

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, February 14, 2005

*MINUTES*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

A regular meeting of the City Council of the City of Hidden Hills was duly held in the Council Chambers at the City Hall, 6165 Spring Valley Road, Hidden Hills, California 91302 on Monday, February 14, 2005 at the hour of 7:30 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

Mayor Steve Freedland  
Mayor Pro Tem Ronald S. Berg  
Council Member Jim Cohen  
Council Member Monty E. Fisher  
Council Member Stuart E. Siegel

Staff:

City Attorney Larry Wiener (7:53 p.m.)  
City Engineer Dirk Lovett  
Building Official Greg Robinson  
City Manager Cherie L. Paglia

### **APPROVAL OF AGENDA**

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Berg and unanimously carried, it was resolved that the agenda for the February 14, 2005 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Freedland made the following announcements:

The City Hall, Community Center, and Building and Safety Department will all be closed on Monday, February 21<sup>st</sup>, in honor of Presidents' Day.

He extended best wishes to Mayor Pro Tem Berg and his wife Barbara on their 29<sup>th</sup> wedding anniversary on Tuesday, February 22<sup>nd</sup>.

He was sorry he had to miss the Valentine Musicale Saturday evening due to a previously scheduled engagement, but asked Council Member Siegel to comment on the event, as his wife Peggi was a participant.

Council Member Siegel announced the following:

The Valentine Musicale was great; it was under one hour in length, with a cast of 21, all of whom got along very well; there were three sold out performances, with the cast being pretty tired by the third; it was a lot of fun and very successful; on behalf of the cast, he would like to thank David Frank (who happened to be in the audience) for all his hard work in relation to the event.

### **AUDIENCE**

There were no questions or comments at this time.

### **PUBLIC SAFETY**

#### **Discussion Regarding Youth Equestrian Helmets**

As Equestrian Services Committee Member Steve Bond, who was to introduce the item, was not in attendance, the Council suggested the item be placed on the next agenda.

## **PUBLIC HEARINGS**

### **A. Proposed Ordinance Regarding Commercial Restricted (CR) Zone – First Reading**

As City Attorney Larry Wiener was running a bit late and not yet in attendance, the Council agreed to address this item later during the meeting, once he arrived.

### **B. Proposed Ordinance Regarding Building Height Cap – First Reading (Cont'd from 1/24/05)**

Mayor Freedland explained that the public hearing was actually closed at the last meeting, with just the item being continued to this agenda, but anyone wishing to speak on the item was more than welcome to do so.

Building Official Greg Robinson presented the following staff report:

This item was addressed at the last Council meeting; there were some questions raised at that time regarding the intent of the ordinance, so staff did some further investigation; he talked to both Ron Heston at the Community Association and Mike Ashley, as suggested by the Council; there were some concerns regarding the width of a driveway, as it was felt 17' might be too tight to make a turn; thus the new draft ordinance adds a maximum width for the driveway of 20', which is the only difference from the draft presented at the last meeting; he has included a diagram showing an example driveway and how and where height in relation to the driveway would be measured per this ordinance; height is measured from the finished grade; the end result of this ordinance is to exclude one ramp that measures a minimum of 12' and a maximum of 20' in width, but does not exceed 17' in width at the garage opening, when determining the lowest point adjacent to the foundation when measuring height.

Mayor Pro Tem Berg thought the ordinance, as now written, worked well, with Council Member Siegel commenting as follows:

He recently talked to the Architectural Committee regarding from what point building height is measured, especially on a lot that is hillside related; he was in particular referring to a lot that has two sides on grade (the plate), and the other two sides at varying heights; per Ron Heston, the Architectural Committee would measure height from the plate, and disregard accommodations for any of the slopes; he wondered exactly from where the measurement would be taken.

Building Official Robinson explained the following:

There are actually two measurements, one being the height and the other being the height cap; each section of the house is measured from the finished grade, and that amount can be up to 26' at any point; but overall, the height cannot exceed 30' from the lowest grade to the highest portion of the house, which is the cap.

As there was no further discussion, upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to give first reading by title only to an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS REGARDING THE DEFINITION OF BUILDING HEIGHT CAP AND AMENDING THE HIDDEN HILLS MUNICIPAL CODE.

**C. Consideration of 1998-2005 Housing Element, Negative Declaration, and Related Resolution**

As the City Attorney was unavailable at this time, the Council chose to address this item later during the meeting.

**CONSENT CALENDAR**

- A. City Council Minutes – January 24, 2005
- B. Demand List

Upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve items A and B of the consent calendar as submitted.

**MATTERS FROM CITY COUNCIL MEMBERS**

**City's New Website – Update**

Mayor Freedland provided the following update:

The City's new website is up and running, and generating very positive feedback; some minor modifications have been made, and the City welcomes any comments as continual "tweaking" may occur; it looks very nice, and can be found at [www.hiddenhillscity.org](http://www.hiddenhillscity.org).

The City Manager reminded everyone that trivia questions appear in the crawl on the home page, and a free Hidden Hills logo shirt is provided to the person correctly answering the question.

### **MATTERS FROM STAFF**

#### **A. Lasher Development - Update**

City Engineer Dirk Lovett stated that comments being gathered from the staff and attorneys on the latest screen check draft EIR would be forwarded as soon as possible to the consultant, who would then need to redraft the document and return it to the City. The City Manager pointed out that whenever the consultant revises a draft, it must then be reviewed again by the City staff to assure all the comments have been incorporated, and that this pattern will continue until the document is acceptable to the City.

#### **B. Consideration of Proposed Resolution Regarding Extension of Charter Cable Franchise**

Upon MOTION of Mayor Pro Tem Berg and seconded by Council Member Siegel, it was resolved on a 4-0-1 vote, with Council Member Cohen abstaining, to adopt by title only Resolution No. 757 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS EXTENDING THE TERM OF ITS CABLE TELEVISION FRANCHISE AGREEMENT WITH FALCON CABLEVISION, DBA CHARTER COMMUNICATIONS, TO MARCH 31, 2005, TO FACILITATE THE CITY'S CONTINUED NEGOTIATIONS WITH THE CABLE OPERATOR REGARDING RENEWAL OF THAT FRANCHISE AGREEMENT.

#### **C. Right-of-Way Survey for Front Gate Area - Update**

City Engineer Dirk Lovett informed the Council that the survey is expected in the next several days, and that a copy will be immediately given to the Community Association once it is

received by the City. He added that the surveyor has completed all the field work, and just needs to add all the information regarding easements provided by the title company.

In response to resident David Frank, Mayor Freedland explained that the Community Association needed the survey to show all of the property lines, easements, etc. in the area of the front gate so they could begin a redesign of that gatehouse. Mayor Pro Tem Berg added that the survey would also be helpful to the City when reviewing any commercial projects that might be submitted for approval.

Council Member Siegel stated that the Community Association would be remodeling the gatehouse, which is in a very congested area, to look like the newly remodeled Round Meadow gatehouse, and that the Association would be conducting an informal design study and asking for public input.

**D. Charles Abbott Monthly Report - December**

City Engineer Dirk Lovett reported that the City had filed the Notice of Completion for the Round Meadow and Long Valley street improvements, and that the retention would be released next week if no liens were filed by the subcontractors by then. The report was received and filed.

At this time (7:49 p.m.), Mayor Freedland called a short recess, after which items 7A and 7C would be addressed. City Attorney Larry Wiener arrived at 7:53 p.m., and at 7:58 p.m., Mayor Freedland reconvened the meeting.

**PUBLIC HEARINGS**

**A. Proposed Ordinance Regarding Commercial Restricted (CR) Zone – First Reading**

City Attorney Larry Wiener provided the following staff report:

Since last November, the City Council has been holding public hearings in connection with updating the regulations of the commercial restricted (CR) zone; during the discussions, two primary concerns were expressed; one concern is protecting adjacent residential properties from inappropriate impacts, while the second is trying to assure that any development taking place in the CR zone is of high quality and consistent with Hidden Hills standards; the draft ordinance has been updated to reflect these concerns; primarily, the discretionary review provisions of the ordinance have been modernized to ensure that when a development does come forward, the City Council and the community (notice requirements have been broadened to notify all residents) have a chance to review the project, work with the project, and make sure the project meets the standards outlined in the ordinance; in addition, as an incentive to encourage even higher quality development, the proposed ordinance provides density incentives for development that goes a step further in providing open space, protecting adjacent residential properties, and bringing superior quality architectural design to the City; staff would recommend the Council open the public hearing and give first reading to the proposed ordinance, and then continue the public hearing to March 14, 2005, at which time additional testimony can be taken; there will be a negative declaration (Neg Dec) circulating and available for public comment beginning February 22, 2005, and the City can receive any testimony on it from that time and up through the twenty day review period; for those not familiar with a Neg Dec, California has a State law called the California Environmental Quality Act (CEQA) which requires that every governmental action be reviewed for its impact on the environment; certain actions are exempt from the review, but the adoption of a zoning ordinance is not one of those actions; if an action is not exempt, local government prepares one of two documents; one of the documents is a Neg Dec of environmental impacts which was prepared in relation to this ordinance; the document explains why the adoption of the ordinance will not have significant and adverse impacts on the environment; if staff believes an action would have significant impacts, an environmental impact report (EIR) would be prepared, which is far more detailed and explains the impacts; again, in relation to this ordinance, a Neg Dec was prepared concluding that there will be no significant and adverse impacts on the environment from the adoption of the ordinance; if the proposed ordinance is given first reading this evening, a second reading, which may occur on 3/14/05, must be given in order to adopt the ordinance.

Mayor Freedland then opened the public hearing at 8:03 p.m., at which time resident David Frank addressed the Council as follows:

He wondered what the difference was between permitted uses and conditional uses; he felt the permitted uses sounded more like what is there now, and that those uses are much better than the conditional uses, which would have negative impacts and which seem to allow the sale of alcoholic beverages on the premises; he referred to a section of the Municipal Code that he believed required a use to be compatible with other existing or

permitted uses, so the Council should always make the decision to preclude the sale of alcohol, which no one in Hidden Hills would want near the front gate, as that use does not presently exist; better still, he wondered why the Council would not just simply state in the ordinance that the use was denied, without even having to consider it.

Mayor Freedland replied as follows:

To explain the difference, permitted uses are those uses allowed in the zone per the ordinance; for conditional uses, the applicant would need to request a conditional use permit (CUP) from the Council, at which time the Council would look at the proposed use, the appropriateness of that use, and its impacts; the Council would take into consideration that section of the ordinance referred to by Mr. Frank regarding compatibility with other existing or permitted uses.

Attorney Wiener explained the following:

A bar and a restaurant serving alcoholic beverages are two different things and licensed differently through the Department of Alcoholic Beverage Control (ABC); the City is free to list bars under prohibited uses, but he believes the current listing of retail food service businesses such as restaurants, including those that have on premises sale of alcoholic beverages, would not include a bar as licensed by the ABC; all zoning codes are set up to have three categories of uses, those being permitted uses (typical), conditional uses (may or may not be acceptable depending on how they are presented and in what context), and prohibited uses (not allowed in any context); the conditional uses are those, that if the ordinance is adopted, the Council Members are saying they believe could possibly be compatible with other uses under the right circumstances and with the right conditions; in other words, the Council is saying to the property owner, if you wish to submit a project under this category, it will be considered and may or may not be approved; it is not required to have the three separate categories, but it is typical to have all three, especially in a commercial zone.

Mr. Frank again commented that all the listed conditional uses appeared to be much more negative than the permitted uses, so the conditional uses should just be excluded. He added that retail stores and business would create much more traffic than a real estate office.

Attorney Wiener responded as follows:

If you look at traffic studies, not all retail stores have a higher traffic generation than real estate offices; that is one reason why you place a category such as that in the conditionally permitted uses; some specialty retail stores may not have that much traffic, whereas convenience stores most likely would, and real estate offices vary.

Mayor Freedland added the following comments:

The Council cannot think of every possibility, or every potential retail use of a property; the Council would not wish to place a blanket prohibition on retail use, as the ability to consider different uses should be retained; someone might suggest a very thoughtful use of a property that would enhance the community, and the Council should have the option to consider it; if a property owner applies for a CUP, there will be a public hearing process and everyone would be invited to attend any hearings and give their views and comments; the ordinance also offers incentives to developers to present a more thoughtful plan that would be more consistent with Hidden Hills; this would not only be in the developers best interest, but also in the best interests of the City.

Council Member Siegel commented as follows:

He can think of different scenarios that could be beneficial to the City; for example, there might be an office building with a small snack shop inside, so those who worked there would not even have to leave the building during the day, eliminating some traffic; it would be a convenience to them, and could also be a convenience to those residents exiting the City who might want to stop for a cup of coffee; this would be very different from a restaurant serving beer; the Council Members need latitude to show their good judgment in considering uses that might be beneficial to the community.

Mayor Pro Tem Berg and Council Member Siegel had several questions related to signs, with Attorney Wiener stating the following:

The proposed ordinance has been changed to eliminate pole signs; there are still two categories of signs, those being building mounted and monument signs; lighting is not required for building mounted signs, but would be addressed as part of the architectural review; building mounted signs are normally allowed, as there may be more than one tenant in a building and people would need to identify the entrance, but the size and location can be regulated.

As there was no further discussion, upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to continue the public hearing to March 14, 2005, and to introduce and give first reading by title only to an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS RELATING TO THE COMMERCIAL RESTRICTED (CR) ZONE AND AMENDING THE HIDDEN HILLS MUNICIPAL CODE.

**C. Consideration of 1998-2005 Housing Element, Negative Declaration, and Related Resolution**

City Attorney Larry Wiener presented the following staff report:

Every City in California must have a general plan, which is the equivalent of a City's constitution; the general plan has several components, called elements, that deal with items such as open space, public safety, and housing; unlike the other elements, the housing element is required by State law to be updated periodically, which is typically every five years; in conjunction with that regular update, the City prepared a housing element and submitted it to the State Department of Housing and Community Development (HCD); HCD reviews, for every city in California, its housing element for compliance with State requirements; housing elements are designed to make each city think about what opportunities exist for developing housing and what constraints there might be that would prohibit the development of housing, and to try and encourage the opportunities while removing the constraints; City staff believes that the City's housing element submitted to HCD identified available housing opportunities, had proposed policies to remove the constraints, and met all requirements of State law; the staff at HCD did not agree, and returned it with comments; City staff revised the housing element per those comments and resubmitted the housing element to HCD, which had further comments; at this point, the City has the choice of revising the housing element once again and resubmitting it, in hopes that HCD will certify the element as being in compliance; or the City can determine that there is a disagreement with the HCD staff, in that the City believes the housing element meets the requirements of State law; in that case, the City may self-certify the housing element, stating that we believe it to be in compliance with State law; this would be the recommendation of staff; in that regard, a detailed staff report has been provided with suggested findings, including some revisions to address HCD's latest comments, and other findings explaining why the City disagrees with some of the comments and believes that the housing element is in compliance with State laws.

Mayor Freedland opened the public hearing at 8:23 p.m. As there were no comments, he closed the hearing.

Council Member Siegel expressed the following thoughts:

He believes the City has gone the distance with the housing element, which was very thoughtfully done; ordinances have been adopted regarding second units, potentially changing the character of the community in ways that may be politically unpopular; the City has conducted actual counts and surveys, etc.; he feels very confident that this is a very reasonable and reasoned housing element.

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to adopt by title only Resolution No. 756 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ADOPTING THE 1998-2005 HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPTING THE NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Berg, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of February 14, 2005 at 8:25 p.m.

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Steve Freedland, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk