

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 22, 2008

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, September 22, 2008 at the hour of 7:35 p.m. Mayor Pro Tem Larry Weber 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 (8:30 p.m.)
Mayor Pro Tem Larry G. Weber
Council Member Jim Cohen
Council Member Monty E. Fisher
Council Member Stuart E. Siegel

Staff:

Special Counsel Larry Wiener
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

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 September 22, 2008 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Pro Tem Weber made the following announcements:

Fiesta is this Saturday and Sunday; all meal tickets must be purchased by 5:00 p.m. Wednesday; there will be no exceptions; all entry forms for the events should be submitted by Wednesday at 5:00 p.m.; Hidden Hills developer and founder Archie Hanson is the Grand Marshall this year; the Council would like to encourage everyone to take part in the parade and all other activities; call City Hall with any questions.

Happy Anniversary (Wednesday) to Mayor Steve Freedland and his wife Susan.

Rosh Hashanah begins at sundown Monday (9/29); Yom Kippur will begin at sundown on Wednesday, October 8th.

City Hall, the Community Center, and the Building & Safety Department will all be closed on Monday, October 13th in honor of Columbus Day; no inspections will be conducted that day, but work is allowed.

AUDIENCE

There were no questions or comments at this time.

PUBLIC SAFETY

A. Los Angeles County Fire Department Report - August

Community Services Representative Maria Grycan presented the following report:

During the month of August there were 13 responses, including 0 fires, 5 medical calls, 3 false alarm/good intent calls, 2 snake removals, 2 hazardous conditions with no fires, and 1 service call; the Fire Prevention Bureau conducted 5 inspections; no plans were checked; all 570 parcels in Hidden Hills have been inspected for brush clearance; of those, 28 were issued a notice of non-compliance; however, as of today, all of the 28 have been brought into compliance, so no properties were turned over to enforcement.

In response to Mayor Pro Tem Weber, Ms. Grycan reported on the Fire Expo held this past Saturday:

It was well attended for the late notice; there has been a change in philosophy in the Department; the message is still that everyone should leave when an evacuation order is given, especially children, elderly, disabled, and those with respiratory problems; realistically, some people will not leave, so the Department is now giving information and advice for those people, such as how they should be equipped, how they should dress, what they should expect, how to identify a safe area to retreat to, etc.; the vendors, with products that could be helpful, were pleased with the turnout; next year they plan on offering two Expos, with one on the coast and one inland.

B. Los Angeles County Sheriff's Department Report - August

The following report was provided by Lt. John Benedict:

In August there were 2 Part I crimes; the first was a burglary (tools stolen) from an unlocked stable in the 24900 block of Jim Bridger; the second was a grand theft with a small refrigerator being taken from a BBQ island in a backyard in the 5800 block of Clear Valley; there were 6 false alarms during the month, but no arrests; regarding traffic, there were no collisions, but 38 citations were issued, 21 being hazardous, 2 being non-hazardous, and 15 for parking; one driver was referred to the STTOP Deputy, however the plate was bad and could not be tracked.

Mayor Pro Tem Weber asked about the Sheriff's open house, to which Lt. Benedict responded as follows:

The open house is done annually, and was very successful this year with approximately 1000 attending; Sheriff services are showcased, such as SWAT, Mountain Rescue, equestrian units; the Fire Department was also in attendance.

Council Member Siegel wished to thank the Sheriff's Department on behalf of a resident who feared for her daughter's safety and was able to obtain a restraining order.

PUBLIC HEARINGS

A. Variance No. V-374 (continued from 6/9/08, 7/14/08, 7/28/08, and 8/25/08) 24814 Jacob Hamblin Road Swimming Pool and Retaining Walls within the Side Yard Setback

City Engineer Dirk Lovett provided the following staff report:

This is a variance request for a swimming pool and retaining walls, a portion of which encroach into the side yard setback; a letter was received from one of the neighbors expressing no objections; some concerns were expressed at the earlier hearings regarding appearance and maintenance of the construction site, length of construction, visual impacts, hardscape runoff, and structural integrity of the pool and hillside; revised plans were submitted on 5/1/08, which were reviewed and approved by the Community Association Board of Directors on 9/16/08; the four retaining walls vary in height from 2' to just over 8½' tapering down to existing grade near the property line; the Municipal Code allows 3' high walls to encroach to within 15' of the property line, with the highest wall at that 15' line being 4½'; the pool encroaches 10' into the setback; the purpose for the encroachment into the setback is due to the irregular shape, configuration, and topography of the lot, which slopes steeply down in the rear; the existing trash enclosure, currently in the setback, will be relocated outside of the setback; in order to approve the variance, four findings must be made; staff feels these findings can be made, but would recommend approval with the following conditions: 1) the applicant shall keep the Jacob Hamblin Road easement clean and free of debris, building material, and construction equipment at all times, 2) the applicant shall fence and screen the work area from public view, as viewed from Jacob Hamblin Road, 3) there shall be no long term storage of building material or equipment on the site, 4) the applicant shall comply with standard City erosion control and NPDES policies, 5) the applicant shall install 3-rail fences on side and rear property lines, 6) the approval shall lapse and become void if construction, pursuant to issuance of a building permit, has not commenced within one year from the date of this approval, and actively pursued to completion thereafter, and 7) prior to submittal of building plans, the applicant and property owners shall sign a letter prepared by the City entitled "Affidavit of Acceptance of Conditions" which acknowledges all of the conditions imposed herein and the applicant's acceptance of this approval subject to these conditions.

Mayor Pro Tem Weber, in continuing the public hearing, asked if there were any comments from the audience. The applicant, Cliff Hill, stated that he had no problems with the proposed conditions and agreed with all of them.

In response to Council Member Fisher, Mr. Hill stated that the two-car garage was on the side, within the confines of the house, and was accessible. Council Member Cohen asked if the pool deck extended beyond the 15' line, and wanted to make sure that the applicant understood the full extent of the conditions, especially relating to long term storage on the property, keeping the street easement clear, and NPDES requirements. Mr. Lovett explained that the City does not prohibit decks in the setbacks, only structures, and that the deck is flush with the ground. He added that the NPDES requirements were the same as for any other construction site, and should be known to the applicant who is a contractor. Mr. Hill assured the Council he was fully aware of the proposed conditions.

As there were no further comments, Mayor Pro Tem Weber closed the public hearing. Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried (4-0), it was resolved to approve the requested variance, subject to all of the conditions as listed above, and to adopt by title only Resolution No. 815 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY APPROVING A REQUEST FOR VARIANCE NO. V-374 FOR A NEW SWIMMING POOL AND RETAINING WALLS LOCATED AT 24814 JACOB HAMBLIN ROAD.

**B. Minor Accommodation (*continued from 7/14/08 and 8/25/08*)
24952 Kit Carson Road
Spa within the Side Yard Setback**

Council Member Siegel excused himself at this time, as he lives within 500' of this property.

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

This project has now been reviewed and approved by the Community Association (9/16/08); the proposed spa is within the required 25' side yard setback, but will be no closer to the property line than the existing nonconforming swimming pool; the existing pool and proposed spa are shown to be approximately 8'6" into the side yard setback and

will be at the same elevation; no comments or objections have been received; the property is in excess of one acre, but the rear portion slopes up steeply, forcing the pad to be down near the street; the existing building is in the front yard setback due to that topography; the Council needs to make one finding to approve a minor accommodation; staff believes that finding can be made as the spa will be located no further into the required setback area than the existing pool, the spa will be screened by existing trees and plants, and the spa will not be visible from the adjacent properties; he would therefore recommend approval of the minor accommodation.

Mayor Pro Tem Weber opened the public hearing. As there were no comments from the audience, he closed the hearing. Upon MOTION of Council Member Fisher and seconded by Council Member Cohen, it was resolved on a 3-0 vote to approve the minor accommodation and adopt by title only Resolution No. 816 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 A SPA LOCATED AT 24952 KIT CARSON ROAD.

Council Member Siegel rejoined the meeting at this time.

CONSENT CALENDAR

- A. City Council Minutes – September 8, 2008**
- B. Demand List**
- C. Disbursement List – August**
- D. Financial/Treasurer’s Report – August**

Upon MOTION of Council Member Cohen, seconded by Council Member Fisher and unanimously carried on roll call vote (4-0), it was resolved to approve items A, B, C, and D of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

- A. Report from 9/16/08 Hidden Hills Community Association Board of Directors Meeting**

Board Member and City liaison Ron Wolfe provided the following information:

The Board renewed the contract with the gate guards for three years, with an opt out clause; the annual election is coming up; there are four seats and four candidates; John McGinnis and Cindy Goldstein are sitting members running again, while David Brien and Kim Long are the new candidates; everyone needs to send in their ballots to assure a quorum; the final budget for the new fiscal year was approved, with the assessment rate set at 29 cents per \$100 of assessed value.

B. Report from 9/16/08 Las Virgenes Malibu Council of Governments Meeting

Council Member Siegel, who is the President of the Las Virgenes Malibu Council of Governments (COG), informed the Council of the following:

The Regional Water Quality Control Board, heavily influenced by environmental groups, has vigorously outlined standards for water quality on many different levels; these standards are not based on scientific studies and seem to be unattainable, as they want zero contamination; the COG has now made water quality one of its main issues, and discussed this at the last meeting which included the Mayor (or Council Member) from each of the five cities in the COG, the five City Managers, technical staff personnel from each of the cities, and representatives from the County and the Las Virgenes Unified Water District; there is so much information involved that the presentation was not completed and will be continued at the next COG meeting; the costs involved in attempting to comply could bankrupt cities in the future, starting with reductions in public safety; cities are spending a great deal of money, but it never seems to be enough for the Regional Board; there has been one group of cities that has been fighting the Regional Board in court, but has not been very successful; Hidden Hills recently joined a group called LASQP which is making a strong effort to work with the Regional Board; Hidden Hills lies in two different watersheds (the Malibu Creek watershed and the LA River watershed), representing miniscule percentages of each of those watersheds; with all of the requirements and involved costs, he is fearful for the future of this City; the Governor recently appointed a local gentleman to the Regional Board who does appear to be more of a moderate.

In response to questions from Mayor Pro Tem Weber and Council Member Fisher, Special Counsel Larry Wiener stated the following:

The Regional Board answers to the State Water Quality Control Board which implements the Federal Clean Water Act; one of the goals of LASQP is to share costs to provide our own scientific studies; another goal is to lobby Sacramento and influence Regional Board appointments; Hidden Hills and other cities recently received Notices of Violation (NOV) because different points were measured along the coast and had excess pollutants;

so the Regional Board issued the NOVs to all cities that contributed storm water to the Pacific Ocean, saying the cities all need to prove why they did not pollute the ocean.

A short discussion followed, during which it was pointed out that everyone wants clean water, but one of the questions is who is responsible for cleaning the water and at what costs.

MATTERS FROM STAFF

A. Consideration of Agreement with Los Angeles County Metropolitan Transportation Authority (LACMTA) to Exchange Federal Surface Transportation Program Local (STP-L) Funds for Flexible LACMTA STP-L Local Transportation Funds

City Engineer Dirk Lovett provided the following staff report:

Since 1992, the City has been receiving STP-L funds, which can be used to improve transportation; however, due to the restrictions, Hidden Hills has not been able to use these funds, so in the past has traded them to other jurisdictions, such as the County, for gas tax funds; at this point, the City has approximately \$41,000 in STP-L funds, about \$18,000 of which are due to expire this year; the County was not interested in trading the City for the STP-L funds this year, but the MTA has offered the City a unique opportunity to exchange these funds for flexible LACMTA funds, which can be used for any local transportation related project; these flexible LACMTA funds can be used for signage, striping, within the gates, in our parking lots, etc.; the MTA is asking for a 2% processing fee, which would amount to \$829; staff feels this is a very small price to pay for the flexibility benefit; a draft agreement for the exchange has been provided by the MTA, which must be executed by 10/30/08.

The City Manager pointed out that due to the exchange, none of the funds would be subject to lapse this year, and in fact, the City would have an additional three years in which to use the flexible funds. She added that the City does have some upcoming projects, including striping and slurry sealing of the City Hall parking lot for which these funds will be very useful.

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried (4-0), it was resolved to authorize the City Manager to execute the Exchange Agreement and Assignment of Federal Surface Transportation Program – Local Funds

between the City and the Los Angeles County Metropolitan Transportation Authority (LACMTA), subject to final approval by the City Attorney.

B. Charles Abbott Monthly Report - August

The report was received and filed.

C. Consideration of Cancellation of 10/13/08 City Council Meeting

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried (4-0), it was resolved to cancel the 10/13/08 City Council meeting in observance of the Columbus Day holiday, when City Hall will be closed.

PUBLIC HEARING

Consideration of applications for (1) Vesting Tentative Map No. 63567, (2) a general plan amendment, (3) pre-zoning of approximately 7.8 acres of property located outside the City of Hidden Hills in Los Angeles County, and (4) modification of minimum lot area standards for two lots. The project to be considered is commonly known as the Ashley Project. The project is generally located at the end of Bridle Trail Road and between Bridle Trail Road and Lasher Road. The City Council will also consider certification of the Final Environmental Impact Report prepared for the project and will discuss the proposed annexation of the 7.8 acres of the project that are currently located outside the City of Hidden Hills (*continued from 7/28/08, 8/25/08, and 9/8/08*)

Mayor Steve Freedland joined the meeting at this time (8:30 p.m.)

Mayor Pro Tem Weber stated the following:

This is a continuation of previous public hearings on the Ashley project; an email was received from Mr. Ashley's attorney asking for the public hearing to be continued indefinitely to allow the applicant to explore other options or alternatives for this proposed project; if the Council agrees, he feels the public hearing should be tabled pending further information from Mr. Ashley, as Mr. Ashley could return with different plans; whenever that happens, the public hearing would be rescheduled and everyone would be renoticed for that hearing.

Mayor Freedland explained the following:

At this point, there is really nothing for the Council to discuss or make a decision on, as the applicant has asked for a continuance to look at alternatives; if the item is tabled, it means the public hearing will be kept open, as there is no way to know when the applicant will resubmit anything; when the applicant does come back with something, which could be the same project, but could be somewhat different or substantially different, a public hearing will be scheduled at a Council meeting; notices will be posted as required and everyone who has been noticed in the past will be noticed again regarding the newly scheduled hearing; at that time, all of those people, along with anyone else attending the meeting, will be able to speak; if the project is different, the Council may not be interested in hearing all the old comments repeated, as they may no longer be pertinent.

Resident Deborah Vangelos asked how residents would be notified, and asked if anything was being voted on at this time. Council Members and staff replied as follows:

Nothing is being voted on at this time; in the future, the applicant could ask the Council to consider the original plan, a revised plan, or a new plan; if and when a public hearing is scheduled, notices will be posted (ten days before the hearing) throughout the City as required, and sent to everyone who responded to the DEIR, who submitted letters, and who spoke at meetings regarding the project; if something new or revised is submitted, it will take time for staff review of the plans; nothing is going to happen immediately.

Someone from the audience asked if a new EIR would be required, to which Special Counsel Larry Wiener responded as follows:

Not necessarily, as it depends on the plans submitted; the plans will be reviewed, and if the plans are sufficiently different or new, or have increased or different environmental impacts, that would require at the least a supplement to the EIR; if the plans are changed modestly and simply eliminate impacts, that would probably result in an addendum that would explain the changes; if there are no new or substantially different impacts, no new public comment period would be required.

Resident Laura Goldwasser addressed the Council:

She is confused; before the EIR is certified or before a project is presented in the future, she would like an explanation of something in the EIR; there are two alternatives in the EIR that discuss the need for a driveway and large retaining wall for that driveway on lot 4, which is on Lasher and already has a house on it; this house already has a driveway to it, and she does not understand why the EIR talks about the need for a different driveway and retaining wall.

Mayor Freedland stated the following:

He would recommend that the Council wait and see what the applicant brings back to the Council and community; at that time, Ms. Goldwasser and anyone else can share their thoughts and provide input; rather than hypothesizing about what may be submitted by the applicant, the Council should wait and see what actually is submitted and deal with the facts at that time; if something is significantly different regarding the project that requires further work by the EIR consultant, that is what will happen; right now there is no project before the Council and nothing to make any decisions on; it can be tabled now, and when a new hearing is scheduled, everyone can speak again at that time on whatever happens to be before the Council.

The Council agreed, and the item was tabled indefinitely.

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 September 22, 2008 at 8:38 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk