

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, December 12, 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, December 12, 2005 at the hour of 7:30 p.m. Mayor Ronald Berg called the meeting to order and presided thereover after asking resident and developer Ron Gonen 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 Attorney Larry Wiener
City Engineer Dirk Lovett
City Building Official Greg Robinson
City Manager Cherie L. Paglia

Consultant:

Ken Koch, Impact Sciences

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved that the agenda for the December 12, 2005 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Berg made the following announcements:

He extended birthday wishes to both Council Member Freedland and City Manager Cherie Paglia, and congratulations to Council Member Siegel and his wife Peggi, who are celebrating their 35th wedding anniversary today.

He congratulated the Community Association/Parks and Recreation Committee on a very successful and delightful winter snow day (12/4) which was very well attended.

He reminded everyone to attend the Community Association Board of Directors meeting Tuesday evening (12/13) at 7:30 p.m.

City Hall, Building & Safety, and the Community Center will all be closed from noon on Friday, 12/23/05, through Monday, 1/2/06 for the holidays; there will be no inspections during that time period.

The City Council meeting scheduled for 12/26/05 and the Public Safety Commission meeting scheduled for 12/27/05 have both been cancelled.

AUDIENCE

There were no questions or comments at this time.

PUBLIC HEARING

Consideration of approval of an application for Vesting Tentative Map 54063 and consideration of certification of the accompanying Environmental Impact Report. Vesting Tentative Map 54063 would subdivide approximately 23 acres of property located generally south of Lasher Road and east of Bridle Trail Road. The property would be subdivided into 11 residential lots clustered around one roadway ending in a cul de sac that would be developed from Lasher Road into the project site.

Mayor Berg began by thanking everyone for coming to participate in this process, thanked the Community Association for working with the developers to move the project forward, and thanked staff for all their hard work on the project. He then made the following statements:

The City Council, sitting as the Planning Agency for the City of Hidden Hills, is holding this public hearing to consider an application for Vesting Tentative Map 54063 (VTM 54063) and a final environmental impact report (EIR) for proposed VTM 54063; the project, located in the southern part of Hidden Hills, generally south of Lasher Road and east of Bridle Trail Road, consists of approximately 23.04 acres; it is accessed from Lasher Road on the north; the proposed project would subdivide the 23.04 acre site into eleven residential lots and one lot for "A" street; one existing single family residence would be replaced as part of the project, with the end result being a net increase of ten residences; the project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and environmental and land division regulations of the City.

Mayor Berg provided some ground rules to help assure an orderly and efficient hearing, and stressed that everyone wishing to speak on this project would have the opportunity to do so, even if that meant the public hearing had to be continued to a future meeting to accommodate everyone. He also asked anyone in the audience who wished to speak to fill out a speaker card.

Mayor Berg then opened the public hearing and asked City Engineer Dirk Lovett to present his oral staff report. Mr. Lovett provided that report (refer to the staff report dated 12/9/05), covering such topics as EIR preparation by Impact Sciences, notification, building height, street width, grading, lots, trees, drainage, and construction access. Mr. Lovett also discussed the final EIR, its adequacy and possible certification, the impacts of the project, mitigation measures and/or alternatives, possible unavoidable impacts, and compliance with the City's General Plan. He also pointed out that the staff report contained the draft conditions recommended by staff. Mr. Lovett provided the following summary:

With the proposed conditions and mitigation measures recommended by staff, staff believes that the site is physically suitable for the proposed type and density of development and that the design of the subdivision and type of improvements will not cause any public health problems; the project will be developed consistent with the City's general plan and the Hidden Hills Municipal Code, including compliance with all

requirements of the California Regional Water Quality Control Board; grading will be balanced on site, and the density of the project is consistent with the character of the City of Hidden Hills.

Mayor Berg thanked Mr. Lovett for his report, and also introduced EIR consultant Ken Koch, from Impact Sciences. Mayor Berg stated the following:

Everyone who wishes to speak on this matter should fill out speaker cards; public testimony will be limited to approximately three minutes for each person; a great deal of work and thought has gone into this process; the staff report includes twenty-six pages of conditions; it is important to note that this 23.04 acre property is already within the City of Hidden Hills, so no annexation is required; however the property is not in the Community Association (HHCA), so that entity is negotiating its own agreement with the developers, along with its own conditions; the HHCA will conduct separate public hearings, which everyone is encouraged to attend.

Mayor Berg then asked the applicants if they would like to make a presentation. George Muhlsten, of Latham and Watkins, introduced himself as representing EGC Luxury Homes and Hidden Ridge LLC, and then introduced developer and applicant Ron Gonen to make a presentation on the proposed project.

Mr. Ron Gonen, President of Hidden Ridge LLC and Vice President of EGC addressed the Council, providing detailed information on the project, covering the following:

background information on EGC; the company's involvement and commitment to the Community and its character, as well as that of the individual applicants; project location; number of homes, lot size and configuration; trails (new, upgrades, and connections); Lasher Road extension and configuration; fencing, including 3-rail and perimeter; trees; traffic, ridgeline view, and noise level impacts and mitigation measures; sound walls and additional noise studies; community benefits; construction impacts and mitigation measures; community outreach; and the City's public process.

Mr. Muhlsten thanked staff, pointing out the number of conditions designed to assure that the project conforms to the City's requirements, only a few of which they had minor comments on. He informed the Council that the applicants were very close to an agreement with both the HHCA and representatives of the Pet Park, and asked the Council to keep the record open so the applicants or third parties could provide additional information if necessary at a future meeting.

Mr. Muhlsten expressed his hope that the Council would approve the tentative map, certify the EIR, and adopt the findings and recommendations of staff, offering the expertise of the applicants' consultants who were in attendance to answer any questions the Council Members might have.

Mayor Berg asked Mr. Gonen to introduce his consultants and those assisting the applicants with this project. Mr. Gonen introduced the following: George Muhlsten, land use attorney; Larry Gray, engineer; Thienan Ly of Glen Lukos & Associates (wetland delineation); Amir Yazdanniyaz of Arup, noise engineer; and David Goldberg, who works with Mr. Muhlsten. Mayor Berg then asked for a representative of the HHCA to speak, which resulted in HHCA Board President Todd Bernstein coming to the podium. Mr. Bernstein addressed the following matters related to the project:

Ongoing efforts between the HHCA and developers to reach an agreement for annexation of the property into the HHCA; the history of the property and the draft agreement prepared at that time (1995), which is being used as a springboard for the new agreement; the control of the Architectural Committee over all development on the property, beyond the annexation agreement; his continued involvement with the project, even though he will no longer be on the HHCA Board of Directors beginning 12/13/05; public hearings before the HHCA Board; areas of concern including parkway widths, horse trails (which have been reviewed and approved by the HHCA's Equestrian Services Committee), maintaining the character of the community, and the planting of additional pepper trees on the existing portion of Lasher Road; HHCA conditions which can hopefully be incorporated into the City's conditions, if possible and appropriate; recordation of CC&R's on the property to assure compliance of the present and future owners with all HHCA rules and regulations; the ability of the HHCA to halt or restrict work on Saturdays that results in excessive noise (to which the developer has agreed); ingress and egress during grading only through the Pet Park, not through the City; sound walls, which the HHCA would prefer not be built anywhere on the property, and would ask the City not to require, as they would only be for the benefit of the new owners, not existing residents in the City.

There was a short discussion regarding sound walls, during which City Attorney Larry Wiener stated the following:

The sound walls were recommended in the EIR as a mitigation measure for noise impacts on future residents, not on existing residents; the EIR projects the sound impacts after grading; once the grading is complete, if an evaluation shows that the projections were incorrect and there are no significant impacts, the walls may not be necessary; however, if there are still significant sound impacts, the walls would be required unless the Council determines that the walls were infeasible for legal, technical, or social reasons.

Resident Claudette Rice, representing the HHCA's Equestrian Services Committee (ESC), informed the Council that the developers have been very open to the concerns of the ESC, and attempted to find another location to add a trail since there are not a lot of trails in the development due to the topography. She added that a location in the development could not be found, but Mr. Gonen suggested adding a trail across one of the existing properties on Lasher (owned by the developers) to provide a trail loop; the developers will also, for safety reasons, double fence the trails along the street.

Mayor Berg then called on those who had completed speaker cards, with the following coming forward to address the Council:

Rob Glushon, counsel for the L.A. Pet Memorial Park – Concerned with impacts on the Park, which is right below the proposed development; asked the Council to hold its decision open until at least the next meeting, as they are working with the developers to reach an agreement, at which time they will notify the City.

Allen Baker, resident – Would like to see this development go forward, both for security reasons and fire protection; feels the developers have the concerns of the residents and community at heart.

Charlie Goldwasser, resident – Felt project would add value to the community; wanted baseline noise measurements taken from Bridle Trail (per EIR, only measured from freeway and Lasher), with additional measurements then taken after grading completed; suggested other potential uses for entrance to project from Lasher be considered, such as a park, field, or open space.

Gary Rudolph, resident – Since it will be a 5-year project, concerned with the excessive truck traffic, workmen, and noise after the grading is completed; felt it was a good project, but concerned with noise, as his property seems to be the most impacted.

Erica Crystal Patterson, resident – Representing her family and her neighbor at 5209 Saddlecreek; would like to see baseline measurements for noise taken on Saddlecreek, and then again later after the grading is completed; does not want to see sound walls unless they protect her property from noise; felt disappearance of open space would affect the coyote problem; concerned with traffic, especially if it adds to congestion at the front gate when construction workers enter the City; concerned that traffic will come up their private driveway off of Saddlecreek to access the project.

Richard Rosenberg, resident – Concerned with water run-off and the underground stream that begins on this project property and drains to the trail between his house and the neighbors; would like to see speed humps installed on Lasher to slow traffic.

Matt Plaskoff, resident – Is not impacted by the project, but as a builder, impressed with thoroughness and efforts of developer as well as the design, and feels this is a great project for the neighborhood.

Mayor Berg called for a short recess at this time (8:47 p.m.), and reconvened the meeting at 8:57 p.m. Two additional speaker cards were received, from the following:

Kim Cavallo, resident – She lives in an EGC built home, and would like everyone to know how responsive the developers are, even after several years.

Deborah Vangelos, resident – Not for or against the project, but wondered why no noise report had been done for Bridle Trail; might not be the responsibility of this developer, but would be interested in a grassy area in which children could play.

As there were no additional speaker cards, Mayor Berg closed the public comment portion of the public hearing, and asked the developer to address several issues, including open space/parks, noise, and drainage.

Mr. Mhlsten responded with the following comments:

Parks are analyzed as a part of the EIR process, and the developers will pay a required fee, but there are no dedicated parks included in the project; however, there are trails and open space landscaped areas; the EIR also addresses noise; the EIR consultant did noise studies in certain areas, and the developer took additional baseline measurements on Bridle Trail and Saddlecreek, and will provide that information to the City; an analysis was done by the noise engineer (Arup) who determined that only nominal changes will occur in noise levels.

Mr. Gray, the project engineer, addressed the drainage issue as follows:

An extensive hydrology study was done on the property, and the City Engineer has been very diligent; there is currently a round hill from which water runs to each side; when the project is done, part of the area will be flattened and water will run to the middle of the street and to the storm drain; it will flow to an open drainage channel just past the Pet Park, into a storm drain inlet, and into the County Flood Control system; the amount of water will be equalized, or in most cases reduced, slightly enhancing the drainage; now there is not only water, but also mud and debris running from the natural hill; after the project is completed, the debris will be removed due to the drainage controls and grading of the lots; the water running down Lasher should experience a slight improvement in both quality and quantity.

In response to Council Member Freedland, Mr. Gonen stated the additional baseline sound studies had been done at the end of Bridle Trail, and next to Saddlecreek, accessed off of Old Farm Road. Council Member Freedland then asked two questions – 1) if there was no increase in sound levels after construction, was it safe to assume that the residents in that area who expressed concerns with noise would experience no additional noise, and 2) if there was an increase in noise levels after construction, would the developer implement mitigation measures to assure that the noise levels would be the same after construction as before. Mr. Gonen responded yes to each question. Council Member Freedland then asked what type of mitigation measures would be used if the noise levels did increase. Mr. Yazdanniyaz said mitigation measures could include a combination of landscaping barriers.

Mayor Pro Tem Cohen was confused as to whether the noise levels would be measured after grading or after construction. Mr. Muhlsten stated the following:

Baseline readings were requested by at least two residents prior to construction; these have been done and will be provided to the City; after completion of the grading, they will provide additional measurements as required by the EIR; they believe the measurements will show no perceptible increase in noise resulting from the grading; if there is an increase, the EIR provides that they implement additional mitigation measures such as sound buffers, landscaping, etc.; a separate and distinct issue is the noise walls along the pad lines on the lots of future residents on the south side of the road to be constructed; aesthetically, the general preference would be to not have these walls, and they would ask the Council to remove that condition if the required finding can be made.

Council Member Freedland stated it would seem that if there was no increase in noise levels after grading, that the construction of homes, which should take several years, should actually improve the noise situation.

Mayor Pro Tem Cohen asked if the noise during residential construction was being mitigated. Mr. Yazdanniyaz replied that the EIR addressed freeway noise due to the removal of part of the hill, not construction noise. In response to Mayor Berg, Mr. Gonen stated the plan was to build two or three homes a year, depending on market conditions.

Council Member Fisher referred to one of the earlier comments regarding the traffic back-up at the Long Valley gate, but felt that was a function of the Gate Committee, even though some traffic may be added by the project. Mr. Muhlsten said they would be addressing this matter with the Gate Committee, and could possibly ask for contractors to adjust the locations and times at which workers would enter the City. Mayor Berg commented that traffic at that gate often backs up to Valley Circle, and whatever could be done to alleviate this congestion would be helpful. He also asked about increased traffic on Lasher, with Mr. Muhlsten explaining that the EIR looked at this and determined there would be no significant impacts.

On behalf of resident Gary Udoff, Mayor Berg asked several questions, as did Council Member Fisher, regarding noise levels and possible barriers. Mr. Yazdanniyaz addressed the questions as follows:

The ridge is about 100' – 110' high; when cut, it will be 60' – 65' high; the highest sound walls built by Caltrans are 16' tall; any wall above that height does not help; the benefit of a 100' wall as opposed to a 60' wall is the same; there is limited attenuation that a wall provides; as you increase the height, there is no linear relation to reducing the sound – if you cut a barrier from 100' to 50', the sound is not increased by 50%; and if the hill is lowered by 50', the future homes on that hill will also be 50' lower.

Mr. Koch wished to point out that in addition to height, you need to look at the distance from the source, as noise attenuates the further you are away from the source.

Mr. Muhlsten added that the EIR analyzes sound impacts based on noise standards – the EIR looks at a 3 dBA change in noise level as acceptable; the modeling shows, except for the two identified locations, that there will not be a significant change in noise levels (it will not be perceptible to the ear) as a result of the grading.

Mr. Goldwasser was assured that the baseline sound studies to be provided to the Council would be available to the public, as all this information is. Mr. Koch pointed out that fifteen sites were monitored, five on the project site and ten in the community at large (including several on Saddlecreek Road) as a part of the EIR and available to the public.

Council Member Siegel expressed concerns related to grading, watering, hydroseeding, etc., whereby he wished to assure that unsold lots or those without homes (it is possible only two homes may be built in one year) would be maintained, weeded, and kept in an acceptable state, commensurate with the standards of the community rather than just complying with annual fire department standards for clearance. Mr. Gonen stated they fully intended to maintain all lots while in an unused status, and although they would not seed and water flat pads, they would do weed abatement. Mr. Lovett pointed out grading conditions #20 and #21, which required lot maintenance as necessary.

In response to Council Member Siegel (regarding street condition #4), Mr. Gonen stated that if the need for a retaining wall became a reality, it would be their responsibility to maintain that wall or any planters. Mr. Gonen also explained that they would not just hydroseed the slopes, but also landscape the property with trees and shrubs to enhance erosion control and increase the value of the property.

Council Member Siegel wanted assurance that the concrete drainage swale (street condition #5) was the right swale, not the one used in the Zuckerman tract. Mr. Ashley agreed it was the correct standard.

Council Member Siegel asked about improvements to Lasher Road (street condition #6) to the satisfaction of the City Engineer. Mr. Lovett explained the improvements could be related to drainage problems, erosion, the addition of gutters, potholes, street settling, etc. Council Member Siegel also asked if those things required in air quality condition #2 (such as temporary traffic control) could only be imposed during construction and the grading phase, or if they would also be required when the homes were being built. Mr. Lovett responded that the conditions were mostly applicable during grading, but there is no reason they could not be extended throughout construction. Mr. Muhlsten agreed, adding that they would have to provide a construction management plan subject to City approval for the entire construction period, not just for grading.

Mayor Pro Tem Cohen suggested that since the City would be receiving additional information from the developers that was not available to the public before this meeting, that anyone wishing to comment on the new information be allowed to do so in the future. City Attorney Wiener reminded the Council that the Mayor only closed the initial public comment period, not the public hearing, so the Mayor could take further comments while the hearing remained open. Mr. Wiener also informed everyone that the new information would be public record, and if anyone wanted a copy, he/she could obtain that copy at City Hall

Mr. Muhlsten again asked the Council to keep the record open for any additional comments. Mayor Berg stated that his intent was to continue the public hearing to the next regularly scheduled Council meeting on 1/9/06, and that if any member of the public wished to comment or ask any questions at that time, they would be able to do so, as would the Council Members, after which they would begin deliberations. Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Cohen and unanimously carried, it was resolved to continue the public hearing on the application for Vesting Tentative Map 54063 and certification of the accompanying Environmental Impact Report to the next City Council meeting on 1/9/06.

Mayor Berg thanked Mr. Ron Gonen, his father Mr. Eitan Gonen (who was not mentioned earlier), and their entire team for all of the work and preparation expended on behalf of their project and project submittal. He thanked the staff again for the professional and detailed information provided to the Council Members to help them make the best and well informed decision possible. Mayor Berg also wished to thank the public for becoming involved, which is what government is all about.

At this time the Council took a five minute recess, with Mayor Berg reconvening the meeting at 9:39 p.m.

CONSENT CALENDAR

- A. City Council Minutes – November 28, 2005**
- B. Demand List**
- C. Disbursement List – November**
- D. Financial/Treasurer’s Report – November**

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

MATTERS FROM CITY COUNCIL MEMBERS

Discussion Regarding Landscaping at the Corner of Round Meadow/Mureau Roads

This item was tabled until a future meeting.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to adjourn the regular meeting of December 12, 2005 at 9:40 p.m.

Ronald S. Berg, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk