

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, January 27, 2014

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 27, 2014 at the hour of 7:30 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after asking Rodger Chartrand of Boy Scout Troop No. 642 to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

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

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved that the agenda for the January 27, 2014 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

Happy birthday to our Fire Department Community Services Representative Maria Grycan on 2/5.

Happy 6th birthday to Council Member Siegel's granddaughter Zoe, also on 2/5.

Mayor Pro Tem Landon reported that he attended the very well presented Calabasas State of the City Address, at which their Mayor discussed the future of Calabasas.

AUDIENCE

There were no questions or comments at this time.

PUBLIC SAFETY

A. Los Angeles County Fire Department Reports - November and December

The following report was provided by Community Services Representative Maria Grycan:

During the month of November there were 8 responses, including 4 medical calls, 3 good intent calls, and 1 service call (for public assistance), but no fires; in December, there were also 8 responses, including 7 medical calls and 1 good intent call; again there were no fires.

In response to questions from Mayor Pro Tem Landon and Council Member Siegel, Ms. Grycan explained the following:

a good intent call is actually a false alarm, but they are only called false alarms when there is malicious intent; someone may see smoke and think there is a fire, but it turns out to be someone's BBQ; their intentions were good when making the call, and thus that call is labeled as a good intent call; the area is finally out of red flag conditions, but probably

not for good; today was the first day in three to four weeks without augmented staffing in the region, but they will be augmenting tomorrow as the fire danger is up again; there is no rain in sight; the rain is of course needed for the drought, but for fire purposes, there has been just enough rain to grow more to burn; the contract for the super scoopers has been extended for this month, and may also be extended into February.

B. Los Angeles County Sheriff's Department Reports - November and December

City liaison Lt. Dave Thompson presented the following report:

in November there was one residential burglary (the only Part I crime), with no signs of forced entry and a coat taken; this is still being investigated; there were two adult arrests; one collision occurred, involving injuries and a DUI; 24 citations were issued by the motors, with 18 of those being hazardous, mostly stop signs; no dangerous drivers were reported to the STTOP program; in December, there were no Part I crimes, one adult arrest, no collisions, and 13 citations (11 of those issued by the motors), 10 of which were hazardous; again, no drivers were reported to the STTOP program.

In response to Council Member Siegel, who had some questions about the residential burglary, Lt. Thompson explained that even though these often involve hired help or relatives, when a homeowner is adamant that the house was locked and there is no video to confirm otherwise, it is listed as a break-in and a burglary, even if the dollar amount of the loss is very low.

Council Member Siegel also asked about the recent car show at the Lost Hills Station, which Lt. Thompson confirmed was a very successful event that raised a lot of money.

Council Member Cohen asked why most of the citations were issued by the motors, and not by the cars that might be in the City. Lt. Thompson stated the following:

the motors write more citations in all of the cities; they are more focused on traffic, and are less visible so can target certain problem intersections or areas better than the cars; the motors (which are shared equally by four of the cities) spend a set amount of hours per week in the City, with those hours and days being varied; the cars (the City does not have a dedicated car) respond to calls for service, and often spend a lot more time at each call (for example, if they respond to a family disturbance, there is a lot of time spent at that one location); but in any case, when called, the Sheriff will respond.

C. Consideration of Approval of Municipal Law Enforcement Services Agreement By and Between County of Los Angeles and City of Hidden Hills from July 1, 2014 through June 30, 2019

The City Manager informed the Council of the following:

the current five year agreement with the Sheriff's Department expires June 30th of this year; the new proposed agreement is again for five years, with very minor changes from the existing agreement; the County does not allow any City changes to the agreement, which is the same one offered to all cities; the agreement is a general agreement for services and does not determine the level of service to be provided, which the City requests separately every year; the level of service can be changed every year when the City completes and signs its 575 form, or during the year with a revised form 575.

Upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Landon and unanimously carried on roll call vote, it was resolved to approve the Municipal Law Enforcement Services Agreement By and Between County of Los Angeles and City of Hidden Hills, to be effective from July 1, 2014 through June 30, 2019.

PUBLIC HEARINGS

**A. Minor Accommodation
24157 Lupin Hill Road
Addition and Renovation**

City Engineer Dirk Lovett provided the following information:

this single family residence is an existing nonconforming building currently encroaching into the front and side yard setbacks; the property has a limited pad and falls off steeply to the rear, with most of the house already in the setbacks; the applicant is requesting a minor accommodation to alter portions of the house already within the front and side yard setbacks, and to add an attached garage within the front yard setback; notices were sent to owners within a 300' radius of the property and posted in the City; no comments have been received; the existing building is about 2789 square feet set back roughly 19'8" from the front roadway easement (normal easement is 50') and 23' from the west property line (normal easement 25'); the proposed improvements in the setbacks include new decorative roof gables and architectural wall pop out features, a new two car garage, and new wall siding; there are other improvements proposed for outside of the setbacks, all of which will bring the total square footage to 3109 square feet; the proposed improvements, which will encroach no further into the required setbacks than the existing buildings,

have all been approved by the Community Association; the applicant believes that the existing residence and proposed improvements in the setbacks are in conformance with the neighborhood characteristics and therefore will not have a material adverse impact on the public welfare or adjacent properties; the City Council can grant the minor accommodation if it finds that to be true; staff believes the finding can be made, and therefore would recommend approval of the minor accommodation, because none of the proposed improvements would encroach further into the required setbacks, the proposed improvements within the setbacks will not be out of character with other homes on Lupin Hill, and other existing homes on Lupin Hill have similar encroachments.

Mayor Freedland then opened the public hearing.

In response to Mayor Pro Tem Landon, George De La Nuez, the architect for the project, explained that the garage does not encroach into the side yard setback, but does encroach into the 50' front yard setback on Lupin Hill, although not any further than the rest of the building already does on this pie shaped lot.

Two separate neighbors of the project, Andrea Yasgoor and Eric Toeg, had numerous questions on the project, which were satisfactorily addressed by the architect and City staff. It was pointed out to Mr. Toeg, who complained that he was not notified of this project by Bob Coffey, that Mr. Coffey does not work for the City, and that the City did indeed send out notifications regarding this proposed minor accommodation and public hearing to Mr. Toeg and all those within 300' of the subject property (he then did thank the City for the letter he received). The project architect also pointed out that a variance was not required by the Community Association, and therefore there was no reason for the Association to send any notification to the neighbors.

In response to Mr. Toeg's questions about parking on the street, the project builder Barry Eglit stated that the property has 300' of driveway, so there is plenty of parking on the site and construction vehicles will not be parking on the very narrow street (that also has no parkways). Council Member Siegel also suggested that the neighbors and subject property owner talk in advance to work out these types of issues, and that if there is a problem with anyone blocking the road, the Sheriff can always be called.

Mayor Freedland then closed the public hearing, and asked which Council Members had visited the site under discussion, with he and Mayor Pro Tem Landon stating they had been to the site, and Council Members Siegel and Cohen stating they had not.

Council Member Siegel commented that he was in favor of the minor accommodation, as he felt the finding could be made, that this was an unusual lot, and that approving this request would allow the homeowner to enjoy his lot as his neighbors are able to do, without extending any further into the setbacks. As there was no further discussion, upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to make the required finding, approve the minor accommodation, and adopt by title only Resolution No. 864 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 TO ALTER AN EXISTING NONCONFORMING RESIDENCE LOCATED AT 24157 LUPIN HILL ROAD.

B. Consideration of Approval of 2013-2021 Housing Element and Related Resolution

The following report was provided by City Attorney Roxanne Diaz:

the City just had a Housing Element approved, but this new proposed Housing Element covers the period from 2013-2021 and is due to HCD by 2/12/14; there are really no major changes from the Element just completed and approved; the most substantial change involves more recent data from the US Census Bureau; as with the last Element, the new draft was sent to HCD, which had some suggestions for revisions to comply with state laws; Exhibit A to the proposed resolution summarizes those changes; HCD wanted more notification and expansion of some of the City's programs having to do with extremely low income households, and wanted the City to include more incentives for additional outreach and facilitation with some providers regarding emergency shelters; she would recommend opening the public hearing, and then adopting the resolution approving the draft Housing Element; if the Council has any questions, our consultant on this project, John Douglas, is in attendance.

Mayor Freedland opened the public hearing, with resident Keith Trotman asking if this involved the same issue as twenty years ago regarding low income housing. Attorney Diaz responded as follows:

this is not the same thing; this is a state requirement that has been in existence for many years; the City has to provide opportunity in zoning for various housing needs including high and low income housing; the City is not required to build any housing, but allows for the building of housing if someone chooses to do so; it is difficult to build this type of housing in the City, however \$65,000 is considered moderate income for a family of four in Los Angeles County, which does not have the same connotation as in the past.

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

Mayor Freedland wondered what was meant by additional outreach, to which Attorney Diaz responded as follows:

one example would be in relation to emergency shelters; we have these, for six people, in the CR zone, and HCD wants the City to consult with shelter operators to consider their recommendations regarding the proper size; for extremely low income households and persons with special needs with respect to the affordable housing overlay, every other year HCD wants the City to contact nonprofits and assist them with seeking state or federal monies for support of housing construction; HCD would like the City to work with the Los Angeles County Regional Center to implement an outreach program to inform families of housing and services available in the community; she will be working with Mr. Douglas (the consultant) to facilitate these tasks.

As there was no further discussion, upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Cohen and unanimously carried, it was resolved to adopt by title only Resolution No. 865 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS ADOPTING THE 2013-2021 HOUSING ELEMENT OF THE GENERAL PLAN AND FINDING THAT THE HOUSING ELEMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, and further resolved to direct the City Manager to submit the Housing Element to HCD for final review and certification.

NEW BUSINESS

Consideration of an Appeal to Repair an Existing Shake Roof at 5831 Jed Smith Road

City Engineer Dirk Lovett provided the following staff report:

the applicant is requesting an after-the-fact permit to repair a portion of an existing shake roof; around November or December it came to the City's attention that the applicant replaced approximately one-fourth of his shake roof; the City's Municipal Code only allows a repair of 50 square feet of shake roof; if more than that occurs in a twelve month period, the whole shake roof has to be replaced with an approved material; since the repair was over 50 square feet, the applicant was informed he had to replace the entire roof with a Class A material and also get approval of that material from the Community Association; the applicant wants to maintain the shake roof, and has therefore submitted an appeal to the City Council; the applicant states that compliance with the Municipal Code is a hardship due to the age of the structure which will not support a typical light-weight roof material; the applicant also said he does not like the look of the light weight material that is acceptable to the Community Association; the applicant is therefore asking for the ability to keep in place the completed repair rather than replacing the entire roof; the house is approximately 3000 square feet; other houses in the vicinity do have Class A roofs; the City Council can either make the finding of hardship and authorize the staff to issue a building permit for the repair of approximately 200 square feet of roof, or deny the appeal.

The owner and applicant, Keith Trotman, addressed the Council, stating the following:

his contractor advised him that his roof needed to be replaced, so he examined replacement possibilities because it is an old shake roof with old structural elements; shake is about 3 pounds per square foot, while the new light weight shakes are about 6 pounds per square foot; they survived the earthquake at the 3 pounds, but it did not make sense to him to double the roof load to 6 pounds; he looked at alternates and decided that a metal roof looked like the way to go, as metal roofs could be found at 2-3 pounds per square foot; he had never heard of anyone being denied a metal roof, and saw some portions in the area; but when he went to the Community Association last spring and talked to the staff, he was told a metal roof would not be allowed; due to his business being in Texas and traveling a lot, his schedule got a bit messed up, so he went ahead and repaired the portion of the roof because his contractor said it needed to be done; he thought he was allowed to replace 25% of the roof, but discovered later that the rule had been changed some years ago; he had the contractor repair the roof with the intent of coming up with a permanent solution, and it was not his intent to have this be that solution; he is still hoping to get the Community Association to agree to a metal roof, as metal roofs are used all over the country and he finds them attractive; he would like to

apologize for his error; he has taken out a lot of permits over the years and does not believe that he has transgressed in the past.

Mayor Freedland asked Mr. Trotman what constituted the hardship, with Mr. Trotman stating the roof structure could not take the double load since it was built in 1959-60, and he did not want to spend money on an old house to double the roof strength to accommodate someone else's whimsy that he should have a light weight roof, for which he would have to shore up the house. City Engineer Lovett said he thought there was a light weight roof material acceptable to the Community Association that would weigh the same or less than the existing roof, but Mr. Trotman did not like the look of that material. Mr. Trotman added that he was happy to do the right thing, but he does not understand what the issue is and why he is being denied any flexibility by the Association, which is trying to push people related to aesthetics. He added again that it was not his intent to keep this on a permanent basis, and he will do a new roof when he finds something acceptable to both.

Mayor Freedland commented as follows:

he and the City cannot speak for the Association; the City's main issue is public safety, not the metal roof, which the City does not care about as long as it is a Class A material; the City's ordinance was changed to only allow 50 square feet of repairs to a shake roof to encourage people to replace those old shake roofs which are a fire and safety hazard; plus Mr. Trotman's home is right next to the Ahmanson Ranch, where there have been fires and embers that threatened the City; looking at this from the City's point of view, he cannot really see this as a hardship, but more of an inconvenience with perhaps some expense - it can be done, but the homeowner does not want to do it for aesthetic purposes.

In response to Mayor Freedland, Mr. Trotman said he did not go before the Architectural Committee because the Association staff told him there was no way the metal roof would be approved.

Council Member Siegel commented as follows:

on a regular basis, other homeowners are being requested to change their shake roofs, or doing so on their own, so they are being phased out; it would not be fair to them to allow Mr. Trotman to not change the roof because he does not like how it looks; the Council

spent a good deal of time addressing this issue before coming up with the new regulation to help eliminate shake roofs and replace them with safer Class A material; if the Association will not allow the metal roof, maybe there is another material that would be acceptable to them; he cannot see this as a hardship, or it would have to be a hardship for everyone with a shake roof that had to be replaced; the City does have this rule with which residents need to comply.

Mr. Trotman again expressed his apologies for not reading the documents and erring, and said he does want to put on a new roof and is not asking for an extension. Mayor Freedland suggested Mr. Trotman ask his contractor to look at other options, like those he sees around the City that look like wood shake but are actually ultra light material that would not require re-enforcement for the weight. Mayor Pro Tem Landon suggested Mr. Trotman go to the Association Board for its input (there is at least one builder on that Board), but from the City side, he does not believe this is a hardship.

Mayor Freedland asked the City Attorney what options were available to the Council to allow Mr. Trotman to correct this problem in a certain amount of time. Attorney Diaz responded as follows:

the Council does have discretion regarding options; if Mr. Trotman does not come in, get a new permit, and put a new roof on, the house is currently in violation of the City's Municipal Code; this would allow her office to file an action, if the change is not made voluntarily, to force the installation of an entire new roof; however, it does not sound like that is the direction the Council would like to go at this time; an appropriate amount of time can be given to Mr. Trotman, and then if nothing is done during that time period, her office would proceed to force the homeowner through legal action to make the required change.

Mayor Freedland stated the following:

he believes that Mr. Trotman does want to replace the shake roof with a new acceptable roof; he would suggest giving the homeowner six months, which would get him through the winter weather, to come up with another solution; that solution could be going to the Association, which he would recommend, as the request for a metal roof could be granted, or it could be denied; but just because one staff person says it will not be approved may not always be the case; or Mr. Trotman could explore other roof materials that would be more to his aesthetic liking; hopefully at the end of six months it will be

done and everyone will be happy, and if not, perhaps the City Attorney can follow up with a friendly reminder.

When asked by Mayor Freedland if six months would be enough time to find a solution, Mr. Trotman said yes. There was a short discussion, initiated by Council Member Cohen, during which the Council Members addressed what exactly had to be done within that six month period.

Upon MOTION of Mayor Pro Tem Landon, seconded by Council Member Siegel and unanimously carried, it was resolved to deny the appeal to repair an existing shake roof at 5831 Jed Smith Road, finding that the applicant has not demonstrated unreasonable hardship, and further resolved to give the homeowner six months to find a solution to resolve the current Municipal Code violation, with the understanding that within that six month period, a permit must be pulled and some construction progress must be shown. The City Attorney informed the Council that staff would monitor the situation and provide an update to the Council around the fifth month of the six month period.

CONSENT CALENDAR

- A. City Council Minutes - January 13, 2014**
- B. Demand List**
- C. Disbursement List - December**
- D. Financial/Treasurer's Report - December**

Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Landon and unanimously carried on roll call vote, it was resolved to approve items A (with Council Member Siegel abstaining on this item as he was not in attendance at the meeting), B, C, and D of the consent calendar as submitted.

MATTERS FROM CITY COUNCIL MEMBERS

- A. Report from 1/21/14 Hidden Hills Community Association Board of Directors Meeting**

The following report was provided by the City Manager:

the decision was made to cancel the February Follies (formerly the Valentines Musicale), as there was just not enough time to get everything done, especially with the absence of Bonnie and David Frank; however, they do want to make sure that it continues in the next year; minor changes are being made to the Architectural Standards (the changes were already published in the Round-Up) related to the notification process for lot ties, and requiring residents to use Type II slurry (to match what the Association uses) on private driveways that cross parkways; the City's project to underground overhead utility wires near the Tenenbaum property was discussed; some concerns were expressed regarding the cabinets and vaults being placed in the parkway, with some of the Board Members wanting to visit the site before making a decision; it was also explained to the Board Members that this was a City initiated project, and that it was not for the benefit of the Tenenbaum's, but for public safety purposes and the benefit of numerous residents in that area of the City; City Engineer Dirk Lovett met on site with two of the Board Members (Rob Raznick and Rick Morris), and staff believes those Board Members are now more comfortable with the project.

B. Report from 1/21/14 Las Virgenes Malibu Council of Governments Meeting

Council Member Siegel provided the following information:

the COG received a \$185,000 grant from SCAG for a consultant to prepare a Bicycle Master Plan for the COG; originally the MTA approved \$500,000 for the San Gabriel COG to develop a mobility matrix to address Subregional Mobility Infrastructure; the study has now been expanded to include the entire County, including our COG; a new agreement between the COG and its Executive Director, Terry Dipple, was approved.

MATTERS FROM STAFF

Charles Abbott Monthly Report - December

The report was received and filed.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Landon and unanimously carried, it was resolved to adjourn the regular meeting of January 27, 2014 at 8:33 p.m.

ATTEST:

Steve Freedland, Mayor

Cherie L. Paglia, City Manager/City Clerk