

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, May 9, 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, May 9, 2005 at the hour of 7:30 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking the City Manager to lead the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

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

Staff:

City Engineer Dirk Lovett  
City Manager Cherie L. Paglia

Mayor Berg explained that the City was going to make an effort to have the City Attorney attend only those Council meetings where it was thought his expertise would be necessary, rather than have him automatically attend every meeting, which was why the City Attorney was not here this evening. He added that if a legal matter did arise during the meeting, the Council might decide to continue an item until the City Attorney could be present.

### **APPROVAL OF AGENDA**

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Freedland and unanimously carried, it was resolved that the agenda for the May 9, 2005 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Berg made the following announcements:

This year's Fiesta is on Saturday and Sunday, October 1<sup>st</sup> and 2<sup>nd</sup>; the co-chairmen are Andrea Lascoe and Lisa Moriarity, both of whom did a wonderful job last year; they are looking for volunteers, so if you are interested in helping, call them or City Hall; one or both of the co-chairmen will be at the next Council meeting to give an update on the plans thus far, and to reveal the theme.

Fire Service Day will be held this coming Sunday from noon to 5:00 p.m. at Juan Bautista DeAnza Park; a flyer for the event is available, or call City hall for additional details.

The new Calabasas High School library dedication will be held this Thursday at the library; some of the Council Members will attend.

On Saturday, May 14<sup>th</sup>, the Water District will be providing a tour of the Tapia Water Reclamation and Rancho Las Virgenes Composting Facilities from 9:00 a.m. – 1:00 p.m.; the City has an announcement flyer if you are interested.

The Equestrian Services Committee will be meeting tomorrow night at 7:30 p.m. at the Community Center; they will be showing the Saddlecreek arena plans and looking for input; everyone is invited and there will be refreshments.

For those who have RSVP'd, the Association's Welcome Party is this Saturday night at 7:00 p.m.

Council Member Fisher also had an announcement:

This past Friday the 1<sup>st</sup> Marine Division Association, of which he is a member, held its first annual golf tournament; some members of the City staff participated, as individuals, not officially representing the City; they spent the day, did very well and won several trophies; the Association provides scholarship funds for children and families of Marines killed in Iraq, and also helps wounded Marines return to civilian life.

## **AUDIENCE**

There were no questions or comments at this time.

## **PUBLIC SAFETY**

### **Upper Las Virgenes Canyon Open Space Preserve (Formerly Ahmanson)**

Chief Ranger Walt Young provided the following update for the park:

Per Tim Miller, who is in charge of brushing, it is a four day mowing job which will be done in the next several weeks, before the deadline; his concern has been slope issues, as it needs to be dry before putting the tractor on the slopes; brushing has been done around the ranch house, and there has been some trail work; all the work is done per County standards.

There have been a series of meetings recently attended by Ventura County, L.A. County, and the City of Los Angeles Fire Departments; this is an immediate action zone, and in the case of a wildfire, all three Departments will respond; the MRCA is now managing a 3000 gallon dip tank for Ventura County, given to them with a trailer; the helispot on Ahmanson will be a helitanker dip location; the helitankers take off loaded from the Van Nuys base, but will use Ahmanson as one of the primary refilling spots; the helitankers basically operating from Ahmanson will be very beneficial to this area; they are anticipating a busy fire season, but not necessarily a high loss season; there are a lot of grasses; grasses represent more frequent fires; however, the live fuel moisture is very high; with record rains comes record soaking of the ground; so the fire season may come, but it will come later as far as the heavy fuels.

Regarding park operations, they have reopened about 70% of the trails; it has taken so long because they had to wait for FEMA to give permission to repair the roads; two sections still are not done, one which will be completed by the oil company and one by the gas company; in Malibu Canyon, permits are still needed from the Fish & Wildlife Service/Fish & Game, but from Vanowen to Victory to the flat top area down to Malibu Canyon, all the trails have been repaired.

The parking lot at the end of Victory will probably be opening in two months, certainly before July 4<sup>th</sup>; this will be the primary area for visitors to enter the park; they are grading a 50 car parking lot; the grading is complete, but there are still some gates, fencing and signage that need to go in; he has been talking to the neighborhood councils in the City of Los Angeles.

Mayor Berg asked if anyone in the audience had any questions, as some had been raised at the last Board of Directors meeting.

Association Board Member Steve Scheinkman asked for an estimated completion date for those trails still needing to be repaired, and if there was any consideration to opening the trails that have been marked “closed for restoration”. Chief Ranger Young responded as follows:

The trail up to flat top is very eroded and follows a petroleum pipeline; discussions are taking place, but it could be 4-6 weeks before the repairs are completed, as it depends on the oil company; the gas company is waiting for a Fish & Game permit for the trail leading into Malibu Canyon, and will also be punching through from Las Virgenes up to Chesebro; with these three elements everything will be pretty much done, but the timing is dependent on the outside agencies; the areas that are closed for restoration will probably not be opening; from flat top down is all watershed into the frog habitat; some of the funding sources for the park were provided because of the frog and protection of its habitat, so it would be problematic to open this area; secondly, if you go past the “closed for restoration” sign, as it goes into Malibu Canyon, there is a 15’ chasm and the road is gone; the oil company is in the process of providing a proposal in relation to their ability to access the area for their pipeline inspection, as they have to chase the pipe every seven years, and there is no road to do that at this time; he believes that the closed areas will remain closed.

Equestrian Services Committee Chairman Cheryl Morris had two questions:

She wondered if a trails map would be available soon for the park; secondly, since she volunteers for the Mounted Assistance Unit at the State Parks and National Recreation Area and it would be very easy for her and others to ride almost out their back yards into the park, she asked if there was a need at the park for volunteers.

Chief Ranger Young answered as follows:

He apologized for not having a trails map yet, stating that they were just behind as there were other matters that were more pressing; there is a map on the website, but it is of questionable quality; as far as needing volunteers, the answer is an easy yes; they do run Mounted Assistance Units out of Wilson and Happy Camp Canyons, coordinated by Jody Thomas; as a three-park agency, they have a combined operation under one team for Mounted Bike Units, and there are discussions for doing the same with the Mounted Assistance Units; he will provide contact information to Ms. Morris.

In response to Council Member Siegel, who had several questions, Chief Ranger Young made the following comments:

The dip tank will hold 3000 gallons, while the helitanker holds 2000 gallons; on a first alarm brush response, they come loaded and can meter the amount of water dropped; Ventura County will send an engine, and there is also an engine with a 750 gallon tank stationed on site (it is presently in the shop); the theory is that a line will be run from the 20,000 gallon tank on the site, which is well fed, to the helispot, or they will do a water shuttle; this will be one of many dip tanks; SOKA is now in public ownership, although they have a lease back to continue operating for another three years; a 2500 gallon water tender will be stationed there; after a first attack, the helitankers then dip, and between Ahmanson and Ventura County, the tank will be kept full for the full duration of the incident; there is approximately ¼ mile between the 3000 gallon tank and the 20,000 gallon tank; it is not really feasible or necessary to create a connection between the two; they can lay a hose or shuttle; there is another helispot by the DWP tank to the north; however, the sky cranes are very large, and there might be an ingress and egress problem.

Council Member Fisher asked if they would have bulldozers in the park, as they have often been used to cut swaths that are instrumental in stopping fires. Ranger Young stated they would not have bulldozers. He again pointed out that this is a grass season, and grass fires are dramatic and move fast, but there is not much to them when they hit the end of the fuel. As long as Ahmanson is kept clear, and the individual property owners do proper clearance, there should not be a problem.

Mr. Scheinkman asked if there was a set protocol for the Fire Department's use of their lights and sirens within Hidden Hills. Council Member Siegel explained that more often than not the Fire Department is responding to a 911 medical emergency call rather than a fire, and both the Fire Department and the Sheriff's Department need the ability to use their discretion, as the last thing we would want to do is ask them to slow down for an emergency response where time is of the essence. Council Member Freedland stated that the City has ongoing dialogue with both the Fire and Sheriff Departments, and they definitely have a sensitivity to our unique area; in addition, there might be times when they have to pass through the City for an emergency.

Mayor Berg, in response to a question Mr. Scheinkman asked at the last Board meeting, explained that the City has not paid the \$220,000 to Ahmanson that was originally allocated half for the acquisition of the property and half for maintenance. He added that there have been some issues raised as to who can legally accept the grant funding, which of course is no longer needed for the acquisition, but that the City and City Attorney are trying to determine how that funding can be given to the park.

### **PUBLIC HEARINGS**

#### **A. Consideration of Minor Accommodation Application to Alter, Repair and Renovate More Than Fifty Percent of the Residence that Currently Encroaches into the Required Front Yard Setback at 5845 Hilltop Road**

The following staff report was presented by City Engineer Dirk Lovett:

The current residence is existing nonconforming, as there is a garage in the setback; the City's Municipal Code states that one cannot remodel more than 50% of a nonconforming residence without bringing the residence into conformity, unless a variance or minor accommodation is granted; as no work will be done on the current encroachment and no improvements will extend further into the setback, the applicant can apply for a minor accommodation; notices were sent to all those within 300' of the property, with no comments being received to date; this is a 2100 square foot single story home built in 1974; there was a first story addition completed in 1976; the applicant is proposing a 470 square foot addition to the first floor, a 1360 square foot addition to the second floor, and some remodeling; nothing is being done to the encroaching garage, but the improvements are over 50%; the Council must find that the minor accommodation will not have a material adverse impact on the public welfare or adjacent property; staff feels the finding can be made, and would recommend approval of the minor accommodation and related resolution.

Mayor Berg and Council Member Freedland reported visiting the site, while the other Council Members stated they did not. Mayor Berg then opened the public hearing, at which time Steve Hyman, for the applicant Sheri Hyman, addressed the Council:

The house is on Hilltop, where every house encroaches in the same area; no one there has a 50' front yard setback; they would like to keep the garage where it has existed for 30 years; the house is in desperate need of new siding and a new roof; the addition of the

second story should make the appearance of the house much nicer; they will also be doing landscaping.

Council Member Freedland asked where the utility poles were, as they should be undergrounded since the remodel is over 50%. Mr. Hyman thought there was a pole to the far right side as one looked at the front of the house. Mr. Lovett explained that if there was access to the utility pole, the wires would need to be undergrounded, and if there was no access to the pole, the applicant would be required to install conduit for possible future undergrounding.

Neighbor Brad Snyder asked about hours of construction, and wanted to make sure the improvements were not coming closer to the street than what already existed on the property. Mayor Berg explained that the hours were regulated by Code, and that no work could begin before 7:00 a.m. on weekdays and 8:00 a.m. on Saturdays, ending at 8:00 p.m., with no work on Sundays.

Mr. Snyder was assured that nothing was being built any further into the setback, with Council Member Siegel stating if the improvements were going closer to the street, there would be even more stringent requirements.

Council Member Fisher asked if the barn was being removed, and how the utility area in the back was to be accessed. Mr. Hyman stated that a dilapidated barn was indeed being removed, and that there was a gated area on the side of the house that accessed the back yard, so the trail was not being used for access.

As there were no further comments, Mayor Berg closed the public hearing. Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved to adopt by title only Resolution No. 764 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY, APPROVING A REQUEST FOR A MINOR ACCOMMODATION FOR AN ALTERATION

AND REMODEL TO AN EXISTING NONCONFORMING RESIDENCE LOCATED AT 5845 HILLTOP ROAD.

**B. Consideration of Minor Accommodation Application for a Two Story Addition, Within the Front Yard Setback, to an Existing Nonconforming Single Family Residence at 5550 Penland Road**

City Engineer Dirk Lovett presented the following staff report:

The current structure encroaches into the front yard setback; the applicant would like to expand the residence up and out, but no further into the setback; they would be in substantial compliance with other homes in the area; notices were sent to all those within 300' of the property, with no comments being received to date; the existing residence is a 2066 square foot single story built in 1957; the applicant is proposing a 1641 square foot addition to the first floor, a 785 square foot addition to the second floor, and a new 704 square foot garage; there is a very steep slope on the property with a very small pad; the Council must find that the minor accommodation will not have a material adverse impact on the public welfare or adjacent property; staff feels the finding can be made, and would recommend approval of the minor accommodation and related resolution.

Mayor Berg, Mayor Pro Tem Cohen and Council Member Freedland all reported visiting the site, while Council Members Siegel and Fisher did not.

Mayor Berg opened the public hearing, at which time the applicant, Howard Fields, addressed the Council as follows:

There is a very steep slope and retaining walls on the property; when he bought the property, one had to drive up a long driveway over speed bumps to get to the existing garage; he met with Ron Heston, who helped him with the design to remodel, add a new garage with enough room to turn around, have the service yard in the back, and not encroach any further into the front yard setback; it is not very visible from the street, as there are some very tall 50 year old trees.

Mayor Berg closed the public hearing, and asked for any comments from the Council.

Mayor Pro Tem Cohen asked if the new area on the right side is where the garage is now, and if the existing setback there was at 39'. Mr. Fields said that was indeed the area, and that since the addition is actually smaller, the encroachment may be slightly less.

Council Member Freedland asked about the undergrounding of wires since the remodel was over 50%, and asked staff to locate the utility poles on future plans. Mr. Fields stated that the utility pole is next to the trail, and that he was planning on putting it underground. He also commented that it was the addition of the second story that brought the improvements to over 50%. Mr. Lovett added that a lot of renovation inside the first story was required to support the second story. As there was no further discussion, upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to adopt by title only Resolution No. 765 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY, APPROVING A REQUEST FOR A MINOR ACCOMMODATION FOR AN ADDITION TO AN EXISTING NONCONFORMING RESIDENCE LOCATED AT 5550 PENLAND ROAD.

Mayor Pro Tem Cohen asked if the minor accommodation was only required when someone built into the setback and/or when the improvements were over 50%. Mr. Lovett responded as follows:

If there is already an existing encroachment and someone is doing improvements to the rest of the building that are less than 50%, a minor accommodation is not required; staff can issue minor accommodations when exterior improvements are made to an encroachment that is not being expanded; the Council will address minor accommodations when there is a nonconforming building to which improvements are being made that are over 50% and/or if the encroachment is being expanded, but not going further into the setback; if the encroachment is being expanded further into the setback, a variance would be required.

Mayor Berg pointed out that the Council spent a great deal of time on this issue in an attempt to streamline the procedures for residents, and although it may not be perfect, it seems to be working well and is much better than the previous requirements. The City Manager added that

the minor accommodation is less costly than a variance, and also requires the Council to make only one finding, as opposed to the variance procedure which requires four findings that are much more difficult to make.

### **CONSENT CALENDAR**

- A. City Council Minutes – April 25, 2005**
- B. Demand List**

Upon MOTION of Council Member Freedland, 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**

#### **Request for Mayor to Speak at Los Angeles County Public Hearing in Support of Heschel West Day School Building Project**

Mayor Berg provided the following background information:

Several weeks ago, the City Council was asked to send a letter of support for the Heschel West Day School building project, which was done; resident Ellie Sambol is now requesting that he, as the Mayor, speak on behalf of Heschel West at the upcoming L.A. County Regional Planning Commission public hearing on May 25th; she would like some history provided as to the experience of having a school next to our equestrian community, which is very similar to Old Agoura; he asked Ms. Sambol to make her request to the entire Council, as he would not speak on behalf of the City without the Council's approval; he did see an open letter in the "Acorn" from the Old Agoura Homeowners Association, which was provided to Ms. Sambol and also to the other Council Members so they would be aware of that viewpoint.

Ms. Sambol then addressed the Council:

The article did have several minor discrepancies; education will be provided through 8<sup>th</sup> grade, not 9<sup>th</sup> grade; the article referred to the building of special event facilities; they only anticipate the use of such a facility four times a year for school functions; they would like Mayor Berg to make three major points on behalf of Heschel West, with those points being 1) that Hidden Hills is a semi-rural community similar to Old Agoura, and that having Round Meadow School bordering the community has in no way impeded the equestrian lifestyle, 2) that the relatively close proximity of Heschel West to Hidden Hills

has been a positive influence, as many of the Heschel West families that live in Hidden Hills often volunteer for many City and Association activities, and 3) that there has been no long term negative impact on Hidden Hills due to having a school at our City's border.

Council Member Freedland was not opposed to adding a statement that the school will help alleviate overcrowding at the local Las Virgenes District schools, and felt that it was a good idea for the Mayor to speak at the hearing.

Council Member Siegel asked if Supervisor Yaroslavsky supported this project, as it looks like the letter in the "Acorn" is very much directed at him, insinuating that he supports the North Area Plan (NAP) except in the case of this particular school. Ms. Sambol stated that the Supervisor was in favor of this project, and that the NAP actually supports the building of both public and private schools. Council Member Siegel also wondered if there were Calabasas residents who attended Heschel West, and if so, suggested the Calabasas Mayor be contacted and asked to speak at the public hearing.

In response to Mayor Berg, Ms. Sambol said eight or nine Hidden Hills families presently attend Heschel West, which Council Member Siegel felt was a good percentage of those families in the community with young children.

Mayor Pro Tem Cohen suggested the Mayor not address compliance by Heschel West with the technical requirements, as that is not something the City has investigated. Mayor Berg pointed out that the Agoura Hills City Council is not planning on taking a position on the school, but their staff will be sending a letter commenting on the revised draft EIR. He added that we have been waiting for a copy of that letter so our comments can be sensitive to and not conflicting with their findings.

Mayor Pro Tem Cohen expressed concerns with point #3 as suggested by Ms. Sambol, as some residents of Hidden Hills might feel that Round Meadow School has been a nuisance or at least

an inconvenience at times. Council Member Siegel thought that was a good point, as traffic has presented impacts and been a challenge, but those impacts have been addressed in consideration of the benefits the school provides. He also felt that government should promote well-planned schools, as the more there are, the less crowding there is, they are good for children, good for communities, and provide more diversity for children. Ms. Sambol agreed that it might be better to say Round Meadow School has had no “significant” negative impacts on the community.

Council Member Fisher wanted to make sure the Mayor’s comments would be very generic and not become political, since he did not feel comfortable telling other cities what they should approve, as this City would not appreciate another city doing that to us. Council Member Siegel pointed out the school was in the unincorporated County area, not in Agoura Hills. Council Member Fisher suggested that the Mayor speak on a personal basis, not officially representing the City. The rest of the Council Members did not agree with this position, and felt comfortable having Mayor Berg speak on behalf of the City, but in generalities. The City Manager felt the Mayor would be able to express our City’s viewpoints, and also ask that the concerns expressed by others relating to technical aspects, such as traffic, also be considered.

Resident Kim Cavallo commented that she was at a Calabasas City Council meeting when two people spoke stating that they represented Agoura Hills. However, the Agoura Hills City Council had not taken a position, and she felt comforted when Mayor Groveman expressed his appreciation for their comments, but did not accept those comments as an official position. Ms. Cavallo added that support of schools could only be a good thing.

Mayor Berg will attend the public hearing at the L.A. County Regional Planning Commission on May 25, 2005, officially representing Hidden Hills, speaking in generalities on behalf of Heschel West as described above.

**MATTERS FROM STAFF**

**Lasher Development – Update**

City Engineer Dirk Lovett informed the Council that staff has completed its fourth review of the screen check draft EIR, and still feels there are some issues that have not been adequately addressed by the consultant. He added that the staff, including a representative from the City Attorney's office, would be meeting Tuesday morning with the consultant, and then would be joined by the developers.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of May 9, 2005 at 8:28 p.m.

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Ronald S. Berg, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk