

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, December 11, 2006

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, December 11, 2006 at the hour of 7:32 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after asking City Engineer Dirk Lovett to lead the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council: Mayor Jim Cohen
Mayor Pro Tem Monty E. Fisher
Council Member Steve Freedland
Council Member Stuart E. Siegel

Staff: City Engineer Dirk Lovett
City Manager Cherie L. Paglia

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the December 11, 2006 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Cohen made the following announcements:

He wished Council Member Freedland a very happy birthday (12/11/06), and extended Happy Anniversary wishes to Council Member Siegel and his wife Peggi (12/12/06).

Hanukkah begins at sundown this Friday, 12/15/06.

City Hall and the Building Department will be closed and there will be no inspections beginning at noon on Friday, 12/22/06, through Monday, 1/1/07; City Hall will reopen on Tuesday, 1/2/07.

The City Council meeting scheduled for Monday, 12/25/06 (Christmas Day) has been cancelled, as has been the Public Safety Commission meeting scheduled for Tuesday, 12/26/06.

On behalf of the Council and staff, he wished everyone a very safe and happy holiday season.

AUDIENCE

There were no questions or comments at this time.

PUBLIC HEARING

Variance No. V-367
24504 Long Valley Road
New Two Story Single Family Residence

Council Member Freedland recused himself from this item for both family and business conflict issues, and left the Council Chambers.

The following staff report was provided by City Engineer Dirk Lovett:

There is an existing legal nonconforming house on the property (it encroaches into the front yard setback), which is proposed for demolition; the application is for a variance for a new two-story single family dwelling, which would encroach approximately 20' into the required 50' rear yard setback; approximately 20' of a proposed rear yard retaining wall exceeds the allowed 3' height limit; two proposed headwalls (one 6' inlet headwall

and one 4' outlet headwall) for a new pipe to enclose an existing water course to be redirected around the front of the residence also would exceed the allowed height limit per the Municipal Code (walls cannot exceed 2' in the front yard setback and 3' in the side yard setback); notices were posted and sent to all owners within 500' of the subject property; no comments have been received; the Council must make four findings in order to grant the requested variance; staff believes all four of the required findings can be made, as stated in the staff report dated 12/5/06, and would recommend approval.

Mayor Cohen, Mayor Pro Tem Fisher, and Council Member Siegel all reported visiting or being familiar with the property. Mayor Cohen then opened the public hearing.

Grant and Kate McCune, who live on Deep Well Road, were in the audience, with Mr. McCune addressing the Council as follows:

They share the entire back property line with the variance property; they have at least two concerns; there is a stand of 17 oak trees, which is what they look at now with the existing house; if grading is taking place against the hill, that could cause drainage problems; the height of the proposed roof is 6" above their floor level; they are not concerned with the setback other than how it affects the grading and height of the home; if the top of the house is at 26' above the existing grade, that probably would not be a problem – but it would be if the grade is being raised and then the 26' house goes on top of that; they believe this has already been approved by the Association's Architectural Committee, but they did not receive notice of the hearing or would have expressed these concerns at that time; they did receive notice from the City; they would like to see a staked outline of the house, which they thought was required; they are just not sure of exactly what is going on and would like to walk the property with the owner to better understand; they do not want to hold up the project, but if possible would like to ask for a stay right now to allow them to obtain more information.

Scott Kaufman introduced himself and his wife Dana as owners of the property, and David Rhea as the designer of the proposed home. Mr. Kaufman provided the following information:

They worked very closely with Ron Heston (Architectural Committee Consultant) to assure the least amount of import; they attempted to maintain the street level grade; the floor of the house is at 995', as is the street; since the McCune grade is at 1019', the top of the 26' house on grade will be 2' higher than the McCune grade.

Mr. Rhea provided additional information:

They are not removing the oak trees referred to by Mr. McCune; the only trees being removed are those that fall within the footprint of the new house; they cannot grade within or into the trail; the drainage is being pulled to around the front of the house; a hydrology study has been completed and submitted to the City, so the drainage, including any additional drainage from the McCune property, has been addressed; they apologize that the Association did not notify the McCunes, but they have followed all the right procedures with the Association; they probably could do something with staking if that would help.

Mr. and Mrs. McCune wanted several days to walk the property, and wondered if the Council could allow the project to go forward tonight, but withhold final approval until the walk through was completed. Mayor Cohen explained that there was no way to do that – they would either have to approve the project tonight or delay a decision until the next meeting. Council Member Siegel pointed out that the next Council meeting would not take place until January 8th. Mr. Kaufman was more than happy to walk the property with the McCunes, but asked that the decision on the variance be made this evening, as there have been numerous meetings already and they have been working on this project for nine months and want to move forward. Mr. Rhea added that the house, especially with the second story, was pushed back to conform more with Long Valley Road; this placed the house closer to the back hillside, and did not affect any other neighbors besides the McCunes.

Council Member Siegel asked for clarification on several matters including the stream bed, drainage, and trees. Mr. Lovett confirmed that the natural stream bed in the back yard would be filled in, with the water being diverted around through the front yard via a pipe, and that the hydrology study would have to prove that all the drainage from upstream, from the McCunes, and from the grading on the Kaufman property would be conducted through and properly handled by the new pipe. Mr. Rhea assured Council Member Siegel that the only trees to be removed were those in the footprint of the house, and that they had satisfied the Association's tree removal requirements. He added that there would be a little grading up to the 10' easement in the back, but no grading in that easement, or in the trail on the left side of the property.

As there were no further audience comments, Mayor Cohen closed the public hearing and asked for Council Member comments.

Council Member Siegel stated the following:

He is satisfied with what he has seen tonight; as a matter of courtesy and of being good neighbors, he would hope the Kaufmans would stake the outline of the house and walk the property with the McCunes so they understand what is going on; the Kaufmans have been working on this for some time, and it is not their fault that the neighbors were not notified by the Architectural Committee, so he would not want to see this delayed further; what is being proposed is an aesthetic improvement over the maintenance yard that was proposed some time ago on this property; he is prepared to make a motion to approve the variance.

Mayor Cohen added his comments:

There are three walls that exceed the allowed height limit; the one in the rear yard is no problem, and he understands that only 1' or 2' of the other walls will be visible, with the rest being below grade; however, he would suggest (not make it a condition) that the owners consider putting shrubs near these walls to hide them from view; he had some concerns with the downhill erosion and drainage from the lot above, but it is apparent that there was always some erosion and that the drainage is being addressed and steps taken to divert the water; he is disappointed that the neighbors were not notified of the Architectural Committee hearings, and that this was the first exposure to the project for those neighbors; no one has a right to preserve their view forever, but there will not be much difference in that view with the assurance that the house is being built at the existing grade; the City and the homeowners appreciate the great deal of cost and effort to move the house back from Long Valley Road, even though there is a bit of a trade off since that pushes the house further towards the back of the lot; in general, he agrees with Council Member Siegel that the decision should be made at this time.

Mayor Pro Tem Fisher agreed with the above comments, and had nothing further to add other than that he was sure the Kaufmans would extend every courtesy to their neighbors. There being no further discussion, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and carried on a 3-0 vote (with one Council Member recused), it was resolved to make the required findings to approve the variance and to adopt by title only Resolution No. 792 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS SITTING AS THE PLANNING AGENCY APPROVING A REQUEST FOR VARIANCE NO. V-367 FOR A

NEW TWO STORY SINGLE FAMILY RESIDENCE LOCATED AT 24504 LONG VALLEY ROAD.

Council Member Freedland rejoined the meeting at this time (8:06 p.m.).

CONSENT CALENDAR

- A. City Council Minutes – November 27, 2006 Special Meeting**
- B. City Council Minutes – November 27, 2006**
- C. Demand List**
- D. Disbursement List – November**
- E. Financial/Treasurer’s Report – November**

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

MATTERS FROM COUNCIL MEMBERS

Undergrounding of Overhead Utilities – Discussion and Direction to Staff

The following staff report was provided by City Engineer Dirk Lovett:

In August, the Council showed an interest in identifying some potential undergrounding areas within the City; Mayor Cohen, Council Member Freedland, and staff met with a representative of SCE to assess three potential areas; the Council then asked for additional information and to add a fourth potential area; he has provided exhibits and tables showing costs, status of poles, locations, properties involved, etc. for four separate areas: Area 1 – corner of Round Meadow and Long Valley Roads; Area 2 – Jed Smith Road North just north of Round Meadow Road; Area 3 – Jed Smith Road between Jacob Hamblin and Lewis & Clark Roads; Area 4 – Round Meadow Road just inside the back gate; the numbers provided are very rough estimates, as the utility companies cannot give specific estimates until an area has been selected, more details provided, and design fees paid; but the rough estimates have been useful for comparison purposes; the cost estimates provided are just City costs, not including private service drops; for an individual homeowner to underground his/her private service, the cost has been estimated at roughly \$10,000, but there are many variables, so this number could go up or down; based on staff’s review and opinion, it appears that areas 1 and 3 would potentially provide the greatest benefit for the cost; staff would recommend that the Council select

one or two areas, authorize staff to obtain right-of-way surveys for the areas selected, pay the fees to the utility companies to do the actual design work, and then obtain proposals to evaluate the costs, potential for actual undergrounding, and potential interest of homeowners.

Mayor Cohen thanked Mr. Lovett for the report, which he thought was very good and extensive, and then asked the Council Members for their thoughts.

Council Member Siegel commented as follows:

The estimates are pretty big numbers, with the estimated cost for the least expensive area representing approximately 20% of the City's annual budget; he believes the undergrounding is a benefit and he is in favor of it, but relatively speaking, it is very expensive; since the City really has no extra money to improve aesthetics, he wondered if residents who would benefit from the undergrounding should be asked to help with the costs; he is not sure there would be a benefit to the entire community, and perhaps the money could be better spent elsewhere.

Council Member Freedland responded with the following comments:

He believes all the residents who live in the community would benefit from undergrounding any of the utilities; recently a whole stand of eucalyptus trees was removed from the parkway along Jed Smith north of Round Meadow; the trees had been topped due to the wires, and were very ugly; he is not sure which is worse – to leave the ugly topped trees, or to have the bare parkway from which they've been removed; also, a newspaper article on the recent Moorpark fire stated that the cause of the fire was downed overhead wires; he believes there is intangible value in undergrounding utilities; maybe they do not realize the cost involved, but whenever he asks residents if they would like to see the utilities undergrounded, they always say yes; he believes the City has the ability to commit to starting an undergrounding project to investigate the costs, as well as the aesthetic and other effects, without charging the residents any money; if this would have been done ten years ago, it would have cost less; if we wait longer, it will cost even more; he believes there is a value and that the City has an opportunity to move forward; the cost is a significant portion of the City's annual budget, but not a significant portion of the City's reserves; to do a study, the cost is estimated at \$1000 per pole, so if there are ten poles involved, that is a \$10,000 investment to get hard numbers from the utility companies; with the engineering design, bids can be obtained to get exact costs, which can then be intelligently discussed to see if there is value in proceeding; the staff report is very good, but there is still no way to know the exact costs without completing the engineering drawings.

Council Member Siegel stated the following:

He is completely in favor of doing the engineering, and has been supportive of this; he does have concerns that to do all four areas would take \$1 million, approximately 25% of the City's reserves; maybe there are more things that could be done to benefit the community with that \$1 million; when he sees the order of magnitude, he is a little uncomfortable, but does want to go ahead and get hard numbers.

Mayor Cohen pointed out that to do all four areas would actually cost \$1.75 million, closer to 50% of the City's reserves. Council Member Freedland said he was not suggesting doing all four areas at one time, but perhaps one area could be done in 2007, and if that goes well, another area in 2008 or 2009, etc. Mayor Cohen understood, adding that because this project was not started years ago, there are now many more homeowners that have undergrounded their own service, making it easier to move forward now.

In response to Mayor Cohen, Mr. Lovett explained that some of the poles on the exhibits are designated as being on private property, with the cost estimate not including these poles – they were shown in the four potential areas so that those particular property owners could be approached to see if they wished to take part in an undergrounding project and pay for those privately located poles if the City chose to go forward with a project in that area. Mayor Cohen was concerned that the City could commit to do a project in an area, and then have numerous homeowners decide not to participate, leaving some poles standing in between others that would be undergrounded; he thought a consensus was needed before making a commitment to an area. Council Member Freedland agreed that at some point the homeowners should be contacted to see if they would be interested if the City was paying for the engineering.

Council Member Siegel suggested the following:

Maybe the Council should select two areas, and do the engineering for those areas to get hard numbers; once those are obtained, meetings could be held with the homeowners to see which group is more interested; the Council could then take the area where the City could get the most benefit for the money spent – the most amount of poles removed for the least amount of money; the City might also consider offering to pay a portion of the

costs, and asking the involved residents, since they will get a direct benefit, to also pay a portion of the costs; other residents could form groups later if they wanted their area undergrounded; by actually making an effort and moving forward, a system for handling this may develop, so the City has to try.

Council Member Freedland agreed, believing that actual costs had to be determined in order to move forward.

In response to Mayor Cohen, Mr. Lovett explained that conversion costs were for the utilities pulling the wires and energizing the system, after the City hires a contractor to complete the trenching, put the conduit in the ground, put in all the cabinets, etc. Mr. Lovett added that all the utilities have their own estimates, with SCE's being \$25,000 per pole, but they are still estimates. Council Member Siegel pointed out that asking a contractor for estimates without plans usually results in very high estimates, so again, he would suggest the Council pick an area or two and get the engineering done to see what the actual costs will be.

Council Member Freedland suggested that engineering drawings be done for areas 1 (with 14 poles) and 3 (with 10 poles), at an estimated cost of \$1000 per pole. Mayor Cohen agreed with area 1, but thought area 4 should be done since it was one of the most visible areas. Council Member Freedland stated that based on his conversations with at least two of the homeowners in area 4, there would be some resistance to the undergrounding, plus there are only three residences with underground service and five with overhead service. Council Member Siegel was also opposed to starting with area 4, stating that if the idea was to get rid of visual blight, more poles could probably be removed in areas 1 and 3, especially since at least three poles in area 4 are on private property, and the owner has no interest in undergrounding them. Mayor Pro Tem Fisher agreed.

At this time, Council Member Freedland offered a MOTION, which Council Member Siegel was willing to second, to authorize the expenditure of not-to-exceed \$35,000 to proceed with engineering drawings for areas 1 and 3. A short discussion followed.

Resident Larry Weber expressed concerns with excessive underground water in area 3, which he thought might require additional costs if an undergrounding project were to proceed there. He also wondered why the Council would not choose to do engineering drawings for all four identified areas if the plan was to eventually underground throughout the City, with Council Member Siegel again stating that he was concerned with costs and cost benefits.

Resident Dan Freedman suggested that the Council set aside only \$1000 to evaluate whether or not the residents perceive the overhead wiring to be a problem (he does not even notice the wires as he drives through the City), and to consider other alternatives which might be a better use of the City's funds. Council Member Siegel pointed out that the overhead wiring was not just an aesthetic issue, but also a public safety issue relating to earthquakes and fires. He added that the undergrounding may not even be feasible, but the Council needs to move forward with engineering drawings which can then be discussed with contractors and homeowners to make that determination. Mayor Pro Tem Fisher and Council Member Siegel again stated that until actual plans were completed, everything was just speculation.

As there was no further discussion, upon MOTION of Council Member Freedland and seconded by Council Member Siegel, it was resolved on a 3-1 roll call vote, with Mayor Cohen opposed, to authorize the expenditure of not-to-exceed \$35,000 (based on rough estimates from the City Engineer and numbers provided to him by the utility companies) to conduct right of way surveys for areas 1 and 3, and to then obtain engineering drawings from the utility companies, including SCE, Charter Cable, and AT&T, for those same two areas.

MATTERS FROM STAFF

Tentative Map 63567 (Ashley) – Update

City Engineer Dirk Lovett reported that the kick-off meeting for the Environmental Impact Report (EIR) would be held this coming Thursday, after which the consultant will begin actual work on the EIR.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to adjourn the regular meeting of December 11, 2006 at 8:40 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk