

**MINUTES
PLANNING COMMISSION REGULAR MEETING
FEBRUARY 16, 2010**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Chairman Haller in the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: None

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner
Bruce Meikle, Senior Planner
Jim Godfredsen, Contract Project Manager
Linda McKeough, Administrative Assistant III

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

3.1 Minutes of December 15, 2009, Regular Meeting.

Approved, as amended.

On Page 3, Fifth Paragraph, First and Second Sentences were amended to read as follows: "Commissioner Hamerly said the context of the stealth towers needs to be believable and a seventy-four foot (74') Mono-Eucalyptus Tree should have two or three smaller Eucalyptus Trees in a small grove immediately surrounding it. Assistant Planner Kelleher responded that he can add a COA."

02-16-10.PC

On Page 9, First Sentence, was amended to read as follows: “Commissioner Hamerly said he was concerned if we have Sheds that have equal aesthetic merit to the one that is already constructed there...”

3.2 Minutes of January 5, 2010, Regular Meeting.

Approved, as amended.

On Page 2, Last Paragraph, First Sentence was amended to read as follows: “Commissioner Hamerly said the landscaping states is Pittosporum Variegata and then Vinca Minor...”

On Page 4, Second Paragraph, Third Sentence, was amended to read as follows: “Commissioner Hamerly responded he is not worried about the plant view / layout, but is worried about the height of the plant materials.”

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Trang to approve the Minutes of December 15, 2009, Regular Meeting and January 5, 2010, Regular Meeting, as amended.

Motion unanimously passed on a 7 – 0 vote.

4.0 PUBLIC HEARINGS

4.1 A Conditional Use Permit Application (CUP 009-006) and Design Review Application (DRA-010-002) submitted for the construction and operation of a Fast Food Restaurant with Drive-thru Lane (Dairy Queen). The approximate 0.45 acre Site is located at the southwest corner of Base Line and Central Avenue (APN: 1192-341-06). Representatives: Young Shin, Applicant, Bernie Mayer with SITETECH Engineering (Representative)

Chairman Haller introduced the item and called for Staff presentation.

Prior to the Meeting, Staff had distributed an added Engineering Condition of Approval (COA) to the Commission.

02-16-10.PC

Senior Planner Meikle gave the presentation from the Staff Report and indicated both Mr. Young Shin who is the Applicant and his Representatives are in the audience. He explained the proposed Revisions to the COA relative to the overhead utility lines that was distributed to the Commission and how Staff met with the Applicant and his Representatives on Friday (February 12, 2010) regarding the question about realigning the southerly driveway located on Central Avenue to accommodate the Utility Pole. The Revised COA will allow the Applicant more freedom with the under grounding of utilities. He further explained the Applicant is not interested in building a Monument Sign to be located at the southwest corner of Base Line and Central. Senior Planner Meikle explained the proposed Building is similar to the one that was previously approved at Base Line / Bonita Drive and the City was already planning on building a Median at that location. With the Central Avenue location, the Applicant is under the COAs to build a Median in front of his frontage on Base Line. This is a slight difference from the Bonita Drive Site and Central Avenue Site in that he would be responsible for building the Median at the Base Line location. The proposed Building includes a covered, outdoor patio area located on the west side. With regards to the Landscape Plans, both the Commission and the Applicant may know work is being done on the new Police Station and Memorial Park located on Base Line east of this Site. As part of the City's Project, there is a certain type of tree along the Police Station Parkway and the Applicant will install a similar type of tree along the Applicant's Base Line / Central Avenue frontage. On-site, the Applicant's Landscape Plan shows a variety of Crape Myrtles and Mexican Fan Palms at the corner, there are a couple of Magnolias to shade the Patio Area. In accordance with the State's latest water irrigation requirements, there is no grass / lawn proposed on the Applicant's Plans. Some of the proposed Building Signs are larger than what the Code allows. The Commission is to also review the proposed Plan Sign Program and advised the Commission how the City is currently working on a Sign Code Update. Senior Planner Meikle reiterated the Applicant and his Representatives are in the audience and then concluded his presentation.

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

Commissioner Huynh asked about the Hours of Operation listed on Page 6 of the Staff Report and if that would include delivery trucks and Senior Planner Meikle responded affirmatively.

02-16-10.PC

Commissioner Willhite asked about the Base Line Median and if that would eliminate the ability to turn left from Base Line into the driveway on Base Line and Senior Planner Meikle responded affirmatively, but fortunately, on this Site, there are two (2) driveways; one Base Line and the other on Central. So if someone is leaving the Site and has to go west bound on Base Line, they would have to come back up on Central and then make a left turn from Central onto Base Line. If they were going east bound on Base Line, they would be able to turn in on Base Line or come in from the Central Avenue driveway.

Vice Chairman Gamboa asked if the southerly driveway is the one to be changed, is there is enough room to move it and Senior Planner Meikle responded he would defer that to the Applicant's Representative.

Commissioner Hamerly asked if the Monument Style Sign is deleted, at the Applicant's request, and Senior Planner Meikle responded that is correct.

Chairman Haller asked if the Commission had any questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant, or the Applicant's Representative would like to make a presentation.

Mr. Bernie Mayer, Sitetech Engineering, 38248 Potato Canyon Drive, Oak Glen, California, who is the Applicant's Engineer, addressed the Commission. He introduced Mr. Wade Shuey, of Andresen's Architecture, who is the Applicant's Architect and Mr. Young Shin, who is the Applicant and are both in the audience. He thanked the Commission and is in agreement with the Conditions of Approval (COAs) and Revised COAs, but had comments regarding the Revised size of the proposed trees on the Landscaping Plan it has twenty-four inch (24") box trees and asked the Commission if they could use a fifteen (15) gallon tree instead. The Street Trees will be twenty-four inch (24") box, and if they could use the smaller trees within the interior. Chairman Haller responded the Commission will consider that and allow Mr. Mayer to go on.

Mr. Mayer asked about the Median because that requirement came late in the process and asked if the Median should be built as a larger project when more Median is constructed on Base Line and did not want to second guess the Engineering Department, but was concerned about an isolated piece of Median being there within the road and cause some sort of traffic hazards. He is not opposed to paying the fair share, and was wondering about timing and if that should be done as part of a larger project. Contract Project Manager Godfredsen

02-16-10.PC

responded with respect to the safety, Engineering does not have a concern and he does not know about larger projects happening in the near future located on Base Line and that it's certainly up to the Commission whether or not to accept an in lieu fee instead of constructing the Median. He indicated there is a Median located down at the Shell Station (by the Freeway) that is similar and another Median by the Jack in the Box located on Base Line / Sterling. Chairman Haller stated this has been a Standard COA, but definitely will talk about it. Community Development Director Jaquess added Planning COA No. 26 (tree size), and Engineering COA No. 13 (street improvements) and asked if that was correct for the Median. He wanted to make sure for a reference in the future, if that was Mr. Mayer's understanding. Mr. Mayer responded that he is looking it up, but believes Community Development Director Jaquess is correct. Contract Project Manager Godfredsen responded that is correct for Engineering COA No. 13 and Senior Planner Meikle responded Planning COA No. 26 is for the Tree Size and there is also language about Landscaping in the Median which is Planning COA No. 17. Chairman Haller asked if it was those two (2) COAs and Mr. Mayer responded affirmatively.

Mr. Mayer asked if there is a Median proposed at the new Police Station / Memorial Park. Chairman Haller responded those have not been Agenda Items for the Commission, but it is a Standard COA and every time there has been a new Application before the Commission, this has been a Standard requirement. Commissioner Hamerly added that it is also a Standard COA with the Base Line Corridor / Landscape Plan. Chairman Haller stated the two (2) Projects that Mr. Mayer had referenced has not come before the Commission, but every other project that has come through, it has been a Standard COA.

Mr. Mayer asked about the Median in front of the Shell Gas Station and Jack in the Box, there is no landscaping within the Median. Chairman Haller responded the Shell Gas Station is landscaped and Mr. Mayer responded there is landscaping, so I stand corrected and that I have driven by it many times and maybe I didn't see it. Chairman Haller stated there was a debate about the length of the turn pocket was discussed and was a compromise. Engineering wanted a long turn pocket which would reduce the landscaping and Planning wanted short turn pockets and have a lot more landscaping. I want to discuss how long this turn pocket is going to be and want to have sufficient landscaping even when you drive by and don't notice it. We want it to look nice. Mr. Mayer responded that he did go look at the Jack in the Box, but thinks it is just paving and is not planted. Chairman Haller responded there is a need for sufficient area

02-16-10.PC

for landscaping dependent on the length of the center Median and the turn pocket size. If you have nothing left, you cannot landscape and added that he believed that is a design detail. Commissioner Stoffel asked where does it say how long it is and Chairman Haller responded that it says across the frontage and assumed that it would have to line up so that you can turn into the driveways.

Vice Chairman Gamboa stated about the Jack in the Box's did have their part of the Median in the Staff Report and Chairman Haller stated the Standard is the Center Median is landscaped, and if there is no landscaping, somebody needs to determine that it is insufficient length given not enough area to do some landscaping to make it worthwhile.

Chairman Haller asked if the Commission had any further questions of the Applicant or Staff.

Commissioner Stoffel stated the proposed Median would be located in front of the Property and then would stop and City Planner Mainez said right and both Contract Project Manager Godfredsen and Senior Planner Meikle responded affirmatively. Community Development Director Jaquess added the Master Plan shows a Median all along Base Line so this would be a part of the future expanded Median, but this would only be in front of this Property.

Commissioner Stoffel asked is it a possibility if somebody developed two (2) properties down, could there be little Medians like every other property and Community Development Director Jaquess responded affirmatively.

Commissioner Willhite commented how the Applicant did not want to put the Monument Sign on the corner so there will be no Monument Sign or he just did not like that one and Mr. Mayer responded Mr. Shin feels that there is adequate Signage located on the Building to identify his Business and he thinks the Monument Sign that would be located on the corner at the wall is more than what is necessary to identify the Property. Chairman Haller said what is proposed is an excess of what is the current City Standard is. If you were held to the City Standard, would you then want the Monument Sign. Mr. Mayer responded that Corporate Dairy Queen has a certain Sign Program and that is what is on the Building so he hoped the Commission could support that. This Project has had some level of review from Dairy Queen already and this is the type of signage they are looking for on this Facility.

02-16-10.PC

Chairman Haller asked if there were any other questions.

Community Development Director Jaquess asked Mr. Mayer about confirming if Dairy Queen is okay with not having the Monument Sign on the Property and Mr. Mayer responded affirmatively.

Commissioner Hamerly asked if the Monument Sign located at the corner is gone, does that mean the wall element is gone; is it the backdrop for the landscape or does the wall stay and the Monument Sign is gone and Mr. Mayer responded the wall would stay and the landscaping associated with that. Just the Monument Sign would be gone.

Commissioner Hamerly asked about the realignment of the Central Avenue driveway. Mr. Mayer responded that he has been working with Southern California Edison Company and explained how several Poles would be relocated. With the proposed relocation of the larger Utility Pole on the Property itself, Edison said to leave that particular Pole on Central Avenue in place due to work involved in relocating it and suggested the Applicant redesign / align the driveway several feet to the south and leave that Pole in place and the Engineering COA addresses that appropriately.

Commissioner Hamerly asked of the Amended Engineering COA is in reference and reflects that and Mr. Mayer responded affirmatively.

Commissioner Hamerly asked how far to the south the driveway would have to go because it does not look like there is that much room to push it to the south. Mr. Mayer responded that Alta Dena Dairy would need to be approached and obtain an easement across their property in order to accomplish that and was unsure if that could all be accomplished in the Public Right-of-Way.

Commissioner Huynh asked if the roof for the Drive-thru structure is metal, is it solid or a trellis with the posts located at the ends are for support and Mr. Mayer deferred that question to Mr. Shuey.

Mr. Wade Shuey, of Andresen Architecture, 17087 Orange Way, Fontana, California, who is the Applicant's Architect, addressed the Commission. Mr. Shuey responded that the roof is a solid roof on the Building and with the canopy being metal paneling with backlighting. Commissioner Huynh said you need to soften the Building in that there is too much stucco and metal and need to grow

02-16-10.PC

vines on the trellis on the patio in the front. He then asked why does the Drive-thru roof needs to be solid. Mr. Shuey responded he is not following and the location where the Red, White and Blue Décor is, there is a wall that is part of the Building square foot and there is no lattice work that goes over. It is a metal fascia that is open and is two feet (2') wide and there are brackets that go on the backside for lights to go on and reiterated there is no lattice work. Commissioner Hamerly stated then it is not a solid roof and Mr. Shuey responded that is correct. Mr. Shuey stated that all of the eyebrows have brackets and such. Commissioner Huynh then asked again about having vines on top of the patio and Mr. Shuey responded vines on the patio will be fine. Trellises are proposed now and can definitely incorporate vines into the Landscape Plan. Commissioner Hamerly wanted clarification on the discrepancy between the trellis and the Landscape Plan. The post locations coincide with the two (2) trees listed on the Landscape Plan and if had to chose between one or the other, given the degree of built area on the Site, he would add more trees because the landscape is a little sparse. He did not know if that changes the look dramatically, but those post locations did line up exactly with the two (2) tree locations on the Landscape Plan. Mr. Shuey agreed with Commissioner Hamerly, but noted this Project is a Dairy Queen prototype and is a signature look / trademark and needs to acquire the Corporate Dairy Queen's approval regarding installing more trees which would give a more soft look than the vines. Commissioner Hamerly stated that it would give a better canopy, too and Mr. Shuey agreed and added that it gets hot here in the summer and the trees would be a bigger bonus than the vines.

City Planner Mainez asked Senior Planner Meikle would the patio be solid and incorporated into the architecture and they did return with this open design and asked about removing the trellis cover and put the trees. Commissioner Hamerly that is what he just said because you cannot have both the way that it is shown on the Plans and he would be in favor to remove the trellis and go with the trees, but that is just him. You would have to poll the Commission to see how everyone feels if you could only have one or the other, then he would feel more strongly with the trees. Mr. Shuey asked the Commission about removing the trellis and Commissioner Hamerly responded unless there is another way of supporting it without posts, but thinks that the trellis is there to provide shade and make the dining area comfortable outside, then I think that the trees would be a nice touch there, but then we are going to back to having larger specimen trees that is immediately useable versus tiny trees at the Patio. Senior Planner Meikle responded and asked about if they can get the trees and trellis together, would that be acceptable. Commissioner Hamerly responded if the canopy of the tree is above the top of the trellis, you might be able to work both in there. You would need a substantially larger than twenty-four inch (24") box tree and the trunk of

02-16-10.PC

the tree would start about six feet (6') and would need ten feet (10') to clear and trellis members are either forty-eight inch (48") box or sixty inch (60") box to get something like that in there. Mr. Shuey said the trellis is to soften the Building similar to Baker's and can take shade structures. If the trees are too large at sixty inch (60") box would not right there then to go with the vines and wrap around the trellis to soften the look of the Building. Commissioner Hamerly stated the vines tend to dry out / drop leaves, flowers, bugs and typically, people do not like dining under those types of things because you don't want stuff dropping in your food. There are some specimen trees that are fairly clean and that a Magnolia is fairly clean. Mr. Shuey responded that he will look at the Landscape Plan and look at smaller trees. Commissioner Stoffel said a Magnolia could be either a tree or a shrub. Commissioner Willhite said the Landscape Plan shows the trees and posts are located in the same area. Senior Planner Meikle responded the City's Landscape Architect said the Magnolias on the Landscape Plan and if it is the Commission's desire to change from the trellis to trees to shade the Patio, suggested a different tree and that the tree listed on the Landscape Plan is a small tree and the Applicant would have to propose something else in order to provide the shade over the Patio area. Mr. Shuey said he believed that the trees are in error and suggested to omit the trees and go with the trellis. Commissioner Hamerly asked what about the rest of the Commission. Commissioner Stoffel said he would agree with that and then asked about if the small bushes / trees were shorter on the Rendering. Mr. Shuey responded that he could do more like four foot (4') shrubbery perhaps to soften the area and to the trellis. Commissioner Stoffel stated he would rather like to sit underneath the trellis rather than sit next to a tree.

Commissioner Willhite said that Magnolias are slow growing and was unsure of the multi-trunk variety specimen and did not believe they grow tall in height. Commissioner Hamerly responded over a long time, they can.

Vice Chairman Gamboa said how the Landscape Architect described something smaller and Senior Planner Meikle responded the species that is listed on the Landscape Plan is a fairly small tree and not a large tree. Commissioner Hamerly said the Rendering that is referenced to show that view, does not show anything at all. There is definitely a lack of correlation between the Architectural Renderings and what is shown on the Landscape Plan. With the parking lot, there is very little buffer between the parking lot and the dining area. Even if there is no room for planters, we need something there and still maintain the walkway width with the bumpers hanging over the curb. He does not think the trellis softens that façade by itself without some landscape materials in there, as well. He was not sure if vines or trees are the way to go, but there is a need to soften the Building's corner because there is a lot of paving there going from the

02-16-10.PC

parking lot to the paved Patio area, and then straight up to the Building. Mr. Shuey responded the trellis post is one foot by one foot (12" x12") and that he could pull the trellis back three feet to five feet (3' – 5') in order to allow each tree to grow. The Patio would be the same size and just the trellis would be pulled back. Commissioner Hamerly responded that he is fine with that. Commissioner Stoffel agreed with Commissioner Hamerly. Commissioner Hamerly said the specimen of tree would need to be selected so that a mature tree canopy would have the ability to create some shade in order to make it pleasant and also the tree canopy would not interfere with the trellis. Vice Chairman Gamboa is uncomfortable with the trellis and can cut back the trellis, and allow the trees to grow, but is uncomfortable without seeing it on the Plans.

Commissioner Stoffel asked if there would be wrought iron (fencing) around the Patio and Mr. Shuey responded affirmatively. Senior Planner Meikle added there is a cable type of fencing shown on the Plans and Mr. Shuey responded affirmatively. Commissioner Willhite stated he wanted to see a sample of the perimeter fencing on the south and west sides and asked if it is going to be wrought iron or metal, and Mr. Shuey responded wrought iron with decorative cap. Commissioner Willhite asked if the spacing for the wrought iron would be four inches (4") and Mr. Shuey responded affirmatively. Commissioner Willhite asked if that fencing would be covered with anything and Mr. Shuey responded no. Commissioner Hamerly asked if the plant materials that is shown along the two (2) property lines were more of a type of shrub and ground cover as opposed to something that is going to grow up and fill in those gaps between them. City Planner Mainez said if there is a future expansion of the old Alta Dena Dairy drive-thru on the west, a block wall was discussed, but was eliminated early on and the City is requiring a reciprocal access between the Dairy Queen and Alta Dena properties.

Commissioner Willhite said it would be nice to see the Revised Renderings and how the Applicant is asking the Commission to approve the Revised design without seeing the Revisions.

Vice Chairman Gamboa added the Commission has no indication, COAs or Rendering of what the Revisions will be and City Planner Mainez responded can bring the Item back to the Commission.

02-16-10.PC

Commissioner Willhite said there are supposed to be four (4) Renderings / Displays showing the early history of Highland placed around the Building and asked where and what are they going to be. Commissioner Hamerly said there will be lights over them. Mr. Shuey responded they are going to be around the Building and being lit up, and will show the orange grove locations, barns, older fixture on the Sign, the White Displays are for Dairy Queen and Brown Displays are for the early Highland. Commissioner Hamerly said that was not in the Commission's Agenda Packet and Mr. Shuey responded he is talking about the Rendering and City Planner Mainez said the City has a Black / White rendering.

Discussion ensued between the Commission and Staff regarding the Color Renderings and what was in the Agenda Packet.

Vice Chairman Gamboa stated the Rendering has no landscaping in front of the patio cover. Commissioner Hamerly stated the Rendering is trying to show the inner play of the Architectural elements and if they start obscuring the whole Building with the landscaping, it wouldn't communicate with the Structure. In the lower left hand corner, it clearly does not show the trees on the Patio. Vice Chairman Gamboa responded he would rather see some type of plantings between the posts of the Patio cover and the trellis to soften the Building. Mr. Shuey responded that is what he is proposing by pulling back the trellis in order for the trees to grow. Commissioner Hamerly said Vice Chairman Gamboa was not talking about trees and Vice Chairman Gamboa responded that he was talking about shrubbery between the posts. Mr. Shuey said there were some changes at the end of this process that are not quite reflected on the Rendering. The Renderings take a lot of time and effort and sometimes things get changed on the Final Plans and that is what gets done and finally approved and Mr. Shuey then apologized that it was not treated fully, but it is on the Landscape Plans. Commissioner Hamerly responded that it's not and that the trees are the only things that are showing there and it still needs something that would soften it up. City Planner Mainez stated there is a security issue with shrubs for hiding places at night and that we have had that problem around City Hall and had to literally remove shrubs for security reasons. He liked the wrought iron and said that it is up to the Commission, but asked the Commission to consider that. Commissioner Hamerly said depends where you are talking about the visibility from because you have windows looking out directly onto the Patio.

02-16-10.PC

Vice Chairman Gamboa stated he likes Commissioner Hamerly's recommendation to soften it. The trees will help, but does not know if it is enough. He then asked about the Dairy Queen's Signage size. Mr. Shuey responded that the Signage size is a Standard Corporate Size / Trademark and is their smaller size. Most of the items are manufactured / delivered from certain vendors and have certain sizes that can be delivered and do not have a huge range to pick from for the proposed Colors which are the Corporate's Colors and reiterated Dairy Queen's process to get the smaller size.

Commissioner Willhite asked if it is required to have the "Grill and Chill" Signs and Mr. Shuey responded the "Grill and Chill" are the Corporate Signs plus they are that particular size, spacing, level and is their Trademark regarding the Regular "Dairy Queen" (DQ), "Grill and Chill" and "Orange Julius" Signs. Both Commissioner Willhite and Mr. Shuey indicated they differentiate between one DQ and another DQ. Commissioner Hamerly asked what happens when a particular municipality generally dislikes the color palette, but a community has a disposition against shiny Blue panels on a building and it is completely out of context. Mr. Shuey responded he would have to go back with the recommendations to DQ and DQ would have to give their recommendations and would be going back and forth in the process and indicated the DQ headquarters is located in Wisconsin. If these materials are not what the Commission prefers, I would try to negotiate. He was told all of the buildings have these type of panels and use features that are neutral throughout from place to place and the Stucco Color is a natural color. Commissioner Hamerly said he would rather have the Orange Earth tone than the Fire Engine Red with the Blue Color and would be hard pressed to justify that that is a neutral color and make this subtle and blend in. Mr. Shuey said that you would not go and change McDonald's or Jack in the Box's Colors that are Trademark Colors. Commissioner Hamerly responded with McDonald's at Lake Tahoe, they were unable to place the golden arches and there are no Red Color on the exterior façade and that it had to blend in and use native materials and McDonald's wanted to be in that location so badly, that people were going to know that McDonald's is still there. They gave them their Sign, but their building had to be respectful of context of the community. He further stated how corporations that want to be in that area like Santa Barbara or some other place, find a way to work with them aesthetically and added that the Blue Color is a bit strong and would love to see it go in a different direction. He understand and respects Mr. Shuey. Mr. Shuey responded those four (4) Items are the actual Trademark type of paneling and that he is between a rock and a hard place.

02-16-10.PC

Mr. Mayer said he is had worked with the proposed DQ located on Bonita Drive and that are the same Colors and Elevations that were approved for that location. Vice Chairman Gamboa responded the Drive-thru is on the opposite side of the street and this faces one of the main streets and you are talking about the Red, White and Blue part of the pick up area sitting on a main street facing the Memorial Park that everyone is going to see. At the other Site (Bonita Drive), it was flipped the other way. Mr. Shuey responded the Red, White and Blue is DQ's patriotic theme and also a throwback to the old DQ and want to incorporate that into the Drive-thru area. Vice Chairman Gamboa stated this is now on a major street (Base Line and Central Avenue) where it wasn't before (Bonita Drive) and has a major problem with that. The Memorial Park is across the street and how DQ will be prominent and will stick out. He reiterated that he has problems with the Colors with the Drive-thru facing Central / Base Line. Yes, it was approved before, but was flipped. Mr. Shuey responded the Color is more of a White and the raised Silver eyebrow will reduce the Blue Color area and the Red Color area will be screened and will have landscaping in front of it. He said with the Blue Color area, suggested to raise the Color up in order to allow with more the White Color / Stucco / Glass.

Commissioner Hamerly said the Red Color area will be screened by Site features and vehicles. If they want the Red, White and Blue to create a patriotic theme that is wrapping around the Building, use the Fascia Band instead of a metallic element, were the Bright Blue Color is pulling some of the other elements from the façade up high so that you have a Band that is wrapping around the top that provides some continuity around the Building and he would be more inclined to favor that. City Planner Mainez suggested about removing all the Colors and introduce some color lights at night when the colors would appear because they are already providing the neon for highlights. Commissioner Hamerly responded that is not strong enough statement during the day and that is when most of the traffic is going to be identifying with the Building. Mr. Shuey said the Colors are a Trademark so they want a Trademark Building and he could propose to reduce and/or change the Colors to increase the height of the eyebrow in order to reduce the Blue Color height above it.

Commissioner Willhite asked what about Bakers. Vice Chairman Gamboa responded how Bakers wanted more signage and we cut them back and Bakers went for it.

02-16-10.PC

Senior Planner Meikle asked about the eyebrow above the Drive-thru would be raised reducing just the Blue Color and Mr. Shuey responded affirmatively. Commissioner Huynh asked how far the eyebrow comes out from the wall in that it looks like three feet to four feet (3' – 4') and not just six inches to ten inches (6" – 10"). Mr. Shuey responded maybe eighteen inches (18") at best and that it has been awhile since he has looked at it. Commissioner Hamerly responded three feet (3') and Mr. Shuey said is three feet (3'), but it is open. Commissioner Huynh stated looking at this Building reminds him somewhere in Arizona, it's cold and want the vines to soften the Building / Wall/ Roof to create some sort of appeal to stop the car and sit down and the Applicant put in greenery. Introduce the vines to soften the Blue wall and do not want to focus on the Light Blue Color, unless you can look at the vines or some landscaping. Commissioner Hamerly said there are no place for vines because the Drive-thru is up against the Building so there is no way to introduce the plant material that would go up against the facade. Commissioner Huynh said how he has seen one that they go out with the two (2) posts on the other side of the Drive-thru and had grown vines on top of them that covered the whole length of the Drive-thru which was between ten feet to twelve feet (10' – 12') wide. He also does not care for the Light Blue Color, but he understands the Corporate's Trademark Color Scheme and landscaping to soften it.

Commissioner Stoffel said be careful of landscaping against the Building, it will have bugs, and animals, etc. Commissioner Hamerly said it is a system that has to be mechanically attached. Mr. Shuey responded landscaping on the Building would look cut off and in order to soften it, he would like to do columns and find a way to soften and indicated there are other solutions that he can look at.

Commissioner Stoffel asked if there was a Sample Board and Mr. Shuey responded affirmatively.

Commissioner Hamerly said the canopy looks like it extends out about two feet (2') so that it aligned with the fascia that is running around the corners of the Building along the Drive-thru and that whole thing became Blue, you would have a very dominant Red, White and Blue pattern there and is readily identifiable and would free up the wall to introduce one of the Stucco Colors or even go to the Orange Color. Commissioner Hamerly then went and showed the Applicant on the rough renderings of the Plans how to increase the canopy and use the Blue element and the White Color. Mr. Shuey said to go with the Blue Paneling and then stucco. Commissioner Hamerly said that looks like a billboard and it faces

02-16-10.PC

directly on the street so we won't have any vegetation cover along the sides. Mr. Shuey responded increase the Stucco Color here. Commissioner Hamerly said no, that line is one with the other side of the canopy / eyebrow feature and should stay put. Vice Chairman Gamboa said for clarification, that the canopy is to be Blue Color, widen the eyebrow / canopy and make it the Blue Color. Mr. Shuey said he believes he could sell that to the Corporate DQ, as long as the Colors are Red, White and Blue, because it's a Trademark. Commissioner Hamerly responded that is what he is trying to do and understands that is their Trademark, and give them that so it is identifiable, but by the same token, don't want that sticking up there being a bright Blue beacon on top of the Building. Senior Planner Meikle said the eyebrow / canopy of the Drive-thru is to be widened and the Blue material will be used on the widened eyebrow and the top will be the White Color. Commissioner Hamerly asked about the Orange Color at the corners, at least that wraps around and gives it some continuity, but then said go back to the White Color. Mr. Shuey responded he knows the Corporate will not go for the Orange, because we have already tried something similar to that and the Corporate wants the Red, White and Blue feature and suggested to then go back to the White Color. Commissioner Hamerly said then go back with the White Color because then it would repeat up the Building. Senior Planner Meikle reiterated the eyebrow / canopy would be widened with the Blue material and then the White Color would be on top. Vice Chairman Gamboa asked Commissioner Hamerly if he is happy with that and Commissioner Hamerly responded affirmatively.

Commissioner Hamerly asked about the North Elevation regarding the "Grill and Chill" and "Orange Julius" Signs and the rationale for the DQ's Sign on the left of that portion of the façade and how it crowds the "Grill and Chill" Sign. Mr. Shuey responded and explained that he was given explicit instructions regarding Signs and if there is another recommendation, he can bring it to DQ's attention and that the Trademark is dominant and how "Orange Julius" has a certain location.

Commissioner Hamerly said he does not have a problem with the element, then asked about the DQ Sign when not viewed on a flat elevation and Mr. Shuey responded is a modern Sign and doesn't know what their intent was, but that was what was presented to the Corporate. Commissioner Stoffel stated the Sign is missing something and looks like something fell off. Commissioner Hamerly stated the most dominant element on the North Elevation is the stone tower feature and asked why not place the Logo on the tower. Mr. Shuey responded

02-16-10.PC

the tower is okay / acceptable and it can be centered on it. Commissioner Hamerly asked about the "Orange Julius" Sign against the Orange backdrop and do a nice dark, metallic border around it and that would pop off the wall. Mr. Shuey responded he does not have a problem with that and could possibly rearrange some of these things a lot better, but again, he is between a rock and a hard place and when presented to DQ, the Corporate had instructed the Sign to be placed on a certain location, size, how high, etc.

Commissioner Hamerly asked how about sending to the Corporate Office the Commission's preference and would like to see the Signs lined up and indicated that it looks random, as proposed. He is not going to argue the logic and sure that Corporate had tested this with 1,000s of people and got their input. Chairman Haller responded and said that sounds good. Commissioner Hamerly said he could think of a couple of different ways that would seemingly present better. Having the "DQ" over the "Grill and Chill" would present the "DQ" Logo in a more prominent light on this particular facade. Commissioner Stoffel asked about the Colors changing and Mr. Shuey responded that he is not proposing to move the Orange on the Building and the very strict guidelines that DQ has, that is why he is fighting for what he knows what he can do and what he can't, but Corporate has to look at it, no matter what. Commissioner Stoffel agreed with Commissioner Hamerly's statement about sending the proposed Revisions to the Corporate Office and Commissioner Willhite stated that the offset Sign is noticeable. Mr. Shuey then described the location and Logo to the Commission and Commissioner Willhite reiterated that the offset "Grill and Shill" Sign still would be noticeable and looks like a mistake in that it is crowding the "DQ" Sign right off the Building. Commissioner Stoffel said the "DQ" should be in the middle and the "Grill and Chill" and "Orange Julius" should be on the sides and Mr. Shuey responded that he cannot disagree, but has to fight with the Corporate.

Vice Chairman Gamboa agreed with the "DQ" should be on top and the "Grill and Chill" underneath. He then asked about if that could be done on the DQ's tower feature. Mr. Shuey responded the tower might be a bit taller and maybe that can be placed there on that location. Commissioner Hamerly responded that is fine with him because he does not want to see everything "squished together" and would look worse. It needs some breathing room so the stones are articulated between the different Sign elements and present well.

City Planner Mainez asked the Commission if the Applicant's Sign's size, as presented, as appropriate per Code and that can be part of the Commission's argument and if the Commission is willing to go with the larger Sign, if the Corporate gives the concession of lining them up so the Signs will look better,

02-16-10.PC

otherwise, the Applicant is going to have to have smaller Signs and wanted to make sure the Commission is comfortable with that, especially on Central Avenue is a huge Sign on the wall. Commissioner Stoffel responded that it looks better with a small Sign. Vice Chairman Gamboa stated that it also looks better with a small Sign, but if stacked, need a smaller Sign. Commissioner Hamerly said that "DQ" on the North Elevation ideally be centered in that band up there so that it looks like that it fits on the wall. Mr. Shuey responded left of the "Grill and Chill" and a modern design and can present that to the Corporate Office. Commissioner Stoffel said the "Grill and Chill" Sign is not centered on the Rendering or chimney. Mr. Shuey responded that was how it was for the Project on Bonita Drive. There was not a "Grill and Chill" or "Orange Julius" Signs and had asked Senior Planner Meikle to reuse the Rendering.

Chairman Haller asked the Commission if there are any other issues.

Commissioner Hamerly asked regarding the Site Plan about the decorative brick pavers and Mr. Shuey responded it is a traditional, stamped concrete. Commissioner Hamerly asked if the coloration would be tied in with the Earth tones and Mr. Shuey responded affirmatively.

Commissioner Hamerly asked about the tree size in that the majority of trees (eleven [11]) are in the parking lot and are not Street Trees, the cost differential between a fifteen (15) gallon and a twenty-four inch (24") box for eleven (11) trees is not a deal breaker and how the Applicant wanted a percentage of size reduction for the specimen of trees that were to be incorporated in the Landscape Plan from twenty-four inch (24") box in which the COAs say. Mr. Shuey responded how everything costs money and the trees will grow and mature eventually. The difference in cost from a fifteen (15) gallon or a twenty-four inch (24") box, depending on species, will range a few hundred dollars. Commissioner Hamerly said it costs then with framed panels on the Building, if dressing up the Building and trying to maximize in spending the dollars, have five (5) framed panels on the Drive-thru side on the East Elevation, that a couple of those could go and keep most of those most prominent features. Mr. Shuey responded they were strategically placed to show historic Highland are in a Brown Color and are dedicated for the City and the other panels would have the DQ products information. Commissioner Hamerly said the ones that he was targeting were then the DQ products information panels. Mr. Shuey responded it is relatively cheap and wanted to make sure to adequate present / highlight the City of Highland.

02-16-10.PC

Vice Chairman Gamboa stated he needs to see a Rendering for the Median before he could make a decision and Chairman Haller showed him Commissioner Hamerly's sketch and Commissioner Hamerly stated that it is a City Exhibit for the whole landscape Median and assumed it would be from everything from the property line to the intersection would be the Applicant's responsibility on the Base Line Median. Senior Planner Meikle said how the COA is written, the landscaping would be similar, but not exactly like the Base Line Beautification Project and the landscaping in the Town Center area is to be identifiable as different from other landscaping along Base Line – similar in design and plant material, but not exactly the same as what the City is working on. Commissioner Hamerly responded the latitude that the City gives each individual Applicant for the creative portion of that would not extend to sizes, locations, spacings and types of Street Trees. Senior Planner Meikle stated they would have to keep to the layout of the City's Plan. Commissioner Hamerly stated that means smaller shrubs, flowers, grasses, smaller plant materials / palette where they could take more artistic license and Senior Planner Meikle responded affirmatively. Commissioner Hamerly asked said that might create trouble later on if there were small lots, fronting there and then every 100 feet change the palette would look like a patch work quilt and Senior Planner Meikle responded that someone has to set the tone for that landscaping along Base Line. Community Development Director Jaquess added how DQ will set the tone for the Median going in the westerly direction. Commissioner Willhite asked who will maintain the Median and Community Development Director Jaquess responded the Median would be placed in a Landscape Maintenance District (LMD) and maintained by the City.

Commissioner Willhite asked what about down the road if you want to change the palette, especially for the small lots, in that will not last forever and will want changes. Vice Chairman Gamboa responded there is no indication of the length of the turn pocket, concrete paving or how much landscaping or in a COA and the COA puts in the Median. Commissioner Hamerly said the last thing the DRB did not want was to have seventy feet (70') of stamped concrete / pavers and it is all just rock and how the DRB was trying to soften it by still getting grass in there to grow and create some color to soften it up. Vice Chairman Gamboa responded there is no indication of the left turn pocket. Commissioner Hamerly asked if they could see the Base Line Landscape Median Plans and assumes the Applicant is going to have to design that exhibit to the way that it is shown on the City's Plans and might answer that question. Senior Planner Meikle responded depending on the Commission's pleasure on the Project itself, the Median could

02-16-10.PC

come back for the Commission's consideration and have the Applicant work on it with the Applicant's Landscape Architect, the City and the City's Landscape Architect and asked the Commission if the Median should be installed and Staff needs direction on that. Commissioner Stoffel responded what about the in-lieu fee and underground utilities and the Median. Mr. Mayer responded the Applicant is responsible for the Median and if the Commission chooses if it is not appropriate to install it now, we would accept the COA as written. Community Development Director Jaquess responded the COA, as written, does not provide for handling of in-lieu fee for the Median. Engineering COA No. 13 on Page 35 of the Staff Report for the Median design and Planning COA No. 17 is landscaping. Commissioner Hamerly said there is no in-lieu fee in those Conditions.

Commissioner Huynh asked what is the schedule for the Master Plan for the Base Line Median – is it two, four or five (2, 4 or 5) years out. Senior Planner Meikle responded the Town Center portion between Cole Avenue and the Freeway is moving forward, unable to give the Commission a start time and the City is obtaining some added Federal funding. Commissioner Huynh asked if the Applicant would install a section of the Median and then how the LMD would work and Community Development Director Jaquess responded could do in remedially. Commissioner Huynh said he was concerned about the maintenance. Chairman Haller stated that was done in front of the Shell Gas Station and created an LMD and wish the landscaping was more, but this Project is shorter. Commissioner Stoffel asked if the City is going to install Medians up Base Line and Senior Planner Meikle responded Cole Avenue which is ¼ mile east of this Site. Community Development Director Jaquess added at the Police Station / Memorial Park there is no Median on Base Line, at this time, and would have to carefully evaluate the Police and Fire Departments needs and holding off with constructing the Median from the Fire Station property until we know exactly how it is going to work. Commissioner Stoffel said he would like to see the Median all done in continuity.

Vice Chairman Gamboa said with Jack in the Box Project, the Applicant defined how long the Median was from the intersection to the property and with this Project, there is no indication what the Median needs to be. City Planner Mainez responded with the Jack in the Box, the Commission eliminated the landscaping requirement and just do the hardscape because they were thinking that in the future, the property owner knows this and is part of the agreement, when the City does come in with the Landscape Master Plan, the City will install the infrastructure and landscaping could come in later with the Median and install

02-16-10.PC

stub outs for future irrigation lines, electricity, etc. Chairman Haller stated something needs to be done to Base Line, even if it is small steps, especially, at that intersection, providing that there is a big enough area for landscaping to make it worthwhile. Otherwise, it may never be done. Vice Chairman Gamboa stated there is no definite frontage given to landscaping and how much is a small strip between the turn pocket and the other lane. Community Development Director Jaquess responded the actual Engineering Drawings have not been completed and the question is are we going to have a Median and Staff is looking for some policy direction on that question and if the Commission wants the Median or not. If the Commission says yes, we do need a Median, the Applicant's Engineer and City Engineering would work out the engineering design of the Median, but it was premature to do that until Staff had clear direction, if the Commission wanted a Median or not. Chairman Haller asked how much of a landscaped area would be available. Mr. Mayer responded that he has not completely engineered that, because that was something that came in late in the process, but looking at the Jack in the Box, it looks like that the turn pockets are stripes on the pavement and asked Contract Project Manager Godfredsen if that was correct and Contract Manager Godfredsen responded affirmatively. Mr. Mayer then continued that the Median looks it looks like it would be a six foot (6') width along the entire length of frontage and again asked Contract Manager Godfredsen if that was correct and Contract Project Manager Godfredsen responded affirmatively. Mr. Mayer continued there is a turn pocket that is done with striping. There is also a turn pocket on Central Avenue that is also painted, so basically, we would be just putting the Median in and then repainting the turn pocket that is outside the Median. Chairman Haller said that is a different design than what is in front of the Shell Gas Station that is twelve feet (12') wide and with an actual turn pocket. Vice Chairman Gamboa stated do the hardscape and create the Median and hardscape it similar to the Jack in the Box Project so that way, we don't have to worry about it coming back with another Median Landscaping Plan. Mr. Mayer asked if the Jack in the Box Project has a landscaping sleeve. Contract Project Manager Godfredsen responded affirmatively and Mr. Mayer responded then it's not a big issue then. Commissioner Willhite stated he would like to see the Median and landscape it and was concerned with running water, electricity, etc. and the Applicant would still have to do the slurry seal, restripe and everything that is required and would make the Project look better. Mr. Mayer responded costs for the hardscape and landscaping is close.

02-16-10.PC

Chairman Haller asked if the Commission had any further questions of the Applicant or Staff. Hearing none, he then asked if anyone would like to speak on the item. Hearing none, Chairman Haller then summarized the proposed Revisions, which included, but not limited to the following: 1) shorten the trellis several feet to make room for two (2) trees; 2) no shrubs; 3) wrought iron fencing along the perimeter; 4) Colors; 5) the Blue Band on the East Elevation would be made narrower and increase the width of the Off White Band. Senior Planner Meikle added it is Staff's understanding the eyebrow / canopy above the Drive-thru window would be widened and with a Blue Band and White Stucco above.

Chairman Haller continued with the summary: 6) a little bit of block around the trash enclosure; 7) the consensus with the center Median is to put it in with landscaping; 8) some minimum percentage of the size of trees to be twenty-four inch (24") box minimum for the Street Trees, or whatever is appropriate. Commissioner Willhite asked Mr. Mayer if he has a number out of the eleven (11) trees that he would like to be fifteen (15) gallon. Mr. Mayer stated sixty percent (60%) be fifteen (15) gallon and forty percent (40%) be twenty-four inch (24") box within the interior of the Project and the Street Trees would also be twenty-four inch (24") box. Chairman Haller also added the Sign orientation located on the North Elevation and how the Applicant was going to go back to the Corporate and ask about that.

Commissioner Huynh asked what about the vines for the trellis if that is part of the Patio and Chairman Haller responded the consensus was to drop it and pull the trellis back several feet and go with the shade trees. Commissioner Hamerly added there are six (6) interior trees along the perimeter (located along the southern border of the parking lot) and three (3) located along the western border of the parking lot and stated to keep the larger specimen trees to soften around the Building and then let the perimeter trees grow. That would mean six (6) of the eleven (11) trees would be fifteen (15) gallon. Chairman Haller asked what is the survivability between a fifteen (15) gallon and twenty-four inch (24") box tree and Commissioner Hamerly responded if a tree is hit and damaged by a car, it would need to be replaced. Chairman Haller said they aren't going to die hopefully and Mr. Shuey responded the trees would be properly prepared and planted.

Chairman Haller asked if the Commission / Vice Chairman Gamboa agreed with the proposed Revisions and Vice Chairman Gamboa responded affirmatively. Chairman Haller then asked if there are any other issues or if he missed anything. Vice Chairman Gamboa would like to see the southerly driveway come

02-16-10.PC

back for review. Chairman Haller asked the Commission about seeing the Revised Elevations, the answer to the Signs question and the southerly driveway before the Commission would approve it. Commissioner Hamerly responded it is going to take time to make the Revisions and contacting the Corporate Office and what the Corporate Office will say. Chairman Haller then asked about the timing when receiving the Revised Elevations back. Mr. Shuey responded in two (2) weeks and Chairman Haller responded the deadline would be in one (1) week. Senior Planner Meikle added the Revised Exhibits would be due next Monday (February 22) in order to prepare the Staff Report for the Commission's consideration. Mr. Mayer asked about bringing that particular element back and Chairman Haller responded all of the Elevations and indicated that most of them would not have substantial changes. Mr. Mayer asked about going to the Corporate Office saying they have an approved Project with some clarifications on the Elevations and Chairman Haller responded the suggestion would be everything would be approved, with the exception of the Elevations. Mr. Mayer said that would put the Applicant in a better position. Commissioner Hamerly said if Mr. Mayer could represent to Corporate that if they made these changes, the Applicant would have an approved Project. Mr. Mayer responded that it is more than the approval in that the City has asked for some concessions on some of the Elevations and Sign elements. Chairman Haller said to bring closure on Vice Chairman Gamboa's comment about bringing back the Revised driveway, even though there are COAs for it, the Commission would like to see how the driveway will work. Mr. Mayer responded that he can bring back the driveway with the Exhibits. He further stated how he was waiting for final comments from Edison, but we can make an assumption that the Pole will remain.

Commissioner Hamerly asked what is the Commission approving tonight regarding the CUP and DRA, does the Commission split this and say the CUP is approved, but pulling the DRA approval based on modifications to the Landscape Plan, referenced to tree selection and sizes, and the Revised Exterior Elevation in that the elements would be coming back. City Planner Mainez responded and asked the Commission if they would approve the Project, as it is presented tonight. If the changes the Commission is recommending is significant enough for the Commission, then we should probably bring it back before the Commission takes action and that the Site Plan is part of the CUP and there is the driveway issue. Commissioner Hamerly said that is a design change and the CUP portion is not the point of contention and every issue that was brought up is a design issue. City Planner Mainez said that it is combined with the CUP and the DRA so the design Conditions are incorporated into the CUP and cannot be

02-16-10.PC

separated and that is how it was presented tonight. Vice Chairman Gamboa said in response to City Planner Mainez's question would then be no. City Planner Mainez responded the design weighs as much as the entitlement and is a new way of thinking and the Commission should be comfortable with everything so one does not trump the other tonight. City Planner Mainez further stated the Commission is more comfortable about seeing the changes on the architecture, as well as the Site Plan, which gives more leverage to the Applicant. Community Development Director Jaquess added the Commission could make an intent action if these things were done and return with positive reaction from the Corporate Office. Mr. Mayer said that would help with the Corporate Office. Commissioner Hamerly asked if the Commission could approve the Project in concept and Community Development Director Jaquess responded the Commission could give that indication and bring it back for final approval to allow Corporate to respond on the specific issues. Commissioner Hamerly said approve in concept and will see the Applicant again in two (2) weeks. Mr. Shuey responded drawing is not a problem and if the Commission wants to see in two (2) or four (4) weeks. Mr. Mayer said to tell the Corporate Office two (2) weeks because this has been a long process beginning at the Bonita Site to the proposed Site and if to put a little pressure on the Corporate Office indicate to them that we do have a Project and have to come back in a couple of weeks will help to finalize this and Mr. Shuey agreed. Chairman Haller responded okay. Commissioner Hamerly asked the Commission if they were comfortable with approving the Project in concept.

Chairman Haller asked if he should leave the Public Hearing open because technically the Commission is bringing it back and Commissioner Hamerly said he thought you had to close the Public Hearing before making a Motion. Community Development Director Jaquess responded the Commission could close the Public Hearing tonight and the Commission take action.

Chairman Haller then closed the Public Hearing and opened the floor for discussion amongst the Commissioners and for a possible Motion.

Commissioner Hamerly asked for the form of the Motion, would the Commission have to adopt a Mitigated Negative Declaration or hold off at this point and was told to hold off.

A Motion was made by Commissioner Hamerly and seconded by Commissioner Stoffel to approve the Project, in concept, and continue the Item to March 2, 2010.

Motion unanimously passed on a 7 – 0 vote.

02-16-10.PC

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the Items tentatively scheduled for the March 2, 2010, Commission Regular Meeting.

The Commission thanked Administrative Assistant III McKeough for the Minutes and how they are very well prepared and her efforts and Administrative Assistant III McKeough then thanked the Commission and appreciated their comments.

Administrative Assistant III McKeough reminded the Commission of bringing in their Municipal Code Books to be updated, the upcoming Citrus Harvest Festival on Saturday, March 27, with a Rain Date of April 3, and the Community Trails Day on June 5, 2010.

Vice Chairman Gamboa asked about the Planner's Institute and CDD Jaquess responded the League of California Cities Planner's Institute is not in the City's Budget, but the Commissioners can attend on their own.

Commissioner Willhite said Staff needs to talk to the City's Webmaster in that there is still a DRB and Commission and City Planner Mainez said that is being correcting and updating it today.

7.0 ADJOURN

There being no further business, Chairman Haller declared the Meeting adjourned at 7:47 p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Rich Haller, Chairman
Planning Commission

02-16-10.PC