the he went through the process to remove the previous Tenant.

Discussion ensued between the Commission, Mr. Sanders and Staff regarding fire sprinklers. Mr. Sanders indicated there are no fire sprinklers in the entire Building, based on Staff's review and because of the proposed size of the Church that fire sprinklers were not necessary, but if the Church expands to a certain size in the future, then maybe it could become a requirement and that would be fire extinguishers in the Building at certain locations. Staff added that is why the proposed Church will be limited to 1,600 square feet. Mr. Sanders added when the Church progresses and the congregation grows, the Church will return before the Commission.

Further discussion ensued between the Commission, Mr. Sanders and Staff regarding restrictions of non-hazardous materials and limitation of types / quantities of storage in a non-sprinklered, non-Conditioned non-occupied space in the Facility and Staff will rely on Building and Safety and how the Church will have to go through the plan check process.

Mr. Sanders requested Planning COA No. 15, regarding fencing the undeveloped portion of the property be deleted because it is maintained by Weed Abatement two times per year, and adding the chain link fencing to an empty, one (1) acre is unnecessary and costly and would require an and additional one thousand feet (1,000') of "hand shovel work". A thirty-five foot (35') wide gate would have to be

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installed for the Weed Abatement personnel in order to get their equipment in and he added how someone had left a couch in there, but he had removed it. He further explained that the vinyl / chain link fencing is costly and the Pastor is on a budget towards the other Tenant Improvements. He then reiterated his request to delete Planning COA No. 15 and that all of the other COAs are acceptable.

Discussion ensued between the Commission, Ms. Sanders and Staff regarding Planning COA No. 15 and that trash and maintenance of the vacant parcel is the sole responsibility of the Property Owner and Staff responded if the Commission feels comfortable, Staff can apply the Highland Municipal Code Standards without the fencing, but makes it easier long term with the fencing COA. There is a block wall between the improved Site and the vacant Site and tubular steel fencing along Cypress. Mr. Sanders went up to the Powerpoint display and explained the property to the Commission and how he works with the Weed Abatement personnel who come and abate the property two times per year. He further explained how the property is surrounded by residential housing and the Church is protective from the neighbors. It was also discussed how the Property Owner is responsible for maintaining the undeveloped portion of the property. A Commissioner requested that language be added to the COA regarding trash / maintenance on the undeveloped portion. Ms. Sanders then thanked the Commission.

Mr. Rafael Chavez, 77 Blanchard, Fontana, California and who is the Pastor, addressed the Commission. He wants the opportunity and his goal is to preach the word of God and to do outreach to the drug addicts, gangsters and to get them off the streets and asked the Commission for a chance. He has been Pastor for the last three (3) years and wants to do this service for Highland. If he purchases the Building, he would buy a home in Highland and that he will do whatever the Commission wants and reiterated how he wants a chance.

Chairman Hamerly asked if the Commission had any questions of Pastor Chavez.

Discussion ensued between the Commission, Pastor Chavez and Staff regarding the storage area in that the rooms will be empty and that Church equipment / items of tables, chairs will be stored in the storage area and not congregational members' items and Pastor Chavez indicated he understood that he would have to ask for a Permit in the future when the Church expanded or held events that required to obtain a Special Event Permit. Pastor Chavez then thanked the Commission.

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Chairman Hamerly asked if anyone would like to speak on the item.

Ms. Rose Cantah, 7742 Victoria Avenue, Highland, California, addressed the Commission. She asked what days and times of the Church services would be and indicated that she has rentals across the street so if noise is going to be an issue, people have to get up early for work and the noise that they had before was really bad. Staff responded the Church's hours of operation are proposed to be Sunday noon until 2pm with approximately 100 people attending, Tuesday evening from 7pm to 9pm with approximately 30 people attending and Thursday evening from 7pm to 9pm with approximately 100 people attending.

Chairman Hamerly asked if anyone else would like to speak on the item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

The following are comments made by the Commissioners: 1) the Commission has heard a lot about this Site and most of it negative and this proposed use is an improved land use better than what has been there before and traditionally, a Church is the lowest intensity uses of a site that one can have and seems that the use is going from one extreme to another and is supportive of the proposed use; 2) concerned with the 1,600 square foot area for a Church out of a larger Facility and is fairly easy to move storage out and start using other parts of the Building and could create some safety concerns for the City; 3) is supportive of the proposed Application with the understanding that the Applicant / Church will comply with the terms of the use as described and if they want to increase the intensity of use, then they will return and meet the City's requirements in terms of health and safety; 4) it was noted to Staff with the Parcel history and the parking, the levels of proposed use and the feasibility of restricting off-site parking and have the parking limited to on-site and in the past, the neighbors have really complained that the whole street is full of cars, etc.; 5) have Staff add language that all parking for the proposed use is to be on-site and believed that would give the neighborhood some measure of peace of mind that parking would be contained within the boundaries of the property. Staff responded that Staff will add language to Planning COA No. 2 regarding onsite parking and indicated that off-site parking would be controlled through a Special Event Permit is where a person would get street parking. A comment was made by a Commissioner that the Commission wants to give the neighbors a normal / customary use of the Site that would not be impacting the surrounding neighborhood and is sensitive to the impacts that this property has had on the neighborhood and would be able to give the neighborhood a peace of mind and the parking would be contained on that Site and not parking in front of the neighbors' homes at all hours and would be a good idea from a public relations standpoint.

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There being no further questions of Staff or discussion amongst the Commissioners, Chairman Hamerly then called for the question.

The Commission recapped the proposed modifications of the COA Nos. 2 and 15.

**A Motion** was made by Commissioner Haller and seconded by Commissioner Gamboa to Adopt Resolution 11-003 approving Conditional Use Permit Application (CUP 011-001), subject to the recommended Conditions of Approval, as revised with the following:

#### Planning COAs

2. Conditional Use Permit 011-001 for the establishment and operation of a Church type use within a portion of an existing legal nonconforming building and site located at the 7709 Victoria Avenue property, including the use of an existing approximate 1,600 sq. ft. Room, adjoining restrooms and the associated parking shall be onsite parking.

The following Planning Conditions of Approval and the attached Conditions of Approval from the Fire Department shall apply to the Project.

- a. Attached herein is Exhibit "A" the Plot Plan / Floor Plan.
15. The easterly undeveloped portion of the property shall be maintained at all times and kept free of weeds, graffiti, trash, debris, etc.
16. The designated storage areas shown on Exhibit "A" (Plot Plan / Floor Plan) shall only be for the storage of items owned by the Church.

and;

2. Adopt the Findings of Fact.

Motion carried on a 6 – 0 vote with Vice Chairman Huynh absent.

Note: the Commission then returned to Item 5.1.

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## 5.0 LEGISLATIVE

- 5.1 Design Review Application (DRB-009-008). The Applicant is requesting to modify the approved design elements related to a previously approved fuel pump Canopy. The Project is located at the southeast corner of Palm Avenue and Fifth Street (the address is 27323 Fifth Street) and is identified as Assessor Parcel Numbers: 1201-311-26, 30, 31, and 32. Representative: Glenn Elssmann, Mission Development Company; Alex Cuevas, AGC Design Concept, Inc.

Chairman Hamerly reopened the Hearing and re-identified the Item.

Community Development Director Jaquess stated the Applicant's Representative is in the audience and then asked if the Commission wanted to repeat Staff's presentation, or does the Commission want the Applicant to come up.

Chairman Hamerly asked if the Applicant would like to make a presentation.

Mr. Glenn Elssmann, of Mission Development Company, addressed the Commission. He explained about a preliminary discussion and would like to give a background of the Property Owner's request for the Commission's reconsideration. He explained how the Property Owner had purchased the property five (5) years ago and had built a new ARCO in Loma Linda and started to incorporate real brick installed up to three to four feet (3' – 4') and gets capped and liked that look with Highland's ARCO columns for the Canopy. The Property Owner had done this on his own accord and liked the brick element and decided to dress up the Station that the same style of brick is currently on the existing Convenience Store and when he had the opportunity to expand the Canopy and Car Wash and Restaurant, that design element was something that he wanted to see continued in the Project and that is what the Commission currently sees on the completed Car Wash today. It was the Property Owner's understanding and how the Architect was here and what was originally approved was the nine foot (9') columns wrapped with the brick and then realized what was the ultimate final approval was constructed, if there was any way if that could be reconsidered, that the model of the Stores that the Applicant has be continued and mirror what is on the current Convenience Store, as well as what was already constructed with the Car Wash, as unifying style and design and then went to Staff and was advised to return to the Commission requesting to lower that to reflect what is currently on the Convenience Store and Car Wash. He recognizes Staff's recommendation to retain the nine foot (9') height, the Project is basically constructed and when a person looks at the finished product, particularly the plaster on the Car Wash that he believed that it would unduly draws attention to

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the columns and how it is currently designed around the Convenience Store and Car Wash, and how the Property Owner thinks it is a better look and design and is not an issue of quality or money. The Property Owner has demonstrated to turn out a high quality Project and keep the design element at a lower level. Mr. Elssmann because the Property Owner had to return and make a formal request and reiterated that money was not an issue and that real brick was installed and stated that is the extent of it.

A question was asked by a Commissioner regarding the document submitted concurred with the Working Drawings to Building and Safety and why the Property Owner gave the directive to do the change during construction and start forward with the work without going to the City first because it appears that the brick is on the islands and it is going up approximately three feet (3'). Mr. Elssmann responded when the Property Owner became aware, with what he had envisioned and what he thought was formally approved, the work had been started and then came to a head. We worked with Staff to come up with an interim solution which was to stop was has been done and to bring the brick up at least to three feet (3') to get the bottom portion of the columns complete and then appeal to the Commission. With regards to the brick installers, the Property Owner said he thought the brick element at a lower level looked better.

A question was asked by a Commissioner about if the Property Owner using real brick or veneer did not know to go to that nine foot (9') height and Mr. Elssmann responded that is correct. The Commission then asked if the Property Owner had to sign off on a Schematic Design process or a Design Development process before construction and Mr. Elssmann responded how the Property Owner has invested / acquired approximately thirty (30) gas stations and upgrades / enhances a number of the properties that he has bought. The Property Owner has a solid working relationship with his Architect and relied on his Architect for all of the different projects that he has done and this was just an oversight on the Property Owner's part and that it never occurred to him that the brick veneer on the columns was going up to nine feet (9') until the actual installation occurred. With all of the stations the Property Owner has and understand why there would be an innocent oversight on his part.

Chairman Hamerly asked if anyone would like to speak on the item. Hearing none, he then continued the discussion amongst the Commission, Mr. Elssmann and Staff.

A comment was made by a Commissioner when the Commission had discussed this at the Public Hearing originally, that this was one of the key architectural elements that was discussed at great length and talked about how important it was to make it look proportional to the Canopy and the need to tie it to the new

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Restaurant for design review discussion and one of the key elements the Commission wanted to see and does not support the Applicant's request in waiving the requirement and ought to be put in the way it was originally envisioned and that is what the Commission is requiring on Chevron Gas Station down the street is doing it and this is an important architectural feature to keep it all in proportion and not having skinny columns holding up this massive Canopy. It was an important discussion and the Property Owner was not here and important for him to hear and participate in that discussion and somehow there has been a communication gap, but wants to see the original vision. Mr. Elssmann responded that he could appreciate the Commissioner's comments for the approval process and probably the Applicant is a little bit confused on a couple of elements and added that the columns at the Valero gas station located on Base Line are not wrapped to nine feet (9') high. Staff responded with Valero, was built with a very small support system and how they wrapped with metal sheeting that made it beefier and then added decorative cornices at the top of each column and added has a rock base so what they are presenting is a rock base, with the original supports and nothing else.

Mr. Elssmann stated the new columns are substantially larger than the existing columns and the Property Owner was planning to do was to rewrap the existing columns to be the same size as the new columns and are twice in size and look than the existing columns and have them be uniform and that would carry the same width all the way to the nine feet (9'), but still have disproportionately columns the rest of the way up and he had planned on doing that. The Canopy's element construction and the extension of the roof line and now how Chevron has had a discussion of dealing with their roof line and believed that Valero has a flat roof and ARCO's has a pitched roof. He appreciated the Commission's desire to have a balanced-proportioned project and believed some of it comes down to the Property Owner's interpretation of what the Property Owner is wanting to do was to go beyond what the Commission requested him to do. He is prepared to take the existing Convenience Store and re-plaster it to match plaster on the Car Wash which is a substantial cost and an impactful upgrade to the property which was not a COA and will tie into the Canopy outside of the Retail space on the east side and having that element on both sides of the flat part of the Convenience Store to give it added connection and uniformity with the Canopy and that there are significant elements that are doing that. The Property Owner pointed out and would want to convey is that you are drawing more attention to those columns than is already there and if the columns are the same, you are downplaying them and if you bring the veneer up it seems you would be

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accentuating the columns and agreed with the Commission wanting a well designed Center. The Project is a predominantly plastered Center with all of the enhancements and highlights and believed the Commission is drawing huge attention to the columns versus just letting them “melt” into the rest of the Center. He reiterated this is a request from the Property Owner for the Commission to reconsider.

Discussion ensued between the Commission, Mr. Elssmann and Staff regarding the existing columns are thinner by a difference between approximately six inches to ten inches (6” – 10”) on each side than the new columns and it appeared that something was missing and seemed open and almost barren when one Commissioner was at the Site. Staff responded the columns are beefier in the Original Plan and the Plans tonight show the columns are thinner which tells Staff that the Applicant wants to keep the support poles bare and to discuss the height of the brick, there is no proposal for encapsulating the columns and would like to get it straight tonight in order to get the Project into plan check.

Further discussion ensued between the Commission, Mr. Elssmann and Staff regarding the Original Plans shows the columns are as wide as the side view of the gas pump and the Plans that are presented tonight is only one-third (1/3) and one-half (1/2) of the size and that it's not just about veneer – it's also about column level assessment and the brick veneer treatment size of the exposed portion of the columns. The East / West Elevation of the Approved Plan versus the East / West Elevation of the Proposed Plan and how there is a dramatic difference in width of the exposed columns and now the Property Owner is proposing real brick so that the columns are wider. Mr. Elssmann stated the new columns are not wrapped and are tubular steel that is sufficiently sized and proportioned for the Canopy. He explained the prior existing columns are smaller in dimension than the new columns and suggested to take the existing columns to match the new columns for uniformity. It seems that the Canopy is taller than what the Exhibit shows and seems from the top of the pump to the bottom of the Canopy and appears to be a scale issue on the Exhibit.

A question was asked by a Commissioner if the Property Owner owns the gas station located on Barton Road / California Street in Loma Linda and Mr. Elssmann responded affirmatively and added that that gas station also has a similar brick treatment that goes up to three and one-half feet to four feet (3'6' – 4') in height.

Chairman Hamerly asked if the Commission had any questions of the Applicant. Hearing none, he then closed the Item and opened the floor for discussion amongst the Commissioners. Mr. Elssmann then thanked the Commission.

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The following are comments made by the Commissioners: 1) the Commission has learned that a key question to ask is what the column size is and that the Drawings show the columns all the same size and was surprised to find out that they are not the same size and to make sure the Commission asks all the detailed questions despite what the Drawings show and has not changed his opinion and that the Commission should get what the Commission approved; 2) the gas station located at Barton / California (in Loma Linda) has a three foot to four foot (3' – 4') high brick around the poles; 3) how the Loma Linda gas station has an incredibly tall canopy and had some proportion questions about that too, but it is not on the Agenda, but wants assurance that the structure is balanced and proportionate and aesthetics and the Commission trying to go the extra mile for the design review process that come before the Commission now; 4) on the (Staff) recommendation, it says the installation of brick and thought the Original was veneer. Staff responded that it would be a brick veneer and there is no Directive currently to have all of the columns to be boxed out to the same size.

The following are further comments made by the Commissioners: 1) the Commission wants to see what the Commission approved; 2) the Commission has been somewhat “blind sided” on a couple of other projects where the Commission has looked and approved on a Plan, but that was not what was built in the field is completely different than what the Commission thought they approved; 3) if the final product looks like the Exhibit, that is fine, but if the final product does not look like the Exhibit, for whatever reason, then a disservice has been done; 4) there have been some issues that what has been submitted to either Design Review or to the Commission for approval and what is actually submitted to Building and Safety be two (2) sets of documents. Staff responded that in this case, the Plans that were submitted to the Commission for approval and then to Building and Safety were the same Plans.

Chairman Hamerly asked if the Commission is comfortable with the Commission's / Building and Safety's Plans and indicated from the Exhibit tonight, that the columns are consistent in thickness.

A question was asked by a Commissioner if that should be included with the Recommendation and a Commissioner responded with the Original Approval, the Commission approved a document and that the Exhibits are part package that is approved. The Commissioner further explained the Exhibits are just as much as the approval as the Conditions of Approval themselves. The Commission provided an example if the Commission similarly approves a Color Board, that is one of the Exhibits for a project, that is part of the Commission's approval. And believed there is no additional Directive and indicated how the Commission can indicate how it likes this picture and Staff concurred with the Commissioner's assessment.

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There being no further questions of Staff, or discussion amongst the Commissioners, Chairman Hamerly then called for the question.

**A Motion** was made by Commissioner Haller and seconded by Commissioner Sparks that the Planning Commission confirms its previous Directive requiring installation of brick veneer on the Gas Pump Canopy columns at the same height as is found on the Tower elements on the Fast Food Restaurant or to the same height as the gas pumps, whichever is greater, as discussed here to be determined at nine feet (9').

Motion carried on a 6 – 0 vote with Vice Chairman Huynh absent.

Discussion ensued between the Commission, Mr. Elssmann and Staff regarding how the Commission would feel with brick up to the first spot to replicate the exact style that is there and install brick veneer above that but would cause an inset but would have the architectural shelf which is the thin, dark architecture of the Project. There is a slight difference between the wainscoting course of the brick versus the upper portion of the brick on the Fast Food Restaurant which it appears that a thin course was used then a cap followed by a larger course above that and that would make the columns on the Gas Canopy be consistent with the Fast Food Restaurant which was the original Direction of the Commission.

Mr. Elssmann asked if it would step in be acceptable versus being linear if the inset would be with brick veneer and a Commissioner responded that the orientation of the brick because of the water table and how a veneer attaches to any structure as opposed to the brick masonry construction as how the bottom part of the pump appears to be. Mr. Elssmann stated the Original Approved Plans do not show a break in line and that it is just straight up and wants no misunderstandings and explained that the columns could be capped off the way they are and wrapped and then veneer applied to the columns and continue that up to nine feet (9'). He further stated there is a gap between the inside edge of the finished brick that is there and on the big columns is a number of inches and framed out in some sort of fashion. He stated according to Building and Safety he is unable to use real brick up nine feet (9') and the Commissioner responded no, not laterally unsupportive.

Mr. Elssmann continued there may be a way to laterally support and explore that option, but assuming if he is unable to, he does not know the answer, he will talk with Building and Safety and if he is unable to, Mr. Elssmann asked if the Commission if real brick steps in and talking where the veneer would be at the

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back of the existing real brick and then asked if that would make sense and would have a ledge which would be architecturally consistent. A Commissioner responded a better solution is to have a clean line going all the way up the pump so it's not too busy out there and if the Applicant were to replicate the support columns for the Trellis that is on the Fast Food Restaurant is too busy for a gas pump and the Commissioner thought that the Property Owner would agree with that given his disposition that the Property Owner wants to keep things simple and clean out there at the pump. Mr. Elssmann responded that it goes down to the cap and the reorientation of the top row that creates that architectural feature. He then asked what does the Commission want him to do so what has been done at the Fast Food Restaurant is acceptable and then use veneer all the way up.

Discussion ensued between the Commission, Mr. Elssmann and Staff regarding the Commission's original intent for the Canopy columns to tie into with the Fast Food Restaurant. Mr. Elssmann responded and stated just so there is no conflict down the road because if a person looks at the Approved Plans on the columns on the Fast Food Restaurant, they are "Plain Jane" straight all the way up and now the Commission sees what has been installed, he asked if the Commission would be acceptable with being veneered because it is stuccoed, it is wrapped, it can be veneered brick up and still be structurally okay. If that would be acceptable with the Commission and if replicate with the veneer, because it appears the Commission wants the two to be the same fundamentally because it will become a big issue with Staff and the Property Owner.

A comment was made by a Commissioner that the details be replicated and tie into the Elements with the Fast Food Restaurant with the Canopy columns and asked about matching the details with the brick accent Plan. Mr. Elssmann responded that is what is installed per Plan on the Car Wash and the Convenience Store and replicated the columns that would support the Trellis on the Retail Store and indicated that it is more work and it looks better and is more substantial and is glad the Commission had the opportunity to what the Applicant is referring to. Staff responded and indicated Staff is now concerned now the Applicant is talking about something that is totally different than what Staff has seen or can be evaluated at this Meeting. Staff does not want to go out there and try to interpret the Commission's intent inappropriately because Staff does not want to do it wrong.

Chairman Hamerly asked what is the consensus of the Commission regarding the Commission's original intent was the Commission wanted the design elements of the Fast Food Restaurant to be replicated at the support columns for the Canopy and believed that was the consensus of the Commission because

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the Commission was trying to tie back into the existing Convenience Store as much as tying it back into the Fast Food Restaurant. And now the Applicant has added the additional flourish at the Fast Food Restaurant so that is why the Commission is asking does the Commission still want to preserve the original intent, even though it means going that extra step. Mr. Elssmann responded that if it would help Staff, it would be acceptable to continue this and that everyone could look at this and it's worth bringing up and the Commission has seen what the Property Owner on his other projects and understands why what the Commission has seen installed and that it was not an attempt to cheapen or lessen the quality of the Project and then Mr. Elssmann asked about being consistent and satisfy the Commission and Staff and does not have an issue if we let it work back through again and address it and would rather do that than be undoing or re-doing something because that is where it gets to be very costly. The Applicant wants to finish the Project, but also wants it to be satisfactorily completed.

Chairman Hamerly responded and added one more comment even though it is after the vote and indicated for the sake of simplicity and consistency, with the articulated portion of the water table / accent band that was the darker color brick if that would be only at the top level and run the regular base course brick up to the nine foot (9') level and then cap it off with the accent detail and that accent detail provides the most opportunity for handling offsets, which we are going to have between the structural portion of the column and the brick veneer and would be the cleanest simplest solution in this case, but that is his personal opinion more so than his role as a Commissioner. Given the Applicant the ability to handle the offset with a natural built-in reveal thought it would be the cleanest solution with all things considered as opposed to trying to introduce the accent band at the three foot (3') level then adjust the width of the veneer and then there is another transition at the top of that veneer and it gets a bit "fussy" so he thought the way it is shown on the Approved Exhibit it does have the accent band at the top of the regular veneer and that there is a natural break right there and reiterated that it is his own opinion.

Mr. Elssmann responded that he doesn't want to have another roadblock. Staff responded and understands the Commission's current action taken to Staff is to uphold the Approved Original Plans they were submitted and approved by Building and Safety.

Discussion ensued between the Commission, Mr. Elssmann and Staff regarding the Applicant removing the real brick and installing the veneer and if both materials were used, there is a concern of the two materials not matching. A Commissioner indicated to have a clean line up to nine feet (9') up to the accent band and simply hand apply the veneer and save the real brick. Mr. Elssmann

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stated unless there is an acceptable Building and Safety alternative with using real brick and it is secured. Staff responded that was not part of the Commission's motion and that why the Commissioner added the clarification was based on the Exhibit that it looks like a clean line up to the nine foot (9') level and then there is the accent band and that it does two things: it is clear with the original intent and the original Exhibits, but it also gives the Applicant a way of cost effectively or simply handling the offset that is going to occur because the Applicant has used real brick so that if the Applicant can save the real brick that is there and find a way of securing it, the Applicant now has a way of handling the offset.

Staff responded it is now confusing Staff and Staff does not believe that was the Commission's intent and the Commission's Action taken and what is being discussed now. If the Commission wants to modify the action taken, they would have to make another motion.

Mr. Elssmann responded that he is not trying to open up a can of worms, but this is really a big deal and that the Property Owner has paid tens of thousands of dollars for materials and has better than demonstrated of him coming to the City of Highland and install a substantial quality Project. The problem is now that the Applicant is dealing with either using veneer or real brick and now, Mr. Elssmann stated that he knows what is going to happen, is that the Applicant is going to get a final and then it is going to be said that the Applicant did not use veneer when the real brick has been used already at the Car Wash, the Convenience Store and the Fast Food Restaurant. So now, the Applicant does not have veneer on the Fast Food Restaurant so now what does this mean. He wants to get the veneer issue clear and he believes that the Commission is after a finished Project and understands the recommendation of the brick going up and capping off and can see that happening. If Building and Safety says this is how the Applicant can construct and can bring the nine feet (9') of real brick, which the Applicant already has and is consistent in color and form with all of the other brick that is there, and seems that would work, however, it would be out of compliance with the Commission's recommendation wanting veneer.

Further discussion ensued between the Commission, Mr. Elssmann and Staff regarding how veneer can be thick or thin and still be a veneer is not a dimension, it is a method of connection to the structure and gave an example of installing river rock or ceramic tile, and it would still be a veneer, and what is currently installed is real brick and is not connected to the structure. Mr. Elssmann responded how the Applicant is trying to achieve this and how the Project is almost completed in its construction and indicated how the Commission is familiar with the Project and how real brick has been used twice in the design elements that has been approved by the Commission

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The following are comments made by the Commissioners: 1) the Commission had approved the Original Plan and what the Applicant is now proposing is not on the Agenda; 2) Staff is concerned that the detail is not consistent with the Approved Plan, and; 3) is uncomfortable with a verbal and modifying the Plan and need something in writing for the Commission's consideration and how this is way beyond Agenda Item. Mr. Elssmann responded about to brick up the columns on the facade or getting to nuance of using fake brick or real brick and not talking about what is done and is trying to get the Car Wash open and there is brick installed at the Car Wash and is concerned and asked with the real brick installed at the base is in compliance with the Plan. Staff responded how Staff would have to check for compliance with Building and Safety. Staff added that Staff does not particularly care if the real brick is nine feet (9') high or the veneer nine feet (9') high, it needs to be the dimension that is understood to be the requirement. Staff believed that there are some structural problems that requires significant work to resolve if the Applicant wants to take the brick to go up nine feet (9') and explained what needs to be done and without having Plans, Staff does not know for sure what will be required but the Applicant cannot take the existing brick work up to nine feet (9') because of the structural foundation problem.

The following are further comments made by the Commissioners: 1) the feasibility of the Applicant returning in two (2) weeks showing the Applicant's options for the Commission to review; 2) a Commissioner disagreed with the Commissioner's first comment in that the Commission is unable to render technical decisions based on Building and Safety's issues and how the COAs state an Applicant has to secure proper approvals from Fire, Building and Safety, etc.; 3) the Commission has rendered a decision as the Planning Commission in the Commission's design review capacity and focused on how the Commission wants it to look like the picture that the Commission approved and has been the Commission's Directive tonight; 4) handling the technical side is beyond the charter as the Commission; 5) another Commissioner said then technically, it is still not approved with the Commission even if the Applicant did that because the columns are not the way the Commission approved them and that some columns are thinner than the others; 6) it seems as the Commission approving items just to approve them and then the people will build stuff do whatever they want; 7) the Commission approved the picture and the columns up above the brick and does not appear to be in a uniform dimension in the field right now, but does not regard the Project as being completed and believed the Project is a work in progress and that the brick work has obviously stopped and thought the Applicant is not done yet; 8) people are using the gas pumps and is open; 5) it seems that the problem is the Commission wants things done a certain way and

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that they are not being done that certain way and that the Project is up and running, it is hard to stop it and change things. Staff responded how Staff granted the Applicant a temporary use of the gas pumps recognizing this issue could be addressed and that the Applicant wants to finish before they can open. In addition, Staff is holding occupancy of the Car Wash until all of the Conditions of the pump islands are met plus there are other issues with fire sprinklers, landscaping, etc. Staff further explained the Applicant's letter to the Commission and the Applicant understood this was a temporary occupancy for exchange to do whatever is required to meet the conditions of the Commission set tonight and that the Applicant would have to close down the pumps to create the construction work that needed to be done as appropriate and a Commissioner responded how in the Applicant's letter that the Item No. 4 says that.

The following are comments made by the Commissioners: 1) even if the Applicant has to remove the real brick and install the veneer that is nine feet (9') high the Commission could still have the situation where there would be columns are thinner; 2) part of the Commission's action taken tonight and that is why the Property Owner returned to the Commission for reconsideration and how the Commission wants to keep system that was previously approved by the Commission and that the Applicant can do that way or he can submit an Appeal; 3) it appeared the issue with the brick portion of the columns was the Applicant's Representative was clear in that there was a disconnect between what was approved and with what the Property Owner was getting and that it is understandable and that happens; 4) reaffirming the Commission's original intent and have the columns be consistent in size like what was shown in the Exhibit and by the Commission's action; 5) there was a concern of in six (6) months and there is no nine foot (9') veneer, but the columns are completely different; 6) . Staff responded how the Commission's Directive will still be the same. Mr. Elssmann responded there are other parts of the Project in that still needs to open is the Fast Food Restaurant and the Project is not done, the gas pumps are ready to pump, will install whatever and wherever the Commission wants and ensure with conformity and go from there and it's fine.

Discussion ensued between the Commission and Staff regarding the Fifth Street/ Palm Avenue landscaping. Staff stated how the mounding is different with the landscaping and how it has been set up is that it is broken up into several phases and the perimeter landscaping will be incorporated at the same time as with the Fast Food Restaurant and Ice Cream Shop being in one and further stated there is no approved Landscaping Plan on this Site, at this time.

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A question was asked by Staff regarding the three foot (3') real brick remaining and then install the veneer atop the three foot (3') brick and go to the nine foot (9') height and Chairman Hamerly responded the Commission's consensus was that it is a technical issue with Building and Safety and if the Applicant can salvage it, more power to the Applicant and if the Applicant cannot satisfy Building and Safety in something that is to their satisfaction, and then Staff interjected and asked and if the brick and veneer does not match that will be part of... then Staff interjected that it is Staff's understanding the Commission's intent is wanting to have a uniform look up of the whole column to the nine foot (9') level and Chairman Hamerly stated how the Commission wants it to look like the picture, in that there is no accent band, no brick, until you get to the nine foot (9') level and that Building and Safety has the final call as to whatever remedy is necessary to adequately support that structure. Staff responded if the Applicant can come up with a Plan that shows what was just discussed and then Staff is okay with that. Staff added the Commission approved the column design from the ground to the top of the columns and if the Building and Safety and the Applicant can come up with a Plan that mixes the real brick and veneer that looks like that it is all one up to the nine foot (9') level, then Staff would be okay with that and it is not going to work if they do not match and there is not going to be an offset three feet (3') up and that both the Commission and Staff are in agreement and that Staff will implement the Commission's action.

## **6.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained the Items tentatively scheduled for the April 5 and April 19, 2011, Regular Meetings. He reminded the Commission of submitting their Forms to the City Clerk and also explained about the upcoming Citrus Harvest Festival on March 26, 2011, in the Highland Historic District and Community Trails Day Event on April 9, 2011, at Canyon Oaks Park.

There were no further Announcements.

## **7.0 ADJOURN**

There being no further business, Chairman Hamerly declared the Meeting adjourned at 7:35p.m.

Submitted by:

Approved by:

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Linda McKeough, Community  
Development Administrative Assistant III

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Randall Hamerly, Chairman  
Planning Commission

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