

CITY OF HIDDEN HILLS

REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 12, 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, September 12, 2011 at the hour of 7:30 p.m. Mayor Pro Tem Stuart Siegel called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:	Mayor Pro Tem Stuart E. Siegel Council Member Steve Freedland Council Member Marv Landon Council Member Larry G. Weber
Staff:	City Attorney Roxanne Diaz City Engineer Dirk Lovett Building Official Greg Robinson City Manager Cherie L. Paglia
Absent:	Mayor Jim Cohen

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Weber and unanimously carried, it was resolved that the agenda for the September 12, 2011 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Pro Tem Siegel made the following announcements:

Mayor Jim Cohen had surgery this past week; we'd like to wish him a quick recovery; hopefully he'll be back with the Council real soon.

Happy birthday to Council Member Weber's son Connor this Wednesday, and to Mayor Cohen's daughter Dana on Friday.

This coming weekend the 50th anniversary Fiesta begins with the gymkhana, followed by lots of other festivities the next weekend; all residents should have received the Fiesta booklet; if not, booklets are available at City Hall; please remember to purchase all meal tickets by Wednesday, 9/21; with every dinner ticket, you will receive a wristband and a beautiful 50th anniversary hat; if you have any questions, call City Hall.

AUDIENCE

Calabasas resident and member of the Calabasas Communications and Technology Commission Linda Stock, and Hidden Hills resident Connie Hudson, both addressed the Council Members, asking the Council to send letters to the CPUC and local utilities in support of adoption of a no-cost opt-out provision for residents in relation to the installation of smart meters.

Hidden Hills resident Charlie Goldwasser thanked the Council for acknowledging student achievements, and for the recent adoption of a ridgeline protection ordinance.

Mark Divis, Vice President of the Association for Los Angeles Deputy Sheriffs (ALADS), presented a scroll to the Council Members, thanking them for their ongoing support of quality

Public Safety programs. Mr. Divis was accompanied by Tim White, an L.A. County Motorcycle Deputy.

PRESENTATIONS

A. Recognition of the City's Upcoming 50th Anniversary by State Senator Fran Pavley

Mayor Pro Tem Siegel was honored to introduce State Senator Fran Pavley, who has represented the five COG cities (Hidden Hills, Agoura Hills, Calabasas, Malibu, and Westlake Village) in the State Legislature for over ten years. Senator Pavley introduced her Senior Field Representative for this area, Maximillian Reyes, and then addressed the Council, suggesting that this 50th anniversary would be a good time for residents to reflect on the benefits of incorporation and the wisdom of those who made it happen. Senator Pavley presented a Resolution to the Council, honoring the 50th anniversary and Councils and staffs, both past and present, for a job well done. She explained that the Resolution was also signed by State Assembly Member Julia Brownley, who could not attend the meeting.

Senator Pavley also informed the Council that she serves on the Energy Committee, and asked for her office to be informed of any coordinated efforts by the COG cities in relation to the smart meters, as she would be happy to send a letter regarding the opt-out provision that the residents spoke of earlier.

B. Las Virgenes Unified School District Proposal to Place Measure K/\$95 Parcel Tax on November 8, 2011 Ballot – Request for Support Letter

At the request of the Las Virgenes Unified School District (LVUSD) Board President Jill Gaines, this item will be placed on a future agenda, and not discussed this evening.

C. Certificates/2011 Student Achievement Recipients

On behalf of the Council, Mayor Pro Tem Siegel presented City certificates to the following students, whose names and school attended were read by Council Member Freedland:

From A.E. Wright Middle School:	Rosie Goldwasser	Will Stonich
From Calabasas High School:	Max Goldwasser Kate Korchek	Samuel Goldwasser
From Louisville High School:	Veronica Black	
From Round Meadow Elementary School:	Felicity Black	Cole Korchek
From Sierra Canyon School:	Colin Bernstein Jonathan Goetzman Daniel Lotwin	Joslyn Bernstein Lauren Goetzman

Council Member Freedland then introduced LVUSD Board President Jill Gaines, Superintendent Dr. Donald Zimring, and Round Meadow Elementary School Principal Jeremy Resnick, all of whom thanked the Council for its recognition of the students and ongoing support for the District.

At this time (7:58 p.m.), Mayor Pro Tem Siegel called for a short recess, inviting those in attendance to enjoy refreshments (thanking Deputy City Clerk Deana Graybill for planning and preparing the refreshments). He reconvened the meeting at 8:07 p.m.

CONSENT CALENDAR

- A. **Demand List**
- B. **Disbursement List – July**
- C. **Financial/Treasurer's Report – July**

Upon MOTION of Council Member Freedland, seconded by Council Member Landon 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 STAFF

A. Discussion Regarding the Grading of Ridgelines and Direction to Staff

City Attorney Roxanne Diaz presented the following staff report:

In discussing with staff the recently adopted ridgeline ordinance that goes into effect later this month, staff would like to present for the Council's review a couple of clarifying provisions; for example, regarding the definition of grading, it is not intended to affect placement of artificial ground cover, or planting of shrubs, trees or irrigation; in relation to the ridgeline review requirement whereby 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, staff is suggesting that be measured from the "closest" point of the structure or addition to the ridgeline, and is suggesting adding "nor shall such structure be placed so that it appears silhouetted against the sky when viewed from existing streets or highways or streets proposed as part of a subdivision or development"; in the exemptions, staff felt we were talking about the footprint of an existing residence or accessory structure, so that has been clarified, and that the limitation on height should be deleted since the structure already exists; these are just suggestions for the Council's review and feedback.

In response to Council Member Weber, Attorney Diaz explained the following:

The ridgeline ordinance has already had its second reading, and will take effect on 9/22/11; it was always the intent that if in the application of the ordinance it was discovered that it needed a few tweaks or changes, those would be brought back to the Council for clarification and consideration; we do have an existing ridgeline ordinance, and if there are any changes made, they would be applied to the existing ordinance; staff would bring back an amending ordinance for first reading, and then second reading; but there would be still be an existing ridgeline ordinance in place; like many of the things we do, because this is such a small unique City, it is important to be flexible and to make changes when needed; these are just suggestions for the Council's discussion and direction to staff.

Wes Myers asked to address the Council, stating he was representing a couple of property owners in the City, those being the Ashley family, Rancho Las Virgenes Limited Partnership, and Ashley Construction, Inc. (all connected to Mr. Ashley). Mr. Myers suggested that the Council was going down a slippery slope, that the Council was not coming up with an ordinance that made any sense, and was not being proactive. He then proceeded to give what he believed to be the history of the City's interim ridgeline ordinance and the latest ridgeline ordinance,

which he claimed were direct results of ACI wanting to obtain a grading permit for a property at the end of Jim Bridger, and that the City was just trying to limit ACI's ability to develop and build on the parcels they own.

After several minutes, Mayor Pro Tem Siegel asked Mr. Myers if he had any specific comments on the proposed changes to the ordinance. Mr. Myers continued, saying he was looking at the redline version of the ordinance in the staff report, and asked the Council to follow along, as he made his comments:

At the last meeting, he came up with some issues, almost all of which staff just addressed; but he has more issues, with number one being geotechnical restoration; this does not talk about geology exploration; you cannot get a permit in Hidden Hills without prior geologic exploration, some of which involves test pits and deep boring; the amended ordinance does not specify if this is allowed or not allowed, and you can't even apply for a permit without some of these reports done ahead of time; in relation to the definition of a ridgeline, it is describing a topographic landform; it is not a definition of a point in space; but in subpart A, referring to fifty vertical feet or fifty horizontal feet from a ridgeline refers to a definite point; so what if a house is halfway up a slope – how is that measured; it is totally arbitrary; that's why many cities designate ridgelines; this ordinance is non-specific, yet requires a specific point for application; it contradicts itself; the ordinance says a ridgeline drops on one or more sides, which could be almost any lot in Hidden Hills; where is the 50' taken from that drop.

City Engineer Dirk Lovett explained the following:

Geotechnical testing is waived by the building code and does not require a permit, so the ordinance is not applicable to this; if you have to restore a hillside, that is what we're talking about here with this ordinance; the point is to protect prominent views from streets or valleys, and there will be some subjectivity to it; but if an applicant doesn't agree with staff, that applicant can always go to the City Council; he can show examples where the exact ridgeline or point is not always the highest point of a ridge; sometimes it's where the silhouette is, and that is what we are trying to protect – the existing views.

Attorney Diaz pointed out that there are some cities that define specific ridgelines, but many do not. She then read the Malibu definition of a ridgeline, which was very similar to what is in the City's ordinance, as is that of Thousand Oaks. Mr. Myers thought the City's ordinance was forming another Architectural Committee, and wondered what would happen if there were

discrepancies with the Association's Architectural Committee. Mayor Pro Tem Siegel reminded Mr. Myers that we have dealt with these issues for fifty years. Mr. Lovett pointed out that the City currently has as one of its goals in the General Plan to protect ridgelines, and the City has always had that goal.

Mr. Myers suggested there was still no way to determine if a property has a ridgeline on it before applying for a building permit. Ms. Diaz explained that just like with any submitted complete application, staff would look at the application and determine with which provisions of the Municipal Code the application would have to comply. Mr. Myers then asked from a planning standpoint, if there would be a process like in other cities, where you can sit down with the Planning Director before a permit is applied for, to determine where a ridgeline is and what parts of the property might be subject to the ordinance. Mayor Pro Tem Siegel said there would be nothing different than what is being done now, with Mr. Lovett adding that any applicant can always sit down with staff and discuss any application before it is submitted.

Mr. Myers presented a "what if" situation where he thought if one application was submitted and it was determined that a ridgeline was not present, that any future applications on that property would be exempt from the ridgeline ordinance. Attorney Diaz explained that the ordinance only applies to grading or the placing of structures on a ridgeline or within 50' vertically or horizontally from that ridgeline. Mr. Myers continued to argue the point, saying that the ridgeline ordinance moves and it is arbitrary, and if it was not applied to a single permit, then it should not be applied to future permits. He then stated that he thought the best way to handle this was to designate specific ridgelines that were to be protected, since Mr. Lovett said the ordinance was to protect specific ridgelines. Staff corrected this inaccurate statement, as Mr. Lovett did not say anything about protecting specific ridgelines. Mr. Lovett explained the following:

The definition shows that it is a perceived ridgeline from a public viewpoint, and the ridgeline may be different from different views; if Mr. Myers wants a map pointing out

ridgelines, the City is not going to do that, as that could limit the ridgelines to just the highest point; the highest point may not be the portion that is most visible, and the point is to protect the aesthetic view; there are some cities that provide specific maps, but most do not.

Mr. Myers thought the way the ridgeline ordinance was defined would affect almost every house in Hidden Hills, with Council Member Freedland suggesting he might have missed part of the ordinance. Mayor Siegel felt the discussion had gone on long enough, stating that the Council has its position, and it does not agree with that of Mr. Myers, and that there would be some subjectivity. Council Member Freedland pointed out that if the ordinance resulted in unintended consequences, or that there was something the Council did not foresee, that there was nothing preventing the Council from amending the ordinance. Attorney Diaz said that was the beauty of land use regulations and the purview of the City Council to adopt these types of regulations relating to what is specifically going on in your City. Mayor Pro Tem Siegel added that events will dictate those changes. Mr. Lovett again stated that an applicant has every opportunity to come to the Council if a project triggers the ridgeline ordinance.

In response to Council Member Landon, Attorney Diaz explained that there are some circumstances where someone could build a house without any discretionary review, and what this ordinance does is provide discretionary review when a certain criteria is triggered.

Mr. Myers asked what the fees would be for this review process, with Attorney Diaz stating that a fee resolution would be brought before the Council in the future.

B. Building and Safety Cost Tracking

Building Official Greg Robinson provided the following staff report:

Based on plan check and permit revenues received through August 2011, the remaining Building and Safety workload is estimated at \$78,804.75, compared to \$72,575.94 last year; he would recommend that the Building and Safety Department funds balance

(estimated costs to complete the current workload) be revised to \$78,804.75, and that staff be directed to recalculate this funds balance in approximately six months.

The Council so directed.

C. Charles Abbott Monthly Report - August

The report was received and filed.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL:

A. Existing Litigation Pursuant to Government Code Section 54956.9(a): Number of Potential Cases - 1

Paul Ottosi v. City of Hidden Hills, et. al., Los Angeles Superior Court Case No. LC 089678

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

Upon MOTION of Council Member Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn to closed session at 8:33 p.m., at which time Mayor Pro Tem Siegel announced that in closed session the Council would be discussing the items listed above.

Upon MOTION of Council Member Weber, seconded by Council Member Landon 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 Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of September 12, 2011 at 8:51 p.m.

Mayor Pro Tem Stuart Siegel

ATTEST:

Cherie L. Paglia, City Manager/City Clerk