

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, August 8, 2011

***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, August 8, 2011 at the hour of 7:30 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

Mayor Jim Cohen  
Mayor Pro Tem Stuart E. Siegel  
Council Member Steve Freedland  
Council Member Marv Landon

Staff:

City Attorney Roxanne Diaz  
City Engineer Dirk Lovett  
City Manager Cherie L. Paglia  
Special Counsel Larry Wiener (by phone)

Absent:

Council Member Larry G. Weber

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to excuse the absence of Council Member Weber.

### **APPROVAL OF AGENDA**

Upon MOTION of Council Member Freedland, seconded by Mayor Cohen and unanimously carried, it was resolved that the agenda for the August 8, 2011 regular meeting be approved as submitted.

### **ANNOUNCEMENTS**

Mayor Cohen made the following announcements:

This Thursday night will be the last BBQ at the Community Center (at 5:30 p.m.), with Friday being the last day for summer camp.

Happy Birthday to Council Member Weber's wife Nanette (Monday, 8/15).

The last day for the Calabasas beach bus is Friday, 8/19.

Tonight is Kelsey Freedland's last night as the City's videographer, as she will be leaving for college shortly; we'd like to thank her for doing a great job, and wish her well on her new adventure.

### **AUDIENCE**

Resident Connie Hudson provided a handout to the Council Members and staff, and expressed her concerns with the installation in the City of "smart meters" currently by the Las Virgenes Municipal Water District, and in the future by Southern California Edison and the Gas Company.

### **PRESENTATION**

#### **City Certificates/2011 Student Achievement Recipient**

Mayor Cohen introduced the City's videographer, Kelsey Freedland, and read her very long and impressive list of outstanding achievements at Agoura High School, for which she is being honored this evening. Ms. Freedland was then presented with a City certificate by her father, Council Member Steve Freedland.

## **PUBLIC HEARINGS**

### **A. Consideration of Approval of a Denial Resolution for Proposed ACI Development (Bridle Trail Road)**

At this time, Special Counsel Larry Wiener joined the meeting by telephone. The following staff report was provided by City Engineer Dirk Lovett:

There is a lot of history regarding this project, so he will give the main points; the application was filed by Ashley Construction, Inc. (ACI) for a vesting tentative map (VTM) and other entitlements in April of 2006; there were several public hearings at Council meetings on the project; in April 2010, four years after the applicant first filed, the City Council asked for an update from the applicant; at that time the Council gave the developer some direction, and then wanted to know within 90 days whether or not the applicant was making reasonable progress and moving forward with the application; in September 2010, the Council discussed the developer's progress, and directed staff to schedule a public hearing on 12/13/10; at the 12/13/10 Council meeting, staff was directed to prepare a resolution to deny the application and to continue the public hearing to 1/10/11; before that January meeting, on 12/23/10 the applicant submitted an application to revise the VTM; staff reviewed the application and deemed it incomplete, sending a letter so stating that fact to the applicant in January 2011; a status report on the proposed project and application to revise the project was forwarded to the Council on 6/13/11, about six months after the application for revision was submitted; at that 6/13/11 Council meeting, the Council directed staff to prepare a resolution to deny the original application for the 7/11/11 Council meeting if the applicant did not submit any material to complete the revised application by 6/24/11, or for the 8/8/11 Council meeting if material was submitted to complete the revised application by 6/24/11 but the material was ultimately deemed insufficient to complete the application; the applicant did submit additional information for the revised tentative map on 6/22/11; staff reviewed the information and deemed it incomplete on 7/8/11; the applicant submitted additional information on 7/15/11; staff reviewed this and again deemed it incomplete on 7/28/11; there were several items that were deemed incomplete; the applicant did state that he wanted to wait until school was back in session this year to do the traffic update; otherwise, the applicant has repeatedly refused to submit several of the other necessary items that we requested; based on the Council's direction to staff on 6/13/11, staff has prepared a resolution to deny the original project, which is before the Council this evening; listed in the report are the concerns and comments discussed at the previous hearings that were raised by residents and within the EIR, and other major items that may have an impact on the feasibility of the project.

As the Council wished to hear the concerns, Mr. Lovett read the following public comments and concerns, basically as listed in the staff report in #2 on page 5:

Scale of project is too large (requested reduction of grading and lots); construction and residual long term noise; removal of ridgeline; air quality during construction; maintenance of landscaping; traffic control and safety; repair/restoration of adjacent properties due to these improvements; access to a portion of the site from Lasher Road, rather than from Bridle Trail Road; access rights/easements to property to be annexed; timeframe for construction (grading/landscape/homes); construction hours and days.

Mr. Lovett stated that in addition to the items just listed, there are three major items that may have an impact on the feasibility of the project: 1) annexation of 7.8 acres from the County, 2) removal of the "Significant Ridgeline" as designated currently by the County, and 3) access to a portion of the project from Lasher Road. He added the following:

Staff has provided three options for the Council's consideration: 1) adopt the resolution to deny the original application for VTM 63567, 2) direct staff to prepare a different resolution approving or conditionally approving VTM 63567, or 3) allow the applicant additional time (as determined by the Council) to submit items noted in his last letter of incompleteness dated 7/28/11; staff is recommending, based on the Council's direction at the 6/13/11 meeting, adoption of a resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DENYING VESTING TENTATIVE MAP 63567 FOR THE PROPERTY LOCATED SOUTHWEST OF LASHER ROAD AND EAST OF BRIDLE TRAIL ROAD (ASHLEY PROJECT).

At this time (7:40 p.m.), Mayor Cohen opened the public hearing.

Wes Myers from ACI addressed the Council:

He wanted to thank the Council and staff for their time; he would like to make sure that all correspondence back and forth regarding this submittal is included by reference, since he noticed that the staff report only listed some of the correspondence; he will send a full fresh copy Tuesday to the City Manager; ACI feels that the application is complete and that it would be improper at this time to deny it; it goes against California Government Code 65941(b); ACI objects to the staff's recommendation on the matter, but appreciates their time.

Mayor Cohen announced that after the staff's agenda report was finalized and the agenda posted, staff received a letter from Mike Ashley/ACI dated August 4, 2011, reciting additional information, which is included in the Council packets.

Resident Britt Aaronson then addressed the Council:

She thanked the Council, staff, and anyone else related for all the time, energy, effort, and resources that have gone into this review process, which normally would not take five years; she hoped that tonight the Council would approve the denial resolution for this proposed ACI development; she thinks most of the people here tonight who live in the community believe this is not a proper development for the community due to its impact on the significant ridgeline and all those things mentioned by Mr. Lovett in his letter to ACI and in the resolution; she looks forward to the denial resolution.

As there were no further comments from the audience, Mayor Cohen closed the public hearing.

Council Member Landon asked Special Counsel Wiener to expand on the statute cited by Mr. Myers. Special Counsel Wiener explained the following:

Government Code Section 65941 says that an agency cannot require an environmental impact report (EIR) before or as a condition of an application being complete; but you can ask for sufficient information to be submitted to allow the agency to commence the processing of any required environmental documents; we are talking about a revised application; the decision is what that revised application needs – a subsequent EIR, a supplemental EIR, or negative declaration; he believes Mr. Ashley and Mr. Myers are objecting that the information the City is asking for to make the application complete is equivalent to an EIR; that is not the case; the City is asking for background technical studies necessary for us to determine whether or not we need to prepare a subsequent EIR, a supplemental EIR, or maybe even an addendum to the EIR; maybe the environmental effects of the revised project are no different than the environmental effects of the original project; that is all that we have required; possibly as important for the Council's decision tonight is that there are still other requirements for the application that remain incomplete that have nothing to do with the environmental studies; as he recalls, the application fees have not been paid, the reimbursement agreement has not been signed, and the deposit has not been received that is necessary to pay the consultant for whatever environmental document is required; none of these are the equivalent of an EIR by any stretch of argument; in terms of whether or not the application is complete, even if you disregard the technical studies that Mr. Lovett has asked for, there are still these other elements that are incomplete.

Mayor Cohen suggested that if the revised application were deemed incomplete, the Council would then be addressing the original application. Mayor Pro Tem Siegel also wished to confirm that if the Council denies the project, it is denying the original application, which then wipes out everything else.

Special Counsel Wiener pointed out the following:

If the Council denies the original application tonight, there is nothing that would prohibit ACI from submitting a new application which could be exactly the same as the revised application he is currently working on; in other words, if the Council takes final action on the original application, that would not prohibit or inhibit ACI from moving forward with a revised application that would then become a new application.

Council Member Freedland asked Mr. Lovett to list all of the items that are still lacking from the application. Mr. Lovett said the following:

ACI did pay the fee for the revised application, but did not pay the deposit; ACI also dropped off some plans last Thursday that he has not had time to review yet; but the items still missing from the application, listed in his 7/28/11 letter include: 1) discrepancies and unaddressed comments that he hand wrote on the actual plans, 2) type and size of all trees standing within the boundaries of the project site, 3) an updated traffic impact study, 4) deposit, 5) signed reimbursement agreement, 6) updates to all technical studies prepared for the original EIR, 7) photo simulations to show the revised project effects from key vantage points, and 8) to make sure the City has 10 copies of all the above.

Council Member Freedland assumed that ACI was aware of what was missing, and asked Mr. Lovett to confirm that ACI had been notified. Mr. Lovett stated that these items have been included in all of his letters of incompleteness, beginning in January of last year, and two to three times since then. Council Member Freedland asked if ACI received any correspondence since the Council directed staff to return with a denial resolution if the deadline was not met, with Mr. Lovett responding that yes, ACI had been notified.

Council Member Freedland then read the MOTION that he made on 6/13/11, which was passed unanimously by the Council: “to direct staff to prepare a resolution to deny ACI’s original

application for the 7/11/11 Council meeting if ACI does not submit any material by 6/24/11, or for the 8/8/11 Council meeting if material is submitted for the revised application by 6/24/11 but is deemed incomplete by staff’. Council Member Freedland then asked if Mr. Lovett was deeming the application incomplete, to which the answer was yes.

As there was no further discussion, upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Siegel and unanimously carried (4-0), it was resolved to adopt by title only (as read by City Attorney Roxanne Diaz) Resolution No. 839 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DENYING VESTING TENTATIVE MAP 63567 FOR THE PROPERTY LOCATED SOUTHWEST OF LASHER ROAD AND EAST OF BRIDLE TRAIL ROAD (ASHLEY PROJECT).

**B. Consideration of Approval of an Ordinance Regarding the Grading of Ridgelines – First Reading**

The following staff report was provided by City Attorney Roxanne Diaz:

On September 27<sup>th</sup> (2010), the City Council had extended an “Interim Ordinance Restricting the Grading of Ridgelines” (Interim Ordinance) which is now set to expire soon; at that time the Interim Ordinance provided that no grading permit shall be issued for the grading of a ridgeline or within 50’ of a ridgeline except in conjunction with a development project that has site plan review; staff prepared a permanent ordinance for the Council’s review, and undertook research and studied the best approach towards the development and grading of ridgelines; before the City Council is that permanent ordinance which adds a new Article K called “Ridgeline Development Standards” to the zoning code to address both development and grading on ridgelines; specifically, the ordinance provides that no new structure or addition to an existing structure shall be placed or constructed on a ridgeline or within fifty vertical feet or fifty horizontal feet from a ridgeline measured from the highest point; the same is also required in conjunction with grading on a ridgeline; the process ensures that if any such activity should occur that the potential development or grading will require review by the City Council through a similar process to other discretionary review projects with a public hearing with notice; the City Council, sitting as the Planning Agency, will need to make findings prior to issuing a Ridgeline Development Permit to take into consideration how the project will impact the ridgeline; looking back at some of the comments made with regard to this process, the ordinance does provide some relief from the application

process if a lot is already developed and is on a ridgeline or in close proximity to a ridgeline; in such case, there is an exemption from the application process (on page 3); if the Planning Director, based on information submitted to him and an inspection of the site, determines that the proposed development is to repair or replace a damaged or destroyed residence or accessory structure or to remodel a residence or accessory structure that exists as of September 1, 2011, provided that the structure is built in substantially the same location as the one that was damaged or destroyed or the one that currently exists, then the homeowner does not have to go through the discretionary review process; it allows the Planning Director to make the findings and approve it at the counter; from the definition of grading we have excluded the removal of natural vegetation to meet fire clearance standards, and scraping or excavation which is less than 1' in depth to address a property owner's perhaps everyday needs to be able to do what we would consider not to be major grading on a site, and that is on a developed lot.

At this time, Mayor Cohen opened the public hearing.

Resident Britt Aaronson stated that she does not know how this ordinance compares to that of surrounding cities, but she is greatly in support of Hidden Hills adopting a ridgeline protection ordinance and thinks it is about time.

Wes Myers of ACI, Inc. said he believed this ordinance is a direct result of an application ACI submitted to staff a while ago on the other side of town from Bridle Trail. He then asked for confirmation that this was the first reading of the ordinance, and wondered what the procedure was from this point. Attorney Diaz explained that if the first reading were approved this evening, the second reading would be scheduled for August 22<sup>nd</sup>, with the ordinance effective 30 days after that.

Mayor Cohen suggested that the ordinance was very much like those in the surrounding areas. Attorney Diaz confirmed that, stating that staff studied the ridgeline ordinances of those surrounding areas that had one, including Thousand Oaks, Westlake Village, Malibu and the County. She added that in crafting this ordinance, the definition of a ridgeline and the exception are both very similar to that of the County ordinance.



As there was no further discussion, Mayor Cohen closed the public hearing. Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Siegel and unanimously carried, it was resolved to give first reading by title only to an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ADOPTING STANDARDS REGARDING DEVELOPMENT ON RIDGELINES AND AMENDING THE HIDDEN HILLS MUNICIPAL CODE.

At this time, Special Counsel Wiener excused himself from the meeting.

**C. Consideration of Approval of 2011 Congestion Management Program (CMP) Self-Certification Resolution and Adoption of Local Development Report**

The City Manager explained that the Metropolitan Transportation Authority requires the City to submit an annual resolution to show compliance with the ongoing requirements for the state mandated Congestion Management Program. She added that the City is required to track new development (debits) and implement transportation improvements (credits), preparing a Local Development Report for the MTA.

Mayor Cohen opened the public hearing, and after hearing no comments, closed the public hearing. Upon MOTION of Council Member Freedland, seconded by Mayor Pro Tem Siegel and unanimously carried, it was resolved to adopt by title only Resolution No. 840 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

**CONSENT CALENDAR**

- A. City Council Minutes – July 11, 2011**
- B. City Council Minutes – July 25, 2011**
- C. Demand List**

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

**MATTERS FROM CITY COUNCIL MEMBERS**

- A. Report from 7/26/11 Hidden Hills Community Association Board of Directors Meeting**

Association Board Member and City liaison Ron Wolfe presented the following report:

The Association now officially has a new Horsemen Committee, with Kate Peris being approved as the Chair of the Committee; it is taking the place of the former independent Hidden Hills Horsemen group; the Board also approved a nominating committee for the upcoming election; there really is no nominating done by the committee because anyone who is qualified may run for the Board; the committee does make sure those running are qualified, and sometimes helps search for nominees if needed; three seats on the Board are up for election, with two incumbents running, which means there is one open seat.

- B. Report from 7/19/11 Las Virgenes Malibu Council of Governments Meeting**

The following information was provided by Mayor Pro Tem Siegel:

The COG had a lengthy discussion on the proposed redistricting maps for the State, the latest of which will most likely be the final maps; in the past, all five COG cities were in one district for the Senate, Assembly, and Congressional, but now it is fragmented; Hidden Hills and Calabasas have been split from the other three cities, being placed in a State Assembly district encompassing more of the San Fernando Valley and stretching to the 405 and from Chatsworth to Mulholland; the State Senate includes all five of the COG cities, covering roughly from Thousand Oaks to the San Diego freeway, and from Malibu to Simi Valley; it appears that Agoura Hills, Calabasas, and Malibu will be in one Congressional district, with Westlake Village possibly being separate, and Hidden Hills being included with the San Fernando Valley; this could result in a change in the Congressman, which might bring better representation to the area.

**C. Discussion and Direction Regarding the Latest Redistricting Maps Provided by the California Citizens Redistricting Commission**

Mayor Pro Tem Siegel reminded the Council that several letters expressing the City's concerns over separating the COG cities in the different districts had already been sent.

**D. Consideration of Letter of Support for Proposed Development of Mureau Road Senior Community Project in the Unincorporated Area of Los Angeles County – Hidden Terraces Senior Village**

Mayor Cohen announced that this item would be placed on a future agenda, at the request of representatives for the project, located between Mesivta and the access road to Ahmanson Ranch on Mureau Road.

**MATTERS FROM STAFF**

**A. Consideration of Approval of Request from the Round Meadow Elementary School PFC for a Community Assistance Grant for Synthetic Grass at Round Meadow School**

The PFC asked that the submitted grant request be withdrawn at this time.

**B. Consideration of Approval of Proposal/Agreement from Original Tommy's Hamburgers to Provide Lunch at the Community Center for the 2011 Fiesta**

The City Manager reported the following:

A proposal and contract from Tommy's Hamburgers needs to be approved, along with a deposit of \$1878.50; two trucks will be provided for a total of three hours each; they will be serving double chili burgers, fries, and a drink; we will be guaranteeing 500 lunches, but at the close of lunch ticket sales Wednesday (9/21), the order can be increased if necessary.

Upon MOTION of Council Member Freedland, seconded by Council Member Landon and unanimously carried on roll call vote, it was resolved to approve the proposal and contract from

Original Tommy's Hamburgers to provide lunch at the Community Center for the 2011 Fiesta, and to also approve a deposit of \$1878.50.

- C. Consideration of Approval of Proposal from Unique Concepts/MiniMelts to Provide Ice Cream Treats for the 2011 Fiesta**
- D. Consideration of Approval of Proposal from Party Faces to Provide Face Painting for the 2011 Fiesta**
- E. Consideration of Approval of Proposals from Sports N' More to Provide Sports, Games, Activities and Lifeguards at the Community Center for the 2011 Fiesta**
- F. Consideration of Approval of Proposal from Bernard's Wine Gallery to Provide Wine and Beer for the 2011 Fiesta**

The City Manager provided the following information for items C, D, E, and F above:

Unique Concepts/MiniMelts will sell its own products in the morning/early afternoon at the Community Center and at the Spring Valley arena in the evening; the company will sign a City agreement and give the City 20% of the gross sales; Party Faces will provide two airbrush face and body painting artists from 4:30 p.m. – 8:30 p.m. at the Spring Valley arena, at a cost to the City of \$600; Sports N' More provides two instructors for three hours (from 11:00 a.m. – 2:00 p.m.) of organized sports, games, and activities, along with two lifeguards for four hours each (from 11:00 a.m. – 3:00 p.m.), at the Community Center at a cost to the City of \$477; Bernard's Wine Gallery will sell beer and wine directly to Fiesta guests during the evening at the Spring Valley arena.

Upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Landon and unanimously carried on roll call vote, it was resolved to approve items C, D, E, and F as listed above.

**G. Charles Abbott Monthly Report - June**

The report was received and filed.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Siegel, seconded by Council Member Freedland and unanimously carried, it was resolved to adjourn the regular meeting of August 8, 2011 at 8:24 p.m.

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Jim Cohen, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk