

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, June 13, 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, June 13, 2005 at the hour of 7:30 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking Jake Feldman, son of Alan and Rusty Feldman, 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 E. Fisher  
Council Member Steve Freedland  
Council Member Stuart E. Siegel

Staff:

City Treasurer Eddie Bauch  
City Engineer Dirk Lovett  
City Manager Cherie L. Paglia  
Bookkeeper Randee Weinberger

### **APPROVAL OF AGENDA**

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the June 13, 2005 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Berg made the following announcements:

He wished to congratulate the Community Association and Parks and Recreation Committee for a very successful children's welcome party on June 11<sup>th</sup>.

He expressed congratulations to the Community Association for a very nice "Evening Under the Stars" event last Sunday at which the Calabasas All-Star Jazz Band performed.

He reported a skateboarding accident over the weekend which injured resident Beau Lucas, wishing him a quick recovery; sympathy was extended to the family, along with an offer to provide assistance in any way needed.

He reminded everyone that this coming Sunday, 6/19, was Fathers' Day.

He reported the existence of a Hidden Hills triathlon team, which meets every morning at 6:00 a.m. at the community pool; the group will be conducting future fund raising events for charity.

He read a letter received from Dr. Donald Zimring, Las Virgenes Unified School District (LVUSD), expressing a change in attitude for the District regarding enrollment; it used to be very difficult to get into different school districts, but due to declining enrollment and competition, the LVUSD will be advertising for students, on a somewhat lower profile than the Oak Park Unified School District, which has an advertisement in the "Acorn"; the LVUSD has been advertising to the West Valley church and synagogue pre-schools for students.

He asked residents to inform the City Hall staff of the academic accomplishments of their children; the Council would like to recognize, at upcoming Council meetings, those who have received awards or been named for outstanding achievement at their respective schools.

### **AUDIENCE**

There were no questions or comments at this time.

### **PRESENTATIONS**

Mayor Berg announced that City certificates would be presented at the next meeting to outstanding students from Hidden Hills.

### **NEW BUSINESS**

#### **Consideration of Application for Tree Permit at 5858 Clear Valley Road and Proposed Resolution**

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

The applicant has requested a tree permit for the after-the-fact severe trimming of three pine trees and nine eucalyptus trees; the trimming was observed by staff on 5/24/05, at which time the trimmers were done except for the clean-up; the City's arborist visited the site, and has stated that the trees are healthy and will survive, although he would recommend additional trimming in two to three years, by or under the supervision of a certified arborist; in order for the Council to approve the tree permit, several findings must be made, all of which staff feel can be made; the trees were planted some twenty-five years ago by the Fire Department, and have not been maintained; as a result, some have fallen and others have lost large limbs, which is not unusual for these types of trees; staff would recommend approval with several conditions: 1) the trees should be left to grow for two or three years, at which time they should be pruned or trimmed by or under the supervision of a certified arborist; if the trimming at that time falls under the definition of severe trimming, another permit will be required at that time, 2) the after-the-fact permit must be obtained within thirty days or the resolution will automatically become null and void, thus requiring the applicant to reapply for a permit, and 3) any future pruning or trimming shall be done with only hand tools or hand-driven equipment when within five feet of the drip line of existing historic trees, while all trees on the property shall be protected during any tree work.

Council Member Freedland wished to point out the following:

There was some confusion in relation to this tree trimming due to miscommunication given to the applicant by a representative of the Community Association; the homeowner was instructed to trim the trees by the Association representative, but was not told to contact the City for the required tree permit; he is assuming that staff has since explained

the proper procedures to the Community Association representative to prevent this from happening in the future.

Mr. Lovett assured the Council that the Association representative was notified to refer any tree trimming or tree removal questions to the City for advice in relation to the City's tree ordinance, rather than directing the resident to proceed in a particular manner.

Upon MOTION of Council Member Freedland, seconded by Council Member Fisher and unanimously carried, it was resolved to adopt by title only Resolution No. 767 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS CONDITIONALLY APPROVING A REQUEST FOR A TREE PERMIT AT THE PROPERTY LOCATED AT 5858 CLEAR VALLEY ROAD.

### **PUBLIC HEARINGS**

**A. Consideration of Minor Accommodation Application for Improvements, Including a Spa and Fire Pit Within the Side Yard Setback, and a Barbeque Within the Front Yard Setback, to an Existing Nonconforming Single Family Residence Located at 24976 Kit Carson Road**

Council Member Siegel recused himself and left the room during the discussion on this item, as he lives within 300' of the subject property.

City Engineer Dirk Lovett presented the following staff report:

The applicants' single family residence is legal nonconforming, as it encroaches 19' into the front yard setback, while the swimming pool encroaches 10' into the side yard setback; the applicants are requesting a minor accommodation for a barbeque within the 50' front yard setback, and a fire pit and spa within the 25' side yard setback; the barbeque and spa will encroach no further into the setbacks than existing encroachments; however, the plans show the fire pit encroaching further into the setback, placing it only 12' from the side property line; notices were posted and sent to property owners within 300'; no comments were received in response to the City notices, but the City received a copy of a letter submitted in response to a Community Association notice of variance hearing; that letter requested that the common driveway be maintained and that traffic and parking be controlled so as not to block access; there have been no objections to the

project submitted; the applicants believe that the improvements are in conformance with the neighborhood characteristics; the City Council may grant a minor accommodation if it will not have a material adverse impact on the public welfare or adjacent property; staff believes that finding can be made for the barbeque and spa, if additional planting is provided to minimize the potential noise impact from the spa on the neighboring guest house; staff also believes the finding can be made for the fire pit if it is relocated so as to be no less than 15' from the property line, placing it in line with the pool and spa; staff would recommend approval of the minor accommodation subject to the following conditions: 1) screen planting (approved by the City Engineer) shall be installed prior to spa permit final, 2) all pool and spa equipment shall be located outside of required setbacks, 3) the fire pit shall be relocated to no less than 15' from the side yard property line, 4) construction vehicles shall not use neighbor's driveway, 5) the common driveway shall be cleaned and maintained daily, 6) access to neighbor's driveway shall remain open and maintained at all times, and 7) other than drop off and delivery, construction vehicles shall not park on the common driveway.

Mayor Berg and Council Members Fisher and Freedland reported that they had visited the subject property, while Mayor Pro Tem Cohen stated he had not.

Mayor Berg opened the public hearing, at which time applicant Linda (Rusty) Feldman addressed the Council (Mr. Alan Feldman was also in attendance):

Her neighbors, the Nussbaum's, would be most affected; the problem is, the street at the end is very narrow, and when any trucks come up there, there is no way to leave access; trucks will have to come up and pull into their driveway, so someone may have to wait for access; this is nothing different or unusual; what she believes the Nussbaum's mean, is that they do not want trucks parking at the end of the street or blocking them from getting in and out; on her own property, there is a side embankment, some of which they will rip up, so trucks can get in and out to the pool and can park along the side, where guests for both properties usually park; she wants to make this clear.

Mr. Lovett explained that deliveries, drop-offs, and temporary staging are not prohibited, but continued parking is prohibited, as the neighbors need access. Mayor Berg added that the workers would need to park down below the shared driveway and walk to the site. Ms. Feldman suggested that when the concrete was to be poured, they would need to have a mixer there, and that there had to be a little concession by the neighbors – hopefully this would be done when the neighbors were at work. Mayor Berg asked why the mixer could not be parked on the Feldman

property, with Ms. Feldman stating that was why some of the embankment was going to be ripped out.

Joyce Nussbaum made the following comments:

They do not object to vehicles coming up the driveway and making deliveries; if there is a concrete truck, she does not understand why it cannot be pulled into the applicants' driveway; the street is very narrow at the end, and she does not want to see any damage to any vehicles; it is not a problem to unload items, but those items should not be left on the private shared driveway.

Mayor Berg agreed that no construction material should be left on the shared driveway. As there were no further comments from the audience, Mayor Berg closed the public hearing.

Council Member Fisher suggested the applicants check on the weight of the concrete truck (which is usually very heavy), so it does not destroy the shared driveway, as driveways are not built to the same specs as roads are.

Ms. Feldman wanted the following comments on record:

The private shared driveway is a mess and has been since they moved in; she and the neighbors just received a letter from Mr. Metzger, who lives at the bottom of the road, stating that he will be tearing up the road for a gas line; he did say that the road would be patched, but there is spray paint all over; she assumes the driveway is the Association's responsibility, but maybe the City should take pictures now so her family does not get blamed for any damage.

Mayor Berg explained that the driveway was not owned by either the City or the Association, but rather it is a private driveway that the individual homeowners need to maintain per civil code section 845. He reminded Ms. Feldman that she has an obligation to her neighbors not to damage the driveway and not to impact the neighbors with vehicle parking that prohibits access. Mr. Lovett suggested that Ms. Feldman may want to take pictures at this time to document any damage that she feels already exists.

Mayor Pro Tem Cohen had several comments:

He thought it might be appropriate to further condition the approval to require some type of notification to the neighbors and coordination of a mutually acceptable time before the cement pouring takes place; usually the cement is pumped through a hose, and sometimes from the street, and he just wants to assure that the neighbors can move their vehicles beforehand if necessary; he also wondered if the applicants were agreeable to the screen planting and moving the fire pit to be in line with the pool and spa.

The Feldman's replied that those two conditions were acceptable to them.

Council Member Freedland wondered how the City could enforce or remedy any violations of the permit conditions, since the Sheriff cannot ticket vehicles parked on a private road/driveway. Mayor Berg assumed the City could shut the job down for violations of the permit conditions. Mr. Lovett said that could be done, and that generally the applicant would be notified and inspections would be withheld. Council Member Freedland suggested to the Feldman's that they explain to the contractor the seriousness of any violations, and how he could be affected. He also suggested that a sign be posted on the job site regarding no parking on the shared driveway, and that a telephone number be provided by the Feldman's to the neighbors so if there was a problem, there could be communication to quickly resolve the issue.

Council Member Fisher agreed with Council Member Freedland about talking to the contractor, and also suggested that he have someone there to control traffic, as relying on the sub-contractors usually does not work.

As there was no further discussion, upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved to adopt by title only Resolution No. 768, amended to include conditions requiring notification of the neighbors before the cement is poured and provision of telephone numbers to the neighbors for quick communication and resolution of any problems that may arise, 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 SPA, FIRE PIT, AND BARBEQUE IMPROVEMENTS TO AN EXISTING NONCONFORMING RESIDENCE LOCATED AT 24976 KIT CARSON ROAD. At this time, Council Member Siegel rejoined the meeting.

**B. Review and Discussion of Preliminary Draft City Budget for Fiscal Year 2005-2006**

Mayor Berg announced that he and Council Member Freedland recently met with City Treasurer Eddie Bauch and the City staff to prepare the draft budget for the upcoming fiscal year, and asked Mr. Bauch for his comments.

Mr. Bauch stated the following:

He thought the budget meeting went very well; the numbers used were relatively close to the prior year's numbers with updates; per the draft budget, the City appears to have an excess of revenues over expenditures; the City's budget is generally conservative on the revenue side, and more liberal on the expense side, so at the end of the year, the expectations of revenue over expenditures are usually exceeded.

Mayor Berg opened the public hearing after pointing out that the draft budget shows \$72,000 excess of revenues over expenditures. Hearing no comments from the audience, he closed the public hearing, and informed everyone that the draft budget would be placed on the next agenda for final consideration. The City Manager stated that a notice would be placed on cable TV channel 3 stating that the draft budget was available for review, and that comments could still be submitted at or before the next Council meeting.

Council Member Freedland thanked Mr. Bauch, who is a volunteer, and Bookkeeper Randee Weinberger for their assistance and professionalism, adding that it was a pleasure working with them.



## **PUBLIC SAFETY**

### **A. Consideration of Approval of Amendment to Agreement with All City Management Services for Crossing Guards at Round Meadow School for the 2005-2006 School Year**

The City Manager provided the following information:

The proposed contract remains the same as in previous years, with the amendment just extending the contract for crossing guards for the 2005-2006 fiscal year; the cost per hour remains the same as it has been for years, \$14.98 per hour per guard; the total cost is based on three guards for nine hours a day for each of the 180 school days, with some extra hours built in for any unforeseen circumstances; all three guards will be paid from the City's general fund.

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Freedland and unanimously carried on roll call vote, it was resolved to approve the "Amendment to Agreement Between All City Management Services, Inc. and the City of Hidden Hills for Providing School Crossing Guard Services" for the 2005-2006 school year beginning July 1, 2005 through June 30, 2006, at a cost of \$14.98 per hour per crossing guard, not to exceed \$25,347 and 1692 hours.

### **B. Report from 5/31/05 Public Safety Commission Meeting Regarding Emergency Rerouting of Traffic Through Hidden Hills**

Mayor Berg informed everyone of the following:

He attended the Public Safety Commission meeting, which was also attended by Sergeant Phil Brooks of the Sheriff's Department; Sgt. Brooks was there to ask permission to reroute traffic through the City in case of emergency, although he did state that the rerouting could be done without permission if the Sheriff determined it was necessary; however, the rerouting would not occur for just a short freeway closure due to, for example, an auto accident; if the 101 freeway is closed due to a very serious and longer term situation, such as the Mureau Road bridge collapsing onto the freeway, then traffic could be directed through the City; in that case, they would have not less than five deputies in the City to help direct the traffic, along with the use of cones; this would take 2-4 hours to mobilize; this has never been necessary in the past; it is possible that traffic could also be rerouted up to and over Mulholland; if Calabasas Road was extended to Las Virgenes, this could also help in an emergency situation.

Council Member Fisher suggested the traffic could also be routed through the Ahmanson Ranch. Council Member Siegel stated that before traffic would be brought through Hidden Hills, it would have to be redirected up the 405, across the 118, and down the 23, as all the traffic on the freeway could not continually be sent through Hidden Hills. Mayor Pro Tem Cohen thought there was also another temporary freeway onramp by the hospital at the end of Calabasas Road which was used for eastbound traffic when Mureau was being built.

### **CONSENT CALENDAR**

- A. City Council Minutes – May 23, 2005**
- B. Demand List**

Upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve items A (with Council Member Fisher abstaining on this item as he was not in attendance at the meeting) and B of the consent calendar as submitted.

### **MATTERS FROM CITY COUNCIL MEMBERS**

- A. Heschel West Day School Building Project - Update**

Mayor Berg presented the following information:

He attended a recent public hearing for Heschel West at the L.A. County Regional Planning Commission, which was very interesting; he spoke for three minutes, which was the allotted time, and was the only one who was asked questions afterwards; the hearing was continued to 6/15/05, which will hopefully be the last hearing; staff has recommended approval of the project; he went to talk mainly about schools, and ended up talking about traffic and horses, and how they coexist in Hidden Hills.

- B. Valley Circle Interchange Trail - Update**

Council Member Siegel provided the following update:

He recently started inquiring about this project again; everything was in place for an agreement, and at the last minute, Caltrans had some type of memory failure of what had occurred in the past; he was assured by Assembly Member Pavley's office that it was not Mr. Boething who caused the delay; the City Attorney has been trying to reach Mr.

Boething's attorney Jack Rubens, but he is presently out of town; he will continue to monitor the situation and provide updates.

**C. Discussion Regarding Possible Extension of Calabasas Road to Las Virgenes Road**

The following information and answers to questions posed by the Council were provided by Council Member Siegel:

He would like to be proactive rather than reactive in regard to this issue; he would like the Council's direction to have City Engineer Dirk Lovett provide an estimated budget to investigate the feasibility of extending Calabasas Road from near the old hospital to connect to Las Virgenes Road, probably near the Mobile station; he thinks that both Supervisor Yaroslavsky and the two City of Los Angeles Council Members in this area might be interested in supporting such a project if there was enough information and publicity provided, and if they saw a political advantage; there is already a partial road there, along with a trail, but the rest would need to be created; there are many reasons for this road extension; it would reduce the length of time from that area of Calabasas to The Commons; now it is almost impossible for those who live in Mountain View or exit Hidden Hills at Round Meadow to get onto Mureau Road, as there is so much traffic; if there is a bad accident on the freeway, all the San Fernando Valley traffic gets off on Mureau, which is a small two lane road, creating a totally unacceptable situation; he has some aerial photos, but they are not detailed enough; the City could probably purchase already existing quality aerial photos, check any L.A. County plans, and look at elevations; staff obtained some maps from Calabasas, but they were more related to a bike trail, which it appears could hinder the building of a road in that location; the extension is already listed on the MTA's Long Range Transportation Plan (LRTP), but even so, he already knows that Calabasas and Agoura Hills will oppose any extension; he understands the concerns when people short-cut through a neighborhood, but this is different; it is not a short cut, but rather another route to get to the same area, which would not create additional traffic; before going public with such a proposal, he would like to gather information and then if a road extension appears feasible, form an ad hoc committee to garner support.

Council Member Freedland thought this was a very important issue, and he would like to see the road extended if possible due to the horrendous traffic on Mureau Road. Both Mayor Pro Tem Cohen and Council Member Fisher expressed their agreement. Mayor Berg offered to work with Council Member Siegel on this project. Council Member Siegel will provide all the information he has to Mr. Lovett, and suggested that in a few weeks, he, Mayor Berg, and Mr. Lovett meet at

the site to walk the area. Then they will all have a better idea if Mr. Lovett should proceed to provide a proposed budget to study the feasibility of an extension of Calabasas Road to Las Virgenes Road.

**D. American Red Cross Request for Summer Blood Drive in Hidden Hills**

The Council thought it was a good idea to conduct another blood drive in the City since one has not been conducted since the very successful blood drive in 2002, and directed staff to work with the Red Cross to schedule the event.

**MATTERS FROM STAFF**

**A. Lasher Development - Update**

City Engineer Dirk Lovett informed the Council that a hard copy of the latest screen check draft EIR was recently received and is being reviewed starting today by the City Attorney's office, with the Attorney and staff comments to be returned to the consultant as soon as possible. Mayor Berg then read a summary of the upcoming CEQA process, since the draft EIR will hopefully be available for public and City Council review in the near future. Mayor Pro Tem Cohen suggested the summary be published in the next City newsletter. The City Manager stated that once the public hearing was scheduled for the draft EIR, that information would be put on cable, notices would be posted, and staff can also send an email/fax notification and possibly place larger posters around the City, all to assure that everyone is aware of the hearing.

**B. Los Angeles County Proposed Condominium Project Located at 24141 and 24121 Ventura Boulevard, Calabasas (The Pointe at Calabasas)**

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

As the Council will recall, this site was originally approved by the County for an 85,000 square foot office building; the developer has subsequently submitted a new 66 unit condominium project, including 28 senior units; at its 4/11/05 meeting, this Council directed staff to prepare a letter, for the Mayor's signature, asking for the traffic study to look at the traffic under the approved zoning vs. the proposed new condominium project;

the letter also requested that the extension of Calabasas Road be considered to relieve the existing traffic congestion problem, which would only be made worse by another project; as mentioned earlier, this extension is listed in the MTA's Long Range Transportation Plan; Calabasas also responded to the County regarding this project, expressing concerns with traffic, intersection levels of service (LOS), proposed mitigation measures, and aesthetics; Hidden Hills received a copy of the 3/25/05 traffic study from the developer; the study determined that the proposed condominium project would generate about 36% of the traffic that would have been generated by the previously approved office building project; the LOS at studied intersections will not become worse; per the traffic report, the condominium project will not create significant adverse impacts to the existing intersections; L.A. County has reviewed the report and is only concerned with construction traffic, so there will most likely be no offsite mitigating measures required; since alternate routes are a regional problem, the solution will not necessarily lie with this developer; however, the lack of alternate routes during freeway backup is still a concern to our City, and since it is regional, the Council could ask the County to study this matter and initiate the extension; the developer is asking Hidden Hills for another letter stating that the City's concerns have been met; the Council could submit a letter expressing satisfaction with the conclusions in the traffic study regarding lack of significant impacts to local intersections, but again emphasizing the need to extend Calabasas Road to provide a necessary alternate route for the 101 freeway.

Council Member Siegel commented that it would be hard to ask the County to require that the developer include the construction of a very expensive road as a mitigating measure, if his project is actually creating a reduction in the amount of traffic, but it would not hurt to ask, as Mureau Road is still impacted, even if the on and off ramps in the area are not.

Council Member Freedland suggested the letter only mention the fact that Mureau Road is already saturated with traffic, and any project, no matter what size, will only add to the traffic on a road that is already overwhelmed. Mayor Berg asked that the draft letter be provided to both him and Council Member Siegel for review before it is sent.

Mayor Pro Tem Cohen asked if the developer responded to the concerns regarding aesthetics of the scenic corridor, and if the plans complied with the request for two separate driveways for ingress and egress. Mr. Lovett replied that he had seen no response from the developer to the

aesthetic concerns, and that the developer felt the County now understood the circulation and would accept just the one driveway, rather than two.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved to adjourn the regular meeting of June 13, 2005 at 8:31 p.m.

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Ronald S. Berg, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk