

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, January 14, 2013

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, January 14, 2013 at the hour of 7:30 p.m. Mayor Stuart E. Siegel called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

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

Staff:

City Attorney Roxanne Diaz
Environmental Compliance Coordinator
Kimberly Colbert
City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Mayor Siegel asked the Council to amend the agenda by adding an item 7B entitled “Request from Las Virgenes Municipal Water District (LVMWD) for a Letter to the U.S. EPA Regarding Proposed Malibu Creek TMDLs”, as the need to take action arose subsequent to the posting of the agenda. City Attorney Roxanne Diaz announced that the two required findings to add the agenda item could be made, since the request for the letter was just received by the City today, and such a letter would be due before the next Council meeting. Upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Weber and unanimously carried, it was resolved that the agenda for the January 14, 2013 regular meeting be approved as amended.

ANNOUNCEMENTS

Mayor Siegel made the following announcements:

Tickets for the Valentine Musicale go on sale Monday, 1/21; call the Community Association for information.

Happy Birthday to Council Member Landon on Saturday, 1/19.

City Hall and the Building Department will be closed and there will be no inspections on Monday, 1/21, in honor of Martin Luther King, Jr. day.

Happy Anniversary to Council Member Cohen and his wife Joanne on Wednesday, 1/23.

AUDIENCE

There were no questions or comments at this time.

PUBLIC HEARING

Consideration of Request for Lot Merger of Contiguous Parcels Located at 23937 and 24011 Long Valley Road – APN Numbers 2049-015-023 and 2049-015-041 (Tenenbaum) and Proposed Resolution

City Engineer Dirk Lovett provided the following staff report:

The applicant is requesting a merger of two properties at the intersection of Long Valley and Paradise Valley Roads with plans to build one house spanning the two lots; the individual lots are 1.23 acres and 1.3 acres, for a total if merged of 2.53 acres; there was a house on each lot previously, both of which have been demolished; notices have been posted and mailed to all those properties within 500' of the subject properties; no comments have been received; staff has reviewed the Government Code and finds that the provisions for a merger can be met, as outlined in the staff report; staff also believes the merger complies with the City's General Plan and zoning restrictions; a draft resolution has been prepared, and staff would recommend adoption of that resolution approving the merger.

At this time, Mayor Siegel opened the public hearing.

Erick Mason introduced himself as the Civil Engineer for the project, and stated he was there to answer any questions anyone might have. As there were no questions or comments from the audience, Mayor Siegel closed the public hearing and asked for comments or questions from the Council.

Council Member Cohen stated he had no problem with the merger, but wondered if there was a problem with the Civil Engineer signing the application. Mr. Lovett explained that applications are often submitted by the Civil Engineer, but included in the application is an affidavit signed by the owner.

Mayor Pro Tem Freedland pointed out that the new merged lot has a telephone or power pole right in the middle of it, which he assumed the owner would be undergrounding from the one on the opposite side of the street. As such, he asked what exactly was going to be undergrounded on the lot. Mr. Mason said they were going to remove the pole that is in the middle of the

property now, and it was going to be undergrounded all the way over and throughout the property. Mayor Pro Tem Freedland asked how many poles were coming down, to which Mr. Mason responded just one pole, the one in the middle.

Council Member Weber wondered what the new project would look like, and if there were new setbacks. Mr. Mason informed everyone that house plans for a new single family dwelling had been approved by the Community Association. City Engineer Lovett added the following information regarding those plans that were in the plan check process at this time with the City:

There will still be a 50' front yard setback and 25' side yard setbacks, consistent with the setbacks required by the City (and also approved by the Association); in looking at the plans today, he quickly added up some numbers that are approximate (not exact): 14,900 square foot single family dwelling, 1200 square foot pool house, 1100 square foot guest house, 1200 square foot stables, 1000 square foot attached garage, 1600 square foot detached car barn (for 6 cars), for a total of 20,900 square feet of buildings; the footprint of all those buildings is 18,700 square feet, approximately 17% of lot coverage (25% is allowed per the Code); all of the hardscape provides about 35% lot coverage; again, the total lot size (when merged) is 2.53 acres.

Mayor Siegel asked staff to assure that all the documents were properly signed, whether that was just the property owner's signature or additional signatures in relation to a trust. As there was no further discussion, upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to approve the lot merger and to adopt by title only Resolution No. 855 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY APPROVING A REQUEST FOR A MERGER OF CONTIGUOUS PARCELS AT 23973 LONG VALLEY ROAD AND 24011 LONG VALLEY ROAD.

NEW BUSINESS

A. Conceptual Review of Application for Proposed Office Building at 23501 Long Valley Road (Arnold Meyerstein)

City Attorney Roxanne Diaz gave an overview of the procedures in relation to this application as follows:

This project is in the Commercial Restricted zone (CR); under the City's Municipal Code (MC), this proposed use is a permitted use, so that is not an issue before the Council; in zoning, there are various land uses allowed; one area in the City is zoned CR; within that zone there are permitted uses that are allowed as a matter of right, and then there are conditional uses allowed if an application is submitted and certain findings are made by the Planning Agency; the Code also already contains certain development standards regarding building heights, lot area, density, and parking for both permitted uses and conditionally permitted uses; the review required, prompted by this application, is an architectural and site plan review; the Code does require that an application come before the Planning Agency if a new building is proposed, which is the case with this application; this is not a public hearing to approve or disapprove the project; the MC allows the developer to submit an application to the City and Planning Agency for a concept review, which allows the developer to present what he is proposing so the Planning Agency can ask questions and identify any concerns; this is not a time to indicate an opinion on whether or not one approves of the project, but to ask questions regarding, for example, landscaping, height, architectural style, etc.; the MC does have provisions in relation to architectural style; the applicant has been working with staff to meet the requirements.

City Engineer Dirk Lovett provided an overview of the project:

The project is outside the Long Valley gate, on the right when entering the City; there are currently two lots totaling about ½ acre; the setbacks and heights are all within the Code requirements; the architectural style is California Ranch with heavy timber post and beam covered porches, rough sawn board and batten siding painted white with green trim, and flat concrete roof, similar to the building directly across the street; a professional office building is being proposed, which is a permitted use; the typical tenant will be a professional or small business serving the community, and possibly a Hidden Hills resident wanting a satellite office near home; there will be no retail; a traffic study was completed showing the peak morning traffic period from 7:00 a.m.-9:00 a.m., and the evening peak traffic period from 4:00 p.m.-6:00 p.m.; using the traffic engineering scale of A-F (A being the best), traffic operates at a D level of service during the a.m. peak period, and at a B level of service during the p.m. peak period; the study estimated 9 vehicle trips during the a.m. peak, and 8 vehicle trips during the p.m. peak; neither the

a.m. or p.m. levels of service will be diminished due to these additional trips; the traffic study pointed out that there is a weekday morning queue on Long Valley Road due to contractors waiting to enter the City; this queue dissipates before 7:30 a.m.; the applicant has stated he will not open the offices for business before 9:00 a.m., so the traffic will not affect the morning peak period; access to the site will be a one-way aisle from Long Valley Road, which goes around the building, and then exits onto a shared driveway with Boething Treeland before exiting on Long Valley; 13 parking spaces are provided, including one handicap space; an Initial Study was prepared which determined that the project will not have a significant effect on the environment, so no EIR is required; there will be very little net grading of the lots, with the exception of over excavation and recompaction that is fairly standard with new construction; some minimal soil import could be anticipated for shrinkage during soil compaction; there are currently 23 trees on the two lots, 13 of which are proposed for removal; 52 new trees are to be planted (a ratio of 4:1 per the Code); everyone in the City was notified, including interested agencies; several letters were received from City residents, all in opposition to the project mostly based on traffic congestion and safety, and devaluation of property; a letter was received from the Community Association's Architectural Committee, with four comments: 1) they thought the architectural style was dated and would prefer a more modern style such as contemporary barn or Cape Cod farmhouse, 2) there was concern regarding the location of the entry driveway, 3) there was concern regarding limited site distance from the existing Treeland driveway to the east, and 4) they wanted the building and site to integrate with the Long Valley gate and pedestrian entrance including sidewalks, swales and parkway improvements; the L.A. County Fire Department submitted a letter stating their development standards; the Las Virgenes Municipal Water District letter asked that there be strict water conservation measures imposed; Caltrans submitted a letter regarding the refreshment of pavement markings at the onramp, the discharge of clean run-off water, Caltrans standards, right-of-way permits, and heavy truck/construction equipment and transportation permits; the applicant will now make a presentation, after which the Council Members and those in the audience can ask questions to identify issues and concerns that can then be addressed at a future public hearing, to be scheduled no sooner than 30 days from this evening.

Cary Gepner, the project Architect, addressed the Council:

He would like to thank Dirk for working with them as they have been trying to comply with the City codes and present a project that the community will appreciate; the goal is to provide a quiet and private small scale office environment to be used by professionals and business people from the local community, to enhance the semi-rural nature of Hidden Hills, to provide a beautiful and unobtrusive setting at the entrance to the City, and to design with an architectural style that harmonizes with the original Hidden Hills aesthetics – a rustic California Ranch style like the building across the street with board and batten siding, divided light windows, and a concrete tile roof (that looks something

like shingles); the intent is to provide a more residential character rather than a commercial character; the proposed building is one story and less than 3500 square feet; the minimum setback from Long Valley is 25'; the building will be set further back with heavy landscaping around the whole site, to try to hide the building; the building is very low profile, with a 21'-22' height; there are only four suites inside, so there is no heavy use; as mentioned, the traffic study indicated 9 trips into the building during the morning peak hours, and 8 trips out during the afternoon peak; he would be more than happy to answer any questions that anyone has.

A discussion then occurred during which the following questions and issues were raised and addressed:

Mr. Meyerstein does not need an easement from Boething Treeland for the exit driveway that they will share, as the existing Boething driveway is actually on the Meyerstein property (per a prescriptive easement); there is an existing curb cut that will be used for the entry driveway; concern was expressed for the safety of people who currently walk in front of the proposed project site when exiting Hidden Hills; the applicant will consider reconfiguring the landscaping and running a sidewalk from the gate out as far as they can to address that issue; the applicant has not approached the Boething owners regarding the possibility of leaving the entrance on Long Valley but punching an exit across the Boething property to Valley Circle, which it was felt would ease a lot of the traffic concerns expressed by most people; it was pointed out that the trip generation is determined by traffic engineers using a baseline criteria (based on square footage and other items); the Council wondered if there was a way to make sure that those renting the property in the future would not generate way more vehicle trips or open their offices before 9:00 a.m.; the proposed project is a permitted use, so the property cannot be deed restricted to assure that does not happen; however, when the project comes before the Planning Agency at a public hearing for approval, there are findings that have to be made, and the Planning Agency can impose conditions related to traffic and other impacts to protect the health, safety, and general welfare; there was still concern about how the community could be protected if the property were sold to someone else in the future; per the City Attorney, what is driving this application is the new building, and the current proposed uses are permitted uses; in the future, if some type of retail business wanted to locate in the building, that is a conditionally permitted use, but an application would have to be submitted for a CUP, and conditions could be imposed at that time; the City cannot condition for future uses, other than perhaps to adopt, either in conjunction with this application or separately, an ordinance that could restrict hours of operation; regarding the ingress and egress, there was still concern about how vehicles could get in and out without someone there to control traffic due to the lines and short stacking distance; the developer can certainly look at that, hearing all the concerns; it was thought the idea of possibly reversing the traffic through the project would only cause more problems; most

were pleased that the building was only one story and less than 3500 square feet, although that might still be larger than the old building that was there years ago; the developer had no problem with trying to tie in a 3-rail fence, but the suggestion of making the walkway not only for pedestrian but also equestrian use is something that was addressed years ago; however, that idea was pretty much abandoned due to the complications with so many agencies involved (including Caltrans, City of Los Angeles, Fish & Game).

Mayor Siegel then asked for any comments from the audience, with the following residents addressing the Council:

Steve _____ (Long Valley) - was very concerned with traffic, especially the ingress and egress; suggested the City buy the property.

Mayor Pro Tem Freedland explained the following in response:

Some ten years ago the City did try to buy a portion of the property as a place for the Community Association to store its equipment, but after a valiant effort, was outbid by Mr. Meyerstein; the Council does have a fiduciary duty to the City and its residents, and could not overpay; the problem is, the property is not for sale, and you cannot force someone to sell their own property if they do not want to; there was a commercial building there previously, the property is zoned for restricted commercial, and the proposed project is a permitted use; however, maybe Mr. Meyerstein would consider building something that the Community Association could use for storage, which could provide the owner with a lease on a long-term basis, and a stable tenant with guaranteed income.

Mr. Meyerstein pointed out that the property Mayor Pro Tem Freedland was referring to was a very small triangle (unbuildable by itself) of 5000 square feet, over which Boething has a prescriptive easement.

David Frank (Long Valley) – suggested the Council use eminent domain to take the property; felt the value of the properties near the area would be diminished; thought the building was too high and too large, and traffic was already terrible in the area; did not like the fact that the driveway and parking would be up against other properties; was strongly opposed to the project.

Kim Wolfson (Round Meadow) – asked about the zoning designation and what was allowed; wondered if there were traffic problems with the building that was there years ago.

City Attorney Diaz explained the CR zone, the fact that retail use could be permitted with a CUP, and that the City has no basis for determining any accident history in that location. Mayor Pro Tem Freedland added that there is currently traffic in and out of the Boething driveway. Mr. Gepner again stated that the developer has no plans for any retail in the building, and that they understand the CUP process, but are making every effort to stay within the confines of the CR zone.

Steve Elowitt (Long Valley) – provided some history of the property; expressed his support of the development; suggested clear title for egress be established; asked if the Boethings had been invited to the meeting; asked if there was any State law barring pot dispensaries; expressed concern over the traffic.

Mr. Meyerstein stated that he spoke to Bruce Pherson, Mr. Boething's son-in-law who now operates Boething Treeland, and that he was aware of the proposed development.

Attorney Diaz stated that the issue of marijuana and retail sales is in flux, as there are eight cases pending before the California Supreme Court, involving cities from northern California to the desert; under our Code, if a use is not listed as a conditionally permitted use, then it is prohibited. City Engineer Lovett added that the Code specifically says no medical offices are permitted.

Jennifer Richmond (Hilltop) – expressed concern with traffic and accidents; wanted to ensure that the building would only be for professional offices, and that no pre-school would ever be allowed; wanted the landscaping to be studied, as that whole entrance should be more beautiful.

Keith Copsey (Paradise Valley) – he was impressed with the architectural style, which matches the ranch house on Ahmanson (very historical California Ranch), and would not want to see anything more modern; the line of site for egress could be improved through vegetation management; perhaps the olive tree (probably planted by the developer of Hidden Hills, Archie Hansen), which is very expensive, could be saved, as could some of

the oaks; the traffic issues could probably be mitigated, especially with the help of the City; perhaps all three parcels at the front gate could be integrated into one plan for the entrance, which could also provide space for the Community Association storage of vehicles; the sound of freeway traffic could be mitigated with the architectural design and landscaping.

Mayor Siegel addressed the audience as follows:

All the Council Members are your neighbors, not professional politicians; we are always available to discuss issues with you; just please understand that there are legalities involved, as the developer owns this property and does have rights; the Council has heard everyone's concerns; there is a general problem with traffic at that corner, although it is probably not as bad as the traffic at Round Meadow School; maybe the Council can take a hard look at the whole intersection, and see if there is anything that can be done to improve it; he would be more than happy to talk to those at Boething Treeland again.

Council Member Landon raised the issue of the architectural design, suggesting that maybe it could be updated more, as suggested by the Community Association's Architectural Committee in the letter that Committee submitted to the City. After a short discussion in which the other Council Members expressed their views, Mayor Siegel stated that conceptually, a majority of the Council felt the architectural design of the building was okay.

Mr. Gepner thanked everyone for being at this meeting, and asked what the process was from this point forward. City Engineer Lovett suggested the applicant take the comments made this evening to heart, and then either return with the exact same project or one with changes. The applicant should let staff know when he is ready to proceed and move forward, allowing a few weeks for staff to check the plans and prepare for the public hearing, which then needs a ten day notification period.

Mayor Pro Tem Freedland again suggested that the applicant might want to consider talking to the Community Association to explore the use of the property that could be mutually beneficial to both the Association and the applicant.

Mr. Meyerstein said he would take a hard look at the traffic, ingress, and egress issues, as he himself has concerns since he has a home right next to the Long Valley gate. He thanked everyone for their comments.

(Emails commenting on this proposed project, received from Liz Adler, Pamela Boothe, Christine Rifkin, Ellie Sambol, and Elizabeth Johnson, are on file with the City.)

B. Request from Las Virgenes Municipal Water District (LVMWD) for a Letter to the U.S. EPA Regarding Proposed Malibu Creek TMDLs

David Lippman, Director of Facilities and Operations for the LVMWD, addressed the Council, requesting and detailing the need for a comment letter from the City to the EPA regarding newly proposed TMDLs for the Malibu Creek Watershed. He added that the EPA just recently released its draft document, with comments due by January 23, 2013, after which approval is expected in March, not giving much time for review and comments, especially those of a technical nature. If and when adopted, the new standards will be very costly to meet, with no assurance that the new standards will produce the desired result of reducing the presence of algae in the watershed.

The City Manager pointed out that the LVMWD was also asking homeowners associations, including the Hidden Hills Community Association for comment letters, representing their entire communities.

In response to Council Member Weber, Mr. Lippman stated that the EPA would establish some type of TMDL, but the District is hoping for language recognizing the uniqueness of the Malibu Creek watershed to get reasonable regulations based on scientific evidence. He added that realistically, that is not likely, but it could help in the future to have comments on record. The Council directed staff to prepare the letter, as requested, for the Mayor's signature.

Mayor Siegel congratulated Hidden Hills resident Charles Caspary, who was in attendance, for his recent election as the new President of the LVMWD Board of Directors. The City Manager also informed the Council that today was the first day on the job for the new LVMWD General Manager, Dave Pedersen, who will be coming to a Council meeting in the near future for introductions.

CONSENT CALENDAR

- A. City Council Minutes – December 10, 2012**
- B. City Council Minutes – December 18, 2012**
- C. City Council Minutes – December 24, 2012**
- D. Demand List**
- E. Disbursement List – November**
- F. Financial/Treasurer’s Report – November**

Upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon and unanimously carried on roll call vote, it was resolved to approve items A, B, C, D, E, and F of the consent calendar as submitted. Council Member Cohen said he noticed a rather large expense for telephone service, and that he had asked staff to look into other available services that might be cheaper.

MATTERS FROM STAFF

- A. Consideration of Approval of Agreement Between the City of Hidden Hills and the Gateway Cities Council of Governments (GCCOG) Implementing the Los Angeles River Bacteria Total Maximum Daily Load (TMDL) Coordinated Monitoring Plan**

Environmental Compliance Coordinator Kimberly Colbert provided the following staff report:

On 1/9/10, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted the L.A River Bacteria TMDL; responsible agencies, including Hidden Hills, are required to develop by 3/23/13 a Coordinated Monitoring Plan (CMP); 37 of 41 cities in the L.A. River Watershed (LARW) have indicated their intent to participate in a Memorandum of Agreement (MOA) with the Gateway Cities Council of Governments (GCCOG) to share in the cost to prepare and implement the CMP for this TMDL; based on the land use that the City occupies in the LARW, Hidden Hills’ cost share for the CMP is \$1208.73 annually; the City can cancel participation with a 30 day notice to the

GCCOG, so is not locked in to the agreement; staff would recommend approval of the MOA.

In response to Mayor Pro Tem Freedland, Ms. Colbert explained that the distribution on Exhibit A is a percentage based on the area in square miles of the City in relation to the total square miles in the LARW. Upon MOTION of Council Member Cohen, seconded by Council Member Weber and unanimously carried on roll call vote, it was resolved to approve the Memorandum of Agreement (MOA) between the City of Hidden Hills and the Gateway Cities Council of Governments (GCCOG) Implementing the Los Angeles River Bacteria TMDL Coordinated Monitoring Plan.

B. Charles Abbott Monthly Report - November

The report was received and filed.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Mayor Pro Tem Freedland, seconded by Council Member Landon and unanimously carried, it was resolved to adjourn the regular meeting of January 14, 2013 at 9:04 p.m.

Stuart E. Siegel, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk