

CITY OF HIDDEN HILLS  
REGULAR CITY COUNCIL MEETING

City Hall

Monday, August 25, 2008

***MINUTES***

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

A regular meeting of the City Council of the City of Hidden Hills was duly held in the Council Chambers at the City Hall, 6165 Spring Valley Road, Hidden Hills, California 91302 on Monday, August 25, 2008 at the hour of 7:32 p.m. Mayor Steve Freedland called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

**ROLL CALL**

Council:

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

Staff:

Special Counsel Larry Wiener  
City Engineer Dirk Lovett  
City Manager Cherie L. Paglia

**APPROVAL OF AGENDA**

Upon MOTION of Council Member Siegel, seconded by Council Member Fisher and unanimously carried, it was resolved that the agenda for the August 25, 2008 regular meeting be approved as submitted.

## **ANNOUNCEMENTS**

Mayor Freedland made the following announcements:

The Public Safety Commission meeting scheduled for Tuesday night (8/26/08) has been cancelled.

The first day of school at Round Meadow is this Wednesday (8/27/08); residents who do not need to be in that area should avoid it at all costs, especially during the drop-off and pick-up times; call City Hall for specific times and more details.

Congratulations to Bookkeeper Randee Weinberger who is celebrating her 18<sup>th</sup> anniversary with the City on Sunday, 8/31/08.

City Hall, the Building Department, and the Community Center will all be closed and there will be no inspections on Monday, 9/1/08, in honor of Labor Day.

## **AUDIENCE**

There were no questions or comments at this time.

## **PRESENTATIONS**

### **A. Las Virgenes Unified School District**

Dr. Donald Zimring addressed the Council:

He is proud to be serving as the Superintendent of the LVUSD, and it is his great pleasure to introduce the new Principal of Calabasas High School, CJ Foss; she has 23 years of experience in high schools in the L.A. Unified School District where she served as Assistant Principal of both Taft and Birmingham, and helped coordinate two dozen high school programs of improvement in the western San Fernando Valley; she is the epitome of what they want in a principal, with great energy and enthusiasm, and a visionary; he is happy to welcome her to the community.

Ms. Foss stated the following:

She is honored to serve as the Calabasas High School Principal; she has already had the great pleasure of getting to know many in what is a remarkable community; she met many of the students at a very well done registration completely run by parents, teachers, and volunteers; she would invite everyone to visit at any time; the first day of school will be a celebration that she hopes to continue all year long; her goal is "to ring that bell" for the Coyotes.

**B. City Plaques/Hidden Hills Youth Recognition Recipients**

Mayor Freedland explained that the City has a Youth Recognition Program designed to identify and recognize outstanding youth in the City either individually or on an organization basis, encompassing elementary through high school age. He then introduced the two recipients this year, Michele Grogin and Harley Joffe, and asked each of them to tell everyone about their accomplishments.

Ms. Grogin informed the Council of the following:

She has raised approximately \$2000 by collecting recyclables; she founded a school club, but gets most of her help from the Hidden Hills community and its residents; cans, bottles, and glass are collected to get money for Calabasas High School; the money will probably be given to the Science Department.

Ms. Joffe explained her program:

She is conducting a similar recycling program at Viewpoint School; she has provided bags to all the sports teams to collect recyclables from all their practices and games; there is also a bin in the parking lot; with other volunteers and friends, she collects and takes all the material to recycling centers; the money made is given to either the Special Olympics or other sports charities.

Mayor Freedland commented that it was great to see outstanding youth raising money for good causes, and then presented City plaques, on behalf of the Council, to both Ms. Grogin and Ms. Joffe.

**C. City Certificates/2008 Academic Achievement Recipients**

Mayor Freedland explained that this was the second reception to honor Hidden Hills students, as some were unable to attend the first reception, and the City recently received other names that had not been originally provided by the schools. He also apologized if there were still students who the City has not recognized, and asked them to contact their respective schools if they had been accidentally omitted.

Mayor Freedland then presented City certificates to the following students:

A.E. Wright Middle School	Emily Stanford
Calabasas High School	Christopher Dunn Andrew Epstein Kurtis Freedland Michele Grogin Alexandra Holden Jason Rosenberg Michael Siegel Austin Tochner Richard Wallen Samuel Wallen Sydney Wolfe Jordan Yasgoor
Viewpoint School	Harley Joffe Kobi Joffe Wyatt Lake

At this time, Dr. Donald Zimring introduced the new Principal of A.E. Wright Middle School, Kimmarie Taylor:

Ms. Taylor is starting her 7<sup>th</sup> year with the District; she began as a teacher at Agoura High School and then became Dean of Students at A.E. Wright; she has demonstrated leadership skills with the senior staff at A.E. Wright, who have been through many principals and have high expectations; this is the person they decided they wanted to follow.

Ms. Taylor addressed the Council as follows:

She welcomes the opportunity to serve the students; the Hidden Hills parents are a strong part of A.E. Wright; she appreciates the strong support of the community and parents and what they do for the school; she looks forward to serving as the Principal.

Mayor Freedland congratulated all the students honored, and invited everyone to join them and the Council for refreshments, calling a short recess.

Mayor Freedland reconvened the meeting at 8:24 p.m.

## **PUBLIC SAFETY**

### **A. Los Angeles County Fire Department Report - July**

Community Services Representative Maria Grycan provided the following report:

During the month of July there were 16 responses in the City, including 0 fires, 6 medical, 6 false alarm/good intent, 2 snake removals, and 2 public assistance calls; there were 0 inspections; this month, she has only the total brush clearance numbers for both Hidden Hills and Calabasas, although a little better than 1/3 of the total parcels (numbering 2214) are in Hidden Hills; 167 parcels were issued 410s (not in compliance), with 81 of those now brought into compliance; 86 of the 167 parcels are still outstanding, although 0 (as of July 31<sup>st</sup>) have been turned over to the Brush Clearance Unit for enforcement.

Ms. Grycan informed the Council of an upcoming event, and how that event came about:

In 2007, Malibu had three fires; historically, wildfires start inland and burn to the coast, which was not the case with these three significant fires; these fires demonstrated that as much as the Fire Department wants people to evacuate during fires for their own safety and that of the Fire Department personnel, the reality is that some refuse to leave; the Fire Department still wants people to evacuate and that will continue to be their underlying message, but the Fire Chief has recognized that some people will not leave despite orders from law enforcement or the best efforts of the Fire Department; for those refusing to leave, the Chief has embarked on a new campaign called "Living in the Fire Zone"; it is designed to educate those staying as to the reality they will experience; the Fire Department will be very honest about the risks they are taking, and the risks they cause for the Fire Department personnel; if residents stay against the Fire Department's better judgment, there are certain precautions they need to take and they need to be prepared; they need to know about proper clothing, training, respiratory equipment, tools, education, etc., so the Chief has directed staff to hold an Expo in Malibu; she is sorry to say that it is the same day as the Lost Hills Sheriff Station Open House, but people should have time to attend both; they will teach people, even those who do evacuate, what they can do to help prepare their properties to withstand the fire front; there will be presentations regarding vegetation management, prevention, proper building materials, etc., along with vendors (not endorsed by the Fire Department) and information on what Fire personnel do when they go in – such as how they triage the homes, what their focus and priorities are, and how they decide if a home is defensible or not; the Fire Department will be very forthcoming; everyone is invited to the free event on Saturday, 9/20/08, from 10:00 a.m. – 3:00 p.m. at the Malibu Performing Arts Center at 23825 Stuart Ranch Road; she will hopefully have flyers available soon and would ask for the City's help in providing the information via cable TV and website.

**B. Los Angeles County Sheriff's Department Report - July**

The following report was provided by Lt. John Benedict:

On 7/21/08 there was a burglary from a pool shed in the 5300 block of Round Meadow resulting in the loss of a trash can, a bird bath, and money; a residential burglary was reported on 7/30/08 in the 5800 block of Clear Valley; when the residents returned after a several week absence, they found a picture, espresso machine, and chandelier missing; during the month there were 5 false alarms, 0 arrests, and 0 collisions; 31 citations were issued, including 18 hazardous, 4 non-hazardous, and 9 parking citations; 1 driver was reported to the STTOP Deputy for speeding near Jacob Hamblin and Jed Smith, although they could not follow-through on this report as a license plate number was not obtained; he invited everyone to attend the Lost Hills Sheriff Station Open House on Saturday, 9/20/08 (the same date as the Fire Department Expo), but encouraged everyone to attend both events; the Open House will include tours of the Station, the Mountain Rescue Team, the K-9 unit, SWAT, and other entities involved with the Sheriff's Department, as well as crime prevention.

**PUBLIC HEARINGS**

- A. Consideration of applications for (1) Vesting Tentative Map No. 63567, (2) a general plan amendment, (3) pre-zoning of approximately 7.8 acres of property located outside the City of Hidden Hills in Los Angeles County, and (4) modification of minimum lot area standards for two lots. The project to be considered is commonly known as the Ashley Project. The project is generally located at the end of Bridle Trail Road and between Bridle Trail Road and Lasher Road. The City Council will also consider certification of the Final Environmental Impact Report prepared for the project and will discuss the proposed annexation of the 7.8 acres of the project that are currently located outside the City of Hidden Hills (*continued from 7/28/08*)**

Mayor Freedland stated the following:

The Council will hear testimony up until 9:30 p.m.; if all testimony is exhausted before then, the Council Members can begin their discussion; if there are still those who wish to speak, the hearing will be continued to the next meeting; he would again ask that everyone be respectful to others, even if they disagree with any comments; questions and comments should be addressed to the Council Members, not the audience; a lot was covered at the last meeting, so if possible, he would ask any speakers not to repeat or rehash those comments or information, although anyone wishing to speak is welcome to do so; there are no speaker cards required, but he would ask speakers to limit their comments to three minutes if possible.

Mayor Freedland asked City Engineer Dirk Lovett for a short staff report, which he provided as follows:

The project description was given at the last meeting, so he will not repeat that; he would recommend that the Council this evening continue to receive public testimony on the FEIR, the general plan amendment, the pre-zoning, and the VTM 63567; he would suggest the Council hear individual comments, followed by closing statements from any of the group representatives; if time permits, the Council Members can ask questions and begin their discussion; if the discussion were to be completed, he has provided recommendations 2-10 in his staff report that would be the proper actions to be taken after the public hearing has been closed and the deliberations completed.

Mayor Freedland then asked if there was anyone in the audience who was not able to speak at the last meeting and now wished to do so.

Resident and developer Ron Gonen was the first to address the Council:

He is speaking on behalf of the owners of properties on Lasher Road – 5350, 5349, and Hidden Ridge; he did send a letter during the comment period mentioning some of their concerns; they do support development and are not against the project, but have a few concerns, mostly related to aesthetics and landscaping from the Lasher Road side of the proposed project; he thinks that the slope seen when driving up Lasher will be reworked due to geological and grading review, and the requirements call for only oak tree replacement; since oaks are very slow growing, they would like to see other trees also planted on that slope; for their development (Hidden Ridge), they listened to concerns expressed by the neighbors and made adjustments to the conditions when they were granted an extension; he is now repeating some of those concerns expressed at that time; the landscape material should include some mature planting, and the timing of the planting and irrigation should be tightened up somewhat, as prior to building permits (as the conditions say now) is too late; for their project they added new language to address this matter, which he would hope would be applied to this development as well; in response to their earlier comment letter, the FEIR seems to say that trees would make Lasher Road feel narrow, but he would want to see trees planted that are consistent with Hidden Hills, which is typically having trees on both sides of the road; he has a question regarding the 10' wide grass swale mostly along Lasher Road, as he is not sure what it is; is it green only in the winter, or is it watered so it is still green in the summer; he would want to see it maintained in an aesthetically pleasing fashion; maintenance responsibilities were worked out for their project, and he would want the same to apply to this development; there is also a hydrology issue related to the storm infiltration trench, which he would want to see maintained both functionally and aesthetically; this will be at

the bottom of someone's back yard, so not visible to that homeowner but visible from Lasher Road; for their development, Lasher Road will be widened slightly and then resurfaced; he would want to make sure that no major grading equipment would be using Lasher once that work is finished.

Council Member Siegel asked Mr. Gonen about his feelings for providing access for more properties from Lasher for Mr. Ashley's development, due to the grade and narrowness of the road. Mr. Gonen replied as follows:

The Hidden Ridge EIR and map was approved separate and apart from the Ashley project, so he is not sure what the implication of that would be; he is sure Mr. Ashley has studied this and found that adding another road from Lasher to get to Mr. Ashley's properties is probably not feasible; there was an alternative in the Ashley project FEIR that included a winding driveway which was not aesthetically pleasing and looked like an awkward access, as it went to a property that already had access from the cul de sac on the other side; however, he does not live on Bridle Trail, and cannot speak on behalf of those who do live there.

Bridle Trail resident Marta Kurland, speaking for herself and her husband, addressed the Council:

They have no major objections to the project, but do have concerns and suggestions related to aesthetics, traffic, and noise; Mr. Ashley does build beautiful homes, but what is being considered is the location, grading, and maintenance of the graded lots; they do not know when the homes will be built or by whom; all of this needs to be discussed along with access; the three main issues they are concerned with are landscaping after grading, traffic down Rolling View, and the timing of development after grading; in relation to landscaping, once the lots are graded, they want the groundcover and trees to be as green as that shown on the renderings for both aesthetics and noise; they would suggest more trees (not just to replace the oaks) and more mature trees than shown; Mr. Ashley should be required after grading to plant and maintain groundcover and an adequate number of trees that will grow quickly and remain green and full all year long; the trees should be mature enough not just to replace the canopy effect of the oaks being removed, but to provide an aesthetically pleasing rural effect and immediate noise barrier; they would suggest that the existing graded lots on Bridle Trail (owned by Mr. Ashley but not a part of this project) be similarly landscaped; Mr. Ashley needs to be required to irrigate all the lots; to assure that landscaping is planted and maintained, a bond or other type of enforcement mechanism needs to be in place; all lots should be built on and developed as soon as possible; they understand that Mr. Ashley has no control over traffic on Rolling View, but it should be considered in relation to this development; construction vehicles speed and run the stop signs; this is both a safety and



noise issue; there is a 20 mph speed limit sign at the bottom of the road, but they believe the speed limit is 30 mph for most streets in the City; per the DMV, most residential streets should have a 25 mph speed limit, so they would like the speed limit on Rolling View to be reduced to 20 – 25 mph to add safety and to reduce noise; lastly, whether or not the significant ridgeline is disturbed and the landscaping put in place that they have recommended, after grading the natural configuration of rolling hills will be disturbed to some degree; in determining whether or not there would be significant noise, they believe the FEIR assumed that homes would be built and would provide a noise barrier; they would support a condition that construction be commenced and homes built within a certain time period.

Council Member Siegel commented that Ms. Kurland should look at the landscaping requirements for the Hidden Ridge project, as those for Mr. Ashley will probably be very similar, and they are quite extensive. He would suggest that she make specific recommendations based on those requirements, as they are more helpful than general comments.

Next to speak was Bridle Trail resident Paul Strong:

He lives opposite the existing Ashley owned lots and the dead end court; the EIR briefing and report at the last meeting was not presented in layman terms that could be understood; no direct information was given regarding the resultant noise level and aesthetics if the existing hill (that is the center of controversy) is modified or cut down; once that hill is removed, you cannot bring it back and are stuck with the negative impacts; the EIR reported three areas of advantage for the homeowners – increased water pressure, better sewer service, and better quality of electricity; he takes exception to these statements; he is satisfied with his water pressure, and since there is an imminent water crisis in the state and county and we are being threatened with future water rationing, he sees no grounds for this statement; he is satisfied with his sewer service as everything works just fine; SCE has no future expansion plans to add any power stations, nor can they afford to maintain and refurbish aging transmission lines regardless of the ever increasing energy costs being pushed onto the consumers; the system is already running at near capacity and additional homes will exacerbate the situation; he cannot stop progress and does not want to; he has seen dramatic changes in Hidden Hills and the surrounding communities; he purchased his property on Bridle Trail due to the double cul de sac and privacy; before he could look both ways on Bridle Trail and see the wonders of the heavens; now looking south he can see the glowing lights of the Commons and additional development in the Calabasas Park area; removing the hill will aggravate the issue; since he and his wife live right across the street from the development, it will affect their environment; when they moved in twenty years ago, there were five cut lots that

they knew would be developed some day, and they accepted that; they never expected that Bridle Trail would become a thoroughfare; Mr. Ashley never developed these lots because he had bigger plans; Mr. Ashley said in a meeting with the Citizens Group that we should all feel fortunate that he purchased the additional land rather than someone else; at that time they were told that all access would be from Lasher Road; he would suggest that before the Council Members approve this project, that they all walk Bridle Trail, look at the hillside and natural beauty of the area, and put themselves in the residents' position; he has no problem with the development of the existing lots, but the proposed project is over-zealous, disturbs the natural habitat, is future destruction of the Santa Monica Mountains, and a direct advantage to Mr. Ashley only.

Mayor Freedland informed Mr. Strong that he had hiked the project site, and asked the other Council Members if they had seen or visited the project site. Each and every one of them stated they had been on the property and had either hiked it or been horseback riding on it. Mayor Freedland said that was an unfair assumption by Mr. Strong that no Council Members were familiar with the site, but that all of his other comments were appreciated.

Resident Mathy Wasserman was next to address the Council:

She appreciates the earlier comments, and has several issues of concern herself, one being the ridgeline; she has lived here fourteen years; there were just five lots to be developed when she carefully chose her Ashley built home on Rolling View; that was one of the attractive reasons, along with the fact that Bridle Trail was a double cul de sac; she is concerned with the lots from Lasher Road being dumped into this proposed project; just because something looks unappealing aesthetically should not change what was represented to her as both a resident and Board Member of the Association regarding that access; she would like no heavy equipment to use Rolling View, as she is concerned both with construction traffic and increase vehicle traffic; she also does not want to see an amendment to the general plan; she attended meetings when the Gonen project was discussed, and as the President of the Association, looked at very serious projects and moving of dirt that did not require a general plan amendment; she does not understand why the Council would entertain a project that requires an amendment; in the past, projects were made to work within the general plan.

Mayor Freedland explained that the Council Members had to consider this project, just as they would have to consider any project application that was submitted to them.

Bridle Trail resident Laura Goldwasser was the next person to step to the podium:

She wished to thank the Council for giving the residents a voice in this process, and she is sure the 183 people who signed the petition appreciate that voice; but she is concerned about how their desires being expressed will get reflected in the Council's actions; if the annexation is approved, the developer should find another way to keep the two properties already on Lasher from being accessed from Bridle Trail; Mr. Ashley is trying to connect his properties on Lasher with those on Bridle Trail, and wants to cut down the hill and build a road there to do so; it is a large hillside that is protected by the County and its North Area Plan (NAP), and maybe even protected by the City's own general plan which suggests building around natural landforms; those people on Lasher Road need to understand that once that hill is down, they will be getting the same noise and light from the area that those on Bridle Trail are now getting; she does not know how this benefits the community as a whole, but only the developer; there are ways to develop that would not require removing the hill and amending the general plan; she is still confused about how their concerns are going to be reflected in the Council's actions; some meetings were held over Christmas and summer break when a lot of people were not around to speak; she did not understand the process of what happens now.

Mayor Freedland pointed out that none of this has been done at the last minute, and if anything, the Council has been bending over backwards to give everyone a chance to speak and express their concerns. He then asked Special Counsel Larry Wiener to explain the process from this point forward.

Special Counsel Wiener explained the following:

This process involves a general plan amendment only because it incorporates the area not currently in the City (that area to be annexed); he is not aware of any proposal to change any policies of the general plan; there is also a tentative map and annexation proposed; currently this is the public hearing when all of these matters are being addressed; the public hearing will continue until all the members of the public have had an opportunity to speak; then the Council Members will begin their deliberations and consider all the comments that have been made; the Council Members will decide which comments they believe should be acted upon, and ultimately how they wish to act upon this application; depending on what happens with that decision, the process may continue with LAFCO to annex the property into Hidden Hills; depending on what the City Council does, the applicant, before LAFCO, may go forward or not with the application.

Ms. Goldwasser asked several questions, to which Special Counsel Wiener responded as follows:

There are properties in this project that are in the Community Association and would have to go through that organization's process; he would defer to the Association regarding that process and timetable; an amendment to the general plan to protect the ridgeline is not a part of this application; it is up to the City Council to decide whether or not this proposal conforms to the general plan; that is something the Council will discuss.

Resident Colleen Korchek, who lives on Eldorado Meadow, then addressed the Council:

Her main question is why; why do we need more homes on a ridge, and why do we need to tear down a ridge; don't we have enough money in the community; do we need more homes and more traffic; is there one person in this room in favor of this project other than Mr. Ashley, his family, his attorney, and possibly Mr. Gonen who has a vested interest in this project; she does not understand why the Council is even contemplating this project; if the property outside the City is not annexed and someone wants to buy it, doesn't the City or Association have enough money to purchase the property so it can remain as it currently is; the hillside cannot be replaced; no one is in favor of this project; what will Mr. Ashley do once it is built and there is noise and pollution; will he move away because he cannot look any one of us in the face; we do not need more homes or more money; we do not want any more properties built on.

Mayor Freedland stated the following:

As far as he knows, the property is not for sale; the Council is acting in a manner similar to a judge for Mr. Ashley, who owns property and has certain property rights; he has the right to ask the City Council for permission to develop his property, and that is why the Council is contemplating this application; and also, as far as he is aware, the Gonens have no vested interest in this project or application.

Vasi Vangelos, another Bridle Trail resident, spoke next:

His wife Deborah, who has been very involved in this matter, is out of town due to a death in the family; her main concern has been the tearing down of the 5 ½ stories of a beautiful hill; her passion is the beauty of this earth; this is Hidden Hills, not Hidden "let's remove the hills"; she would prefer aesthetically and in keeping with the integrity of this community that the hill be saved; Mr. Ashley has the right to build, develop, and make a living, which they would support; but in the context of what the community feels and what you are hearing from a lot of people, let him do this project but without taking off the top of the hill; it is being said that the additional homes will increase the value of our properties, but due to supply and demand, less homes will also increase the value of our homes; if this project is approved, his wife would like to know if Mr. Ashley is going to be required to give something back to the community or to the Bridle Trail area; he

believes speed humps on Rolling View would help with the speeding problem on that street; his wife would also hope that this item would be continued one more month so she can come back and comment.

Rolling View resident Lisa Stonich then addressed the Council:

She thinks everyone agrees that Mr. Ashley should be able to go ahead and build on the existing lots already on Bridle Trail; but she does not believe the hillside should come down; Mr. Ashley should be able to build within the existing parameters; it seems that Calabasas is opposed to the project, and from what she has read in the paperwork, that there are lots of opponents to the project; she does not want to see the hillside cut down and then leave that area sitting undeveloped for so long; the five existing properties at the end of Bridle Trail have been sitting there for twenty years, so why cut down a hillside to open up the freeway and then have it sit there for another twenty years.

Resident Bill Hayes, who lives on Jim Bridger, was next to speak:

There are vacant lots owned by Mr. Ashley which have been sitting in Hidden Hills for twenty-five years; why build more lots to just sit there; why annex more land into Hidden Hills – for what purpose – for more houses and more lots; where is Hidden Hills going, all the way to the freeway and to Ahmanson and to Woodland Hills; what is the benefit to us; the only benefit is to the developer; if you don't annex, you don't have to worry about aesthetics or speed humps or anything else; there is the threat of bringing in low-income housing or gang-bangers; would we accept this; it would not happen, as we would all speak against it; it has been said that there is an easement because people walk across it; an easement is not created if you let someone use it, and land use people know this; why keep discussing the trees, aesthetics, etc. – just say no to the development; what you should be saying is that you do not want anything built there; the developer is not poor and will not starve; he has millions of dollars in land sitting idle in Hidden Hills; if he wants more money, he can just sell another house; he just sold a \$12 million house; so why keep annexing more land.

As there were no additional individuals who wished to speak, Meredith Lobel-Angel, representing the Hidden Hills Citizens Group, stepped to the podium:

She has been in a similar situation to Hidden Hills, as she grew up in Hillsborough (which is like Hidden Hills) and lived through the development of highway 280; she knows what it is like to open your life to freeway noise; it is a constant white noise of everything that is going to happen each time you go outside; she is not familiar with this City's topography, but this will affect generations to come in terms of noise impacts; since the last time she was here, she has tried to come up with creative solutions to preserve the maximum planning flexibility for Hidden Hills; she is not thrilled about the

annexation, but if the Council approves the annexation, she would suggest the Council adopt the ridgeline ordinance as part of the annexation; this would maintain additional protections and enhance what the City already has with its policies in terms of building around natural landforms; this will give greater control as Mr. Ashley goes through the development process; the City will be able to have a variance procedure that will allow Mr. Ashley to come back at a later time if he really wants to develop the project; if the Council is going to certify the EIR tonight, the Council should adopt the ridgeline avoidance alternative; under CEQA, the City is required to refrain from adopting the project as proposed; this is because, per case law, there is a feasible and environmentally superior alternative; this is not depriving Mr. Ashley of developing lots, but stating he may have to develop them slightly differently, and the EIR talks about that; he may have to change some of the grading pads, or scale back some of the parcels, etc.; if the Council is going to certify the FEIR, she would recommend adoption of DSABC, but to take into account the City's own variance procedures and adopt the ridgeline avoidance alternative; she would suggest that be done as part of the pre-zoning and general plan amendment; she would also ask the Council to deny the TTM, which is not saying he could not come back; he could come back with a reconfigured plan; she would ask the Council Members to take into account what they heard from the very impassioned and articulate residents who are telling the Council what they want for this community; you all live here, so she would hope the Council would act accordingly and scale back the project to reduce the impacts.

Kenneth Ehrlich, the attorney representing the applicant, made his closing statements:

This is a democratic process; everything the audience says is being considered, and we are all watching the deliberative process; the developer has development and property rights; we have seen, by his count, fifteen very passionate and concerned neighbors out of over 600 residents, coming to say why they do not like this development; some do not want access off of streets near them, but by their neighbors; some do not want noise, construction traffic, or speeding; this is where the passion meets the rules; the City has spent your money to hire a competent firm to analyze the impacts of this project; everything discussed here has been analyzed; he would urge everyone to get into the process and read the documents so they can analyze the impacts, benefits, risks, and rewards; if Calabasas is destroying ridgelines, and they have destroyed many more ridgelines than this City has, read and comment on their EIRs; he and Mr. Ashley applaud everyone here for being part of the process and moving forward, which is what they would like to do.

Mr. Ehrlich then referred to a handout to address specifics of the project:

The project affects 300' of ridgeline in L.A. County; the ridgeline is not currently in Hidden Hills but would be annexed into the City; the City has not adopted the County

ridgeline ordinance; one speaker stated that there would be a 5 1/2 story drop in the ridgeline, but this is not certain; the FEIR says the ridgeline would be reduced 30' – 55' maximum; the exact area where the reduction occurs is on lot 6, where the current height of 1127' would be reduced at most to 1072'; this is only a 4.8% reduction in the hill, with a commitment by the developer to maintain the same shape and contour of the hill; this is a requirement, so they are not talking about the hill coming down; the gentleman who lives at the south end of Bridle Trail suggested the hillside in front of his home would come down; if he is not mistaken, the hillside there will actually increase, which will increase the noise and sound buffer; if he is wrong, someone please correct him; the grading itself corrects two existing landslides on Lasher Road; these are not life-threatening, but it is an issue of debris in Lasher Road; without the annexation or to do the ridgeline avoidance alternative, you lose the benefit for the residents and the City; the extensive landscaping and conditions which Council Member Siegel talked about earlier which were attached to a separate project would provide a shield for the homes and minimize grading effects; the proposed landscaping reduces fire danger and enhances community aesthetics; as the Council knows, Mr. Ashley has been a long standing developer in the community and if he has not set, has complied with all City standards; the reduction in the ridgeline height will not create any direct line of sight to the 101 from any existing residence; this is a critical point, as some people commented that they currently cannot see the 101, but now will be able to; this is not true; regardless of the County designation, any potential development at this area could cause the ridgeline to come down, and the draft and FEIR talk about this; it is a fact that regardless of this project, if there is a future project, even if it seeks to avoid the ridgeline and goes through the County for entitlements, it may be conditioned to correct the landslide and affect the ridgeline; so it is not a certainty that if the Council chooses a ridgeline avoidance alternative that the ridgeline will stay; there have been many concerns stated about noise; the draft and FEIR use existing locations without the buffering effect of homes and find that every single location (existing locations and proposed homes) will remain below the 60 dBa noise standard imposed by the City, so the project will not create noise; the hill opposite lot 8 that he was speaking about earlier will rise from 990' to 1035', increasing the noise buffer; some people living on or near Bridle Trail believe Lasher Road would be a better access road; they have said there are one or two existing lots that are already on Lasher, which is true; however, Lasher Road is a 19' wide substandard road which is an inferior alternative and more of a safety and traffic hazard, even if the road is widened to 24' by the Gonens; there has been testimony from residents that they moved to Bridle Trail because it was a double cul de sac; it will still be a double cul de sac, with one additional access road coming off of it for access to three or four homes; it is not going to be a thoroughfare; Alternative 4, an access driveway off of Lasher, requires a 180' x 14' retaining wall and almost 6000 cubic yards of additional grading; these are substantial impacts we were certain the community would be concerned about; Alternative 5 is an even longer wall and almost 10,000' of additional grading; this project has no retaining

walls and seeks to minimize grading to only what is needed – nothing more and nothing less; they submit that this is a sound project that will be developed with the community standards of Hidden Hills as this applicant has demonstrated for decades; they urge the Council to support and approve the project as proposed.

In response to Mayor Freedland, Special Counsel Wiener stated that the Council could at this time conclude the audience comment portion, but keep the public hearing open to allow the Council at the next meeting on September 8, 2008 to request additional comments from the audience if so desired during the Council deliberations. Someone from the audience asked if they would be able to speak again at the next meeting. Mayor Freedland explained that if the Council was now closing the audience portion of the hearing, there would be no further comments from the public.

Resident Mathy Wasserman asked to address the Council and stated the following:

She would respectfully request that the Council keep the hearing open one more time for public comment, not for those who have already spoken, but for those who have not had an opportunity to do so; she pointed out that this is summer break, and the end of the last week before children go back to school; the last hearing was in August when people were away; the petition had 183 signatures on it, and even though she does not know anyone specifically who still wants to speak, she is sure there might be some who do; and if the Council allows additional public comment, it would then be fair to allow Mr. Ashley's attorney to speak again in response if he chose to do so.

Mayor Freedland asked the other Council Members if they had any objections to continuing the public hearing, including the audience portion, to the next Council meeting on September 8, 2008. Council Member Fisher had no objections as long as any comments would be factual and not just continued repeats of comments already made. Council Member Siegel agreed, as did the other Council Members, stating that having people get up and just continue to make the same comments over and over is delaying the Council Members' deliberations, and they would like to begin those deliberations, since the hearings began in July.



As everyone was in agreement, Mayor Freedland continued the public hearing to the September 8, 2008 City Council meeting at 7:30 p.m., at which time the public portion of the hearing will be open only to anyone who has not already addressed the Council on this matter and has something new to add, which also will allow Mr. Ashley's attorney Mr. Ehrlich to provide any rebuttal to any new comments if desired.

**B. Variance No. V-374 (continued from 6/9/08, 7/14/08 and 7/28/08)  
24814 Jacob Hamblin Road  
Swimming Pool and Retaining Walls within the Side Yard Setback**

Mayor Freedland recused himself at this time as he lives right next door to the subject property.

City Engineer Dirk Lovett reminded the Council that the public hearing was continued from the 7/28/08 meeting to give the Community Association a chance to review the project; however, the Association's last meeting was cancelled, and they will not be able to discuss this project until 9/16/08. He recommended that the Council continue the public hearing to the 9/22/08 City Council meeting. As there were no comments from the audience and all the Council Members were in agreement, Mayor Pro Tem Weber continued the public hearing to the City Council meeting on Monday, 9/22/08.

Mayor Freedland returned to the Council Chambers at this time (9:40 p.m.).

**C. Minor Accommodation (continued from 7/14/08)  
24952 Kit Carson Road  
Spa within the Side Yard Setback**

Council Member Siegel recused himself at this time, as he lives within the 500' radius of the subject property.

As there were no comments from the audience, and since the Community Association (due to a cancelled meeting) was not able to review this project, Mayor Freedland continued the public hearing to the City Council meeting on Monday, 9/22/08. Council Member Siegel rejoined the Council at this time.

### **CONSENT CALENDAR**

- A. City Council Minutes – July 28, 2008**
- B. City Council Minutes – August 11, 2008**
- C. Demand List**
- D. Disbursement List – June**
- E. Disbursement List – July**
- F. Financial/Treasurer’s Report – June**
- G. Financial/Treasurer’s Report – July**

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

### **MATTERS FROM CITY COUNCIL MEMBERS**

- A. Consideration of Use of Solar Power at City Hall**

City Engineer Dirk Lovett presented the following staff report:

This item was researched at the request of the Mayor; staff worked with Southern California Edison (SCE) to come up with some general numbers relating to costs and savings; the bottom line is that it would cost the City about \$62,000 initially to install solar panels at City Hall; this would result in an estimated savings in energy costs of about \$3000/year; it would take approximately seventeen years to pay off that initial \$62,000 cost.

Council Member Siegel pointed out that the seventeen years did not take into account the interest that the \$62,000 could have earned, so the City would never really be able to recoup the costs. Council Member Cohen agreed. Both Mayor Pro Tem Weber and Council Member Fisher, with all due respect to Mayor Freedland, felt that at this time, this would not be an efficient use of the City’s money. Council Member Siegel added that if the City did install panels now, it would in

effect be endorsing this as a good idea, when in fact it would not be a good use of the City's funds.

Mayor Freedland thought staff originally received more optimistic estimates for being able to recoup the costs much earlier. Mr. Lovett explained that the original estimates came from a vendor who stated the City would experience a 10% annual increase in energy costs for the next thirty years. Per SCE, the annual increase in energy costs would realistically be more like 3%. Council Member Siegel felt if SCE could offer some type of a rebate program that could assist the City in breaking even after only seven years or so, that would be much more appealing to him, even if not a perfect solution. Mayor Freedland agreed, and suggested the City look into this at some point in the future if any rebate or other types of assistance programs became available.

#### **MATTERS FROM STAFF**

##### **A. Consideration of Approval of Proposal from Sports N' More to Provide Sports and Game Activities at the Community Center for the Fiesta**

Council Member Fisher had a question regarding insurance and liability, to which Special Counsel Larry Wiener responded as follows:

The City has a standard agreement that must be signed by the vendor that requires the provision of insurance and indemnification; one could never guarantee that the City would never be named in a lawsuit, but the City is named as an additional insured on the policy, so the obligation to defend and indemnify the City would fall to the vendor's insurer.

Upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried on roll call vote, it was resolved to approve the proposal from Sports N' More to provide three hours of organized sports, games and activities (from 11:00 a.m. – 2:00 p.m. for \$225) and two lifeguards for four hours each (from 11:00 a.m. – 3:00 p.m. for \$184) at the Community Center for this year's Fiesta at a total cost of \$409.

**B. Charles Abbott Monthly Reports – June and July**

City Engineer Dirk Lovett pointed out that the year end June 30, 2008 report shows no projects over budget. The reports were received and filed.

**ADJOURNMENT**

There being no further business to come before the Council, upon MOTION of Council Member Cohen, seconded by Council Member Siegel and unanimously carried, it was resolved to adjourn the regular meeting of August 25, 2008 at 9:48 p.m.

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Steve Freedland, Mayor

ATTEST:

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Cherie L. Paglia, City Manager/City Clerk