

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, April 13, 2009

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, April 13, 2009 at the hour of 7:32 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:	Mayor Steve Freedland Council Member Monty E. Fisher Council Member Jim Cohen Council Member Stuart E. Siegel
Staff:	City Attorney Roxanne Diaz City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Mayor Pro Tem Larry Weber

The City Manager explained that Mayor Pro Tem Weber had no other opportunity to take his daughter to a college campus in Washington, and sent his apologies for missing the meeting. Upon MOTION of Council Member Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to excuse the absence of Mayor Pro Tem Weber.

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 April 13, 2009 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

He wished to extend condolences on behalf of the Council to City Engineer Dirk Lovett on the passing of his mother this past week.

Beginning this Friday, April 17th, the new 747 overlay area code goes into effect; this means everyone will have to dial eleven digits for all phone numbers being dialed, even when calling an 818 area code from within the 818 area.

AUDIENCE

There were no questions or comments at this time.

PRESENTATION

Proposed Development of Mureau Road Senior Center in the Unincorporated Area of Los Angeles County

First American Communities Manager Michael Sanders, along with John Polito of Polito Land, made the following presentation on this project, which is in the Hidden Hills sphere of influence:

He is the Manager of First American Communities, and represents the Four Star Real Estate Group, who is their partner in this project; the property, 26 acres within Los Angeles County, was purchased ten years ago, and they have been working with Supervisor Yaroslavsky's office to develop a suitable plan; 6 acres are scheduled to be developed, with 20 acres to remain open space; the development sits behind a hill in an existing valley so will not be very visible; it is a senior care facility that hopefully those in the area could use for their parents or could move into themselves as they get older; the facility would be licensed by the State, and have a variety of housing types with a 60 year-old age requirement; the independent building will include 107 units, with 151 units in the continuing care facility consisting of both assisted living and an Alzheimer's unit; the concept is to develop an age-in-place campus, as it is very traumatic for seniors to be

moved as they get older and used to their surroundings and people; the buildings will be three stories and the proposed project does meet the North Area Plan (NAP) requirements; they are voluntarily imposing a dark skies ordinance to limit the lighting; they are also proposing a number of improvements where the site fronts Mureau Road; there will be a main entrance with no left turns allowed out of the property; they will be expanding Mureau Road and adding an acceleration lane to tie into the existing lane when exiting the property to the right; a left turn pocket is proposed for turning into the property; there is a dangerous kink in the road coming east from Mountain View that will be straightened out; there was originally a 100' right-of-way, which the County is allowing them to reduce to 64'; the white fence will be extended from Mountain View to their property, and they will also add two bicycle lanes, one on each side of Mureau; they know the traffic is a major concern for those in the area, so they conducted a traffic study; it shows the addition of 22 trips in the a.m. and 42 trips in the p.m. due to the project; they would also require staff to come in and out during the peak hours and at staggered times, as well as having vans/cars to take residents to medical appointments, church, shopping, etc., besides having land-locked amenities on site.

Mayor Freedland then had several questions, to which Mr. Sanders and Mr. Polito replied as follows:

When the project was initially submitted to the County, it was returned with comments; based on those comments, changes have been made, mostly in relation to the Mureau Road improvements; it has now been resubmitted to the County; the original submittal did have detached units, but the condominium concept has been deleted in favor of the building units; according to the County's ridgeline ordinance, no structures can be built within 50' horizontally and vertically of a ridgeline; there will be some grading on the back side of the ridge (not the visible side), but no structures within the 50'; there is a large home that Mr. Ashley built on Walker Road in Hidden Hills, and this project may be visible from that house, but it should not be from anywhere else in Hidden Hills; the project will sit down in a bowl with all the ridges around higher by approximately 30'-50'; the area used to be a polo field, and the improvements are concentrated in that area; they have been working with Mr. Ashley on an emergency only easement, while offering to bring reclaimed water, which they are bringing to their border, the rest of the way to Mr. Ashley's property.

Council Member Siegel asked for more details on the emergency routing, which he remembers was an issue for the Mesivta property. Mr. Sanders and Mr. Polito explained the following:

An agreement has not been finalized, but they have a deal term sheet which would allow an emergency exit from this property across the Ashley property and out the Mesivta property, and vice versa; the Rabbi is very supportive; this should be resolved soon; the

plans show a Santa Barbara/Mediterranean style architecture, with the color palate as required by the NAP; again, there will be a dark sky ordinance meaning lights will not be projected upwards; drought tolerant plants will be used on the slopes wherever possible; cross section studies were done to make sure the project was not visible from Mureau Road or Mountain View Estates; since then they have done additional testing from about 35 locations, with some of those from Hidden Hills; the project can be seen from the Calabasas Highlands across the freeway, as the Highlands look down on everything; one or two houses from Mureau Estates can see the project, but a hillside blocks the view from Hidden Hills; once the landscaping grows, it will also screen much of the buildings; the plan has gone through probably nine to ten revisions over the years, with the footprint getting smaller and smaller and being moved down into the valley to conform with the NAP.

Council Member Cohen pointed out that there was already, even without this project, a significant drainage problem on Mureau Road at the lowest point, which was not fixed when the bicycle lanes were added to Mureau Road. He wondered if this was being addressed. The following information was provided by Mr. Sanders and Mr. Polito:

There is a retention basin on the project site; they were required to conduct studies on Mureau Road to show that they were not increasing the flow beyond what already existed; however, they were not asked to improve the drainage in that area to the west of the Mesivta entrance just before going up the hill; their engineer is working with the County Public Works Department, but there are no long-term additional improvement plans for Mureau Road that they are aware of; they can look into it for the City.

Council Member Fisher expressed concerns that this is a major fire area, and thought it was very important for the emergency road to be completed. Mr. Sanders and Mr. Polito agreed, stating the following:

The emergency road was not required by the County, but they thought it was prudent, especially for a senior project; however, the building has been designed as a “protect in place” building; it will be fully ventilated, with steel and concrete non-combustible material on the outside; there will also be fire mitigated landscaping all around the buildings; it is unlikely that an evacuation would occur during a fire.

In response to Council Member Cohen, this additional information was provided:

Mr. Ashley’s property lies between this project and Mesivta; the emergency road runs across Mr. Ashley’s property; water will come from the Jim Bridger tank, with the line to be run from a Garrett Court stubout; the sewer will be stubbed from Mountain View

going east; the recycled water will also be brought east from Mountain View to this project and then continuing on to Mr. Ashley's property; the road into the project from Mureau will be 40' of pavement from curb to curb, a private driveway, gated above the roundabout, and manned 24 hours a day.

Mayor Freedland suggested that the residents of Hidden Hills would be most concerned with the following: 1) the traffic impact, which appears relatively low; 2) lighting, which seems to have been addressed; 3) the ridgeline, which is a very sensitive issue; 4) line of sight, which they should look at very carefully; and 5) the density, which is connected to traffic.

Council Member Siegel added his comments:

He would suggest they make a presentation to the Community Association; maybe they could amply the photographs and take some pictures of the project area from the end of Walker Road; the dark sky ordinance could probably be explained in greater detail so everyone understands it; the traffic is probably not as big an issue as it would be with some other projects, since it is for seniors; they may want to let the Association make comments and then use that feedback; when the project gets more finalized, the Council would be ready to see it again in more detail.

Mr. Sanders thanked the Council Members for their input and suggestions.

CONSENT CALENDAR

- A. City Council Minutes – March 23, 2009**
- B. Demand List**

Council Member Cohen had several questions that were answered by the City Manager. Upon MOTION of Council Member Siegel, seconded by Council Member Fisher 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

A. Report from 4/6/09 Las Virgenes Malibu Council of Governments Meeting

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

This was a very important meeting which was attended by the Regional Water Quality Control Board (RWQCB) Chairperson Mary Ann Lutz (who is also a Council Member in Monrovia) and the Executive Director Tracy Egoscue; also in attendance were representatives from each of the five cities, the LVMWD, environmental consultants, the Sheriff's Department, and Fran Pavley's office; the Malibu City Manager made a presentation which delineated all of the projects being done by the five cities; it did show that a lot of things were being done, but the question is still are those projects doing any good in the eyes of the RWQCB; the RWQCB needs to make sure the water is clean, and due to federal laws, lawsuits, etc. that Board is required to do things that sometimes seem somewhat illogical; Ms. Lutz told a story about her city, which has a stream running through it coming from the Angeles National Forest; the city monitors the stream where it enters the city, in the city, and where it exits the city; even though the testing shows lead in the water coming from the Angeles National Forest above the city, with the source unknown, that city is required to clean its water; but how is that water to be cleaned when no one knows what is causing the lead; this is very similar to minerals and chemicals being found in the Bay coming from somewhere above in Malibu Creek; no one would be allowed to excavate the creek to remove the minerals, but everyone contributing to the creek could still be considered out of compliance; it seems there are so many agencies and so many conflicting regulations that there is a level of gridlock; cities are being advised by the RWQCB Executive Director that when we get notices of being out of compliance, we need to acknowledge that we are in fact out of compliance, and then the RWQCB can work with us and protect us from other agencies; if we say we are not out of compliance since we do not believe we are contributing to the problem, then we are in trouble; in some cities, there is a growing belief that it might be better to quit throwing money away, do nothing, and wait and see what a judge will require if someone challenges the city.

City Attorney Roxanne Diaz commented as follows:

She covered a recent Monrovia Council meeting and was able to talk with Ms. Lutz, who confirmed she attended the recent COG meeting; according to Ms. Lutz, she did tell the Executive Director that she felt they needed to conduct a lot of outreach; they especially want to know what small cities are doing, and would hope that they could work with other cities regionally; it was pointed out to Ms. Lutz that it is hard to be a regional player when the County appears to be pulling out of a lot of things and doing them separately

from cities; Ms. Lutz did say they hope cities are recognizing that the RWQCB is trying to help the cities.

B. Selection of Two Council Members for Ad Hoc 2009 Budget Committee

Mayor Freedland volunteered to serve on the ad hoc budget committee. The City Manager stated that Mayor Pro Tem Weber would also like to be on this committee. Having the Mayor and Mayor Pro Tem on the 2009 budget committee was acceptable to the other Council Members.

MATTERS FROM STAFF

A. Consideration of Lot Line Adjustment Between 23500 and 23546 Long Valley Road (Meyerstein)

City Engineer Dirk Lovett provided the following staff report:

These two properties are adjacent and owned by the same person; one of the properties has two zoning designations, that being commercial restricted and residential; it has a single family dwelling in the northwest corner, with the remainder being vacant, and wraps around the existing real estate office; this application will separate the residential property from the rest of the commercial restricted property; there will still be two lots after the lot line adjustment, but the residential lot will stand alone, with all the rest becoming one commercial restricted zone property; per the Subdivision Map Act, a local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances; an advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements; the City's Municipal Code (MC) lists the approval criteria, as stated in the staff report; staff has reviewed the application for accuracy and the legal documentation, and feels that it is consistent with the MC and that the required findings can be made; the City Council will need to determine if the approval criteria has been met and whether the required findings can be made to approve the proposed lot line adjustment; the property is currently accessed through the gate and from Long Valley Road, but it is not in the Community Association; the property owners have demonstrated that a proper easement exists over Long Valley Road to the property, and have provided a policy of title insurance with a special endorsement guaranteeing the easement; staff is recommending approval.

Mayor Freedland commented as follows:

The property with the single family house has been remodeled and renovated, and looks very nice; he has no problem personally with the lot line adjustment, but does have a question regarding the language about the resulting parcels conforming with all ordinances, etc.; he presumes the parcels do conform, but wondered how the architectural standards play into the City's local zoning and building ordinances; since the property is not in the Association, there have been no requirements to conform to the CC&Rs and the Association's architectural standards.

City Attorney Roxanne Diaz responded as follows:

The provisions of the Subdivision Map Act have been narrowed regarding what local agencies can look at in relation to lot line adjustments; we can look at whether or not the parcels comply with local zoning and building ordinances regarding setbacks, access issues, the general plan, etc., but not necessarily the look or design of the house; staff does believe that the parcels are compliant with the City's requirements; the Association may have its own rules, but the City cannot look at those.

Mayor Freedland stated that he personally supported the lot line adjustment, but asked the owner, Arnold Meyerstein, if he would be willing to answer the question of why he has never joined the Community Association, especially after owning this property for so long. Mr. Meyerstein responded as follows:

The Association Manager Shannon Moore called him here at City Hall just before this meeting to let him know that she was happy with this issue; he has met with the Association and addressed the concerns they had with this property; he added a three-rail fence in the front of the property, and also added a gate between the commercial and residential properties; according to Ms. Moore, the Association has no objections to the lot line adjustment; he has talked about joining the Association, but has not found a need to do so.

Council Member Siegel asked if Mr. Meyerstein has considered that he and his guests benefit from using the gates, roads, and amenities provided by the Association, and would see increased property values by joining the Association, which would make a difference if he were to sell the property in the future. Mr. Meyerstein stated the following:

Throughout the years there has been a reciprocal relationship between him and the Association; the gate guards park on his property; they use his water; when the new gatehouse was built it was built on his property; he in turn uses the gate; they cooperate

and help each other; he feels he has continued a good neighbor policy throughout the years that was started even before with the previous owners.

Council Member Cohen, who said he personally supported the lot line adjustment, just had a concern with what had to be recorded and by whom. Mr. Lovett explained that the owners provide the information to be reviewed by the City, and then the certificate of compliance is recorded at the same time as the lot line adjustment.

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried, the Council 1) determined that the city approval criteria were met and that the required findings could be made, 2) approved the proposed lot line adjustment, and 3) directed staff to record the lot line adjustment and certificate of compliance for the new lots, subject to final review as to form and completeness by the City Engineer.

B. Consideration of Appointment of Three Public Safety Commissioners

The City Manager reported that the three incumbents were the only applicants applying for the three open Public Safety Commission seats. Upon MOTION of Council Member Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to reappoint Jim Doran, Mark Deitch, and Gabe Nussbaum to the Public Safety Commission, each to serve a two year term effective May 1, 2009 through April 30, 2011.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL:

- A. Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(c):
Number of Potential Cases: 1**

- B. Anticipated Litigation:
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
Number of Potential Cases: 1**

The City has received a claim from the County of Los Angeles regarding the discharge of stormwater and non-stormwater in the Los Angeles basin. A copy of that claim is available for public inspection at City Hall.

At this time, Assistant City Attorney Steve Orr joined the meeting by telephone. Upon MOTION of Council Member Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to adjourn to closed session at 8:22 p.m., at which time Mayor Freedland announced that the Council in closed session would be discussing the items listed above.

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved to return to open session at 8:50 p.m., at which time City Attorney Roxanne Diaz announced that the Council in closed session discussed the items listed above, and that no reportable action was taken.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Cohen, seconded by Council Member Fisher and unanimously carried, it was resolved to adjourn the regular meeting of April 13, 2009 at 8:51 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk