

CITY OF HIDDEN HILLS
REGULAR CITY COUNCIL MEETING

City Hall

Monday, September 8, 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, September 8, 2008 at the hour of 7:38 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 Stuart E. Siegel
Staff:	Special Counsel Larry Wiener City Engineer Dirk Lovett City Manager Cherie L. Paglia
Absent:	Council Member Monty Fisher

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

APPROVAL OF AGENDA

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved that the agenda for the September 8, 2008 regular meeting be approved as submitted.

ANNOUNCEMENTS

Mayor Freedland made the following announcements:

He would like to wish a very happy birthday to his wife Susan (today), Mayor Pro Tem Weber's son Connor (9/14/08), and Council Member Cohen's daughter Dana (9/16/08).

Residents are invited to attend two different events on Saturday, 9/20, from 10:00 a.m. – 3:00 p.m.; the L.A. County Sheriff's Department Lost Hills Station is holding an open house at 27050 Agoura Road; the L.A. County Fire Department is presenting an Expo at the Performing Arts Center at 23825 Stuart Ranch Road; it will include displays of fire fighting and personal protection equipment.

Council Member Siegel added the following comments about the Fire Department Expo:

The Fire Department is implementing a new program; the Department realizes that even though people are asked to evacuate, many of them will not leave their homes, no matter what; so this new program is geared to those who stay, to try and make them aware of what they should expect and what they will have to do.

AUDIENCE

Walt Young, Chief Operations Officer/Park Ranger for the Mountains Recreation and Conservation Authority/Upper Las Virgenes Canyon Open Space Preserve (formerly Ahmanson) addressed the Council:

He wanted to make everyone aware that he is also a paramedic with the Health and Human Services federal team, and has a 70% chance of being deployed in the next 48 hours to assist with hurricane Ike for 14 days; so if anyone is trying to reach him, he may not be available, and that person should then call the Ranger services; there are two programs in September, both beginning at 7:30 p.m. at the Victory trailhead; one is a Full Moon Hike on 9/15 and the other is a Trail to the Stars on 9/26; he reminded everyone to check activities on www.LAMountains.com; for the first time in their budget cycle, they have received funding to go 24 hours on a red flag day; so if there is a 72-96 hour red flag

period, they will be running 24 hour patrols in both uniform and plain clothes; they will be looking for hot spots, based on past scientific information; lastly, they offer, in conjunction with State Parks and the National Park Service, an annual wildland fire academy (a basic 32 or 40) for other land management agencies; it is a small amount of training, but does qualify a person to federal standards, allowing that person to go out on a hand crew as a summer job; for the first time, this training is going to be offered to the general public through Pierce College Extension; if anyone is interested in summer employment for next season or just interested in this type of training, it will be a 7 or 10 week program offered on Tuesday and Thursday nights.

PRESENTATIONS

City Certificates/2008 Academic Achievement Recipients

Mayor Freedland presented City certificates to the following students:

Calabasas High School	Eve Foisy
Viewpoint School	Kimberly Goldman

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 and 8/25/08)**

City Engineer Dirk Lovett provided the following staff report:

At previous hearings the Council received comments from the residents, the applicant, and representatives of each; the written staff report lists the major items discussed and the comments received; since then, the applicant has submitted a proposed plan for tree planting, that would plant rows of trees at the same height of the ridge at that location if the ridge were removed; he would recommend that the Council receive new or non-repetitive testimony from those who have not spoken at the previous meetings, followed by a closing statement from the applicant's representative, as was agreed upon at the last

meeting; it would be appropriate after that to close the public comment portion of the public hearing and have the Council begin its discussion.

Mayor Freedland added his comments:

He does see a lot of new faces in the audience; at the last meeting, it was agreed that those who had not previously spoken, could speak at this meeting, and he would remind the new speakers that they should make every effort to not repeat earlier public testimony; to try and focus public testimony for those who were not at previous meetings and missed the public testimony provided at those meetings, he would first like to hear a summary of the project from the applicant and/or his representative; then the Council Members will not make a decision, but will each briefly speak to let the audience hear their questions and thoughts and where they might be coming from at this point in the hearing; it seems there are some assumptions being made about how the Council Members think and what they are going to do, which may or may not be true; after each Council Member briefly speaks, then new testimony will be taken.

Mayor Freedland asked Special Counsel Larry Wiener if that order of events would be appropriate, to which Special Counsel Wiener replied as follows:

That is an appropriate approach; as the Mayor has indicated, the Council should not come to a final decision before conclusion of the public testimony; but it would be helpful for the Council Members to give a brief indication of what they are thinking and to state what issues they would like addressed during the public testimony.

Mike Ashley's attorney Ken Ehrlich, who had been out of the room and was called back in to summarize the project, pointed out to the Council that there were differences between the Ashley project and the Hidden Ridge project, which as far as he was aware, was approved and will move forward with the addition of eleven homes built off of Lasher Road. Mr. Ehrlich then used the overhead to show and explain the "Selective Comparison to Hidden Ridge" (see pages 12 and 13 of the September 8, 2008 "City of Hidden Hills Public Hearing for Proposed Vesting Tentative Map 63567, Applicant – Ashley Construction" attached to the minutes).

Council Member Cohen thought the Council was going to hear more of a summary of the project. Mayor Freedland agreed, adding that Mr. Ehrlich did not hear that direction (as he had been out of the room) to give a broader overview of the project. Mayor Freedland thought the

overview would especially benefit those who had not attended the previous meetings and would probably be those providing further testimony, to help them address the project as opposed to possible rumors they may have heard.

Mr. Ehrlich apologized for not hearing the direction given by the Council, stating he was in no way trying to be non-responsive. He then proceeded to summarize the project, showing and discussing slides 1-11 from the September 8, 2008 “City of Hidden Hills Public Hearing for Proposed Vesting Tentative Map 63567, Applicant – Ashley Construction” (see document attached to minutes).

Several of those in the audience started yelling out questions, after which Mayor Freedland asked them to address questions from the podium (so everyone could hear) to the Council, not to the speaker, and reminded everyone that there was not time to go through the entire final EIR and answer very specific and detailed questions.

Council Member Siegel stated the following:

Mr. Ashley has to pay for the EIR, but he has no opportunity to provide his input into that EIR; the City hires the consultant, and that consultant works only with the City staff; the City Council also has no input; it seems some people have the impression that it is the applicant’s consultant who prepares the EIR, but it is not.

Mayor Freedland also wished to point out that the Council does not see the EIR until it is made available to the public.

Resident Mike Resnick (Hilltop) asked if the applicant had a slide of the other alternatives referred to in the EIR, as he only seemed to be addressing two of the alternatives. The answer was no.

Resident David Spiegel (John Muir) said he came late to this process, but was confused because the applicant said the dirt is balanced on site, while the EIR says there will be 880 truckloads of dirt removed. Mr. Ehrlich replied that there would be 177,000 cubic yards of grading, but it is balanced on site with no export or import of soil.

Mayor Freedland commented as follows:

This is exactly what the Council means when saying there is a lot of misinformation being passed around; he would like to apologize if people think he is being a little short; he is trying to be inclusive, but it is very frustrating to deal with all of the misinformation when the correct information is available; he is baffled as to why people have not taken part in this process earlier or taken the time to read the information before speaking; the Council is trying to accommodate everyone.

Mayor Freedland then introduced Michael Gialketsis and Cori Thomas from Rincon, the consultants who prepared the EIR, who were available to answer questions.

Mr. Spiegel asked if the hill, as the applicant has said, may have to come down anyway, or if that was just a red herring. Mayor Freedland clarified that an area of the property is considered a landslide, and thought Mr. Spiegel was asking about those implications.

Ms. Thomas stated the following:

Although the applicant is proposing balanced cut and fill on the site, there are times when some material is deemed unsuitable (such as rocks) and has to be removed off-site; as a contingency, Rincon included in the air quality and traffic analysis an additional 10% to cover any environmental effects in case that does occur; but the project as proposed has no import or export.

Resident Charlie Goldwasser asked for the time and dates of the baseline traffic analysis. While that specific information was being sought, Mr. Gialketsis provided the following information:

Regarding the concept of noise, line of sight is very critical; if you have a direct line of sight from the noise generator (in this case the freeway) and the receptor (a house on the property or a neighbor's house), this is where you get the most exposure; when there is a ridgeline intervening, or a wall or building, you have a barrier effect; there was a

technical report prepared by the applicant's consultant and confirmed by Rincon; at the location he is talking about, the resulting levels are within the line of sight shadow of the current hillside (behind the hill); the noise levels there were 52 decibels, with the City standard being 60 decibels; for a point of reference, 3 decibels equals a doubling of noise energy; so there is a big difference between the current 52 decibels and the 60 decibel City standard; the reduction of the hill maintains that interruption of line of sight, and they have a graphic to illustrate that; the bottom line is that the hill has a current barrier effect; even with the modified ridgeline, that location will continue to be in the shadow of that modified ridgeline, with the existing and projected noise levels not changing from that 52 decibels.

Ms. Thomas reported that the noise measurements were taken over a 48 hour period December 5-7, 2006 and were averaged. Mr. Goldwasser stated he was asking about the dates, times, and days of the week of the traffic analysis, not the noise analysis. Mayor Freedland again pointed out that these were very specific questions, and suggested that the speakers wait to hear the Council comments, as that may help the audience decide which questions they still want to ask.

Resident Gary Simons (Round Meadow) had questions related to sound:

Mr. Gialketsis is making statements regarding the relationship of sound to the line of sight and shadow; he would like him to address how sound differs from light and how it might follow contours; also, he would like him to address the effect of how much sound does travel to those outside of the sight line but behind an obstacle that is removed or increased, such as a solid obstacle like the ridgeline; he understands that Mr. Gialketsis may not be able to answer these questions if he is not a sound engineer.

Mr. Gialketsis responded as follows:

He is not a sound expert; however, noise is a wave, and travels in waves, just like light waves; it does reflect when it hits various structures; it is obstructed by barriers like hills and like walls, which is why sound walls are built; in this case, you are roughly 25' below the modified ridgeline; to think that a 25' barrier will not obstruct noise is inconsistent with two noise experts who say it will obstruct noise and that there would be no change in noise levels at those locations.

At this point, Mayor Freedland wanted to get a sense, briefly, of the questions from Council Members and what each of the Council Members thought, after which he would then go back to public testimony.

Mayor Freedland began by making the following comments:

From the very first time he read the EIR, he had major concerns with the proposed removal of the ridgeline; he understands the applicant's comparison to the Hidden Ridge project, but there is one very important difference; the ridgeline being diminished by as much as 55' is in the County of Los Angeles, not in the City, so is currently covered by the County's North Area Plan (NAP); the County has made it clear that it would like Hidden Hills to treat that land (if annexed) as if it were in the County, with the same restrictions; the Hidden Ridge project removed some ridgelines, but they were not subject to the NAP; conceptually, he has no problem with annexing the Ashley property, as he feels it would be a great benefit to control what is put on that property both architecturally and in conformity with the neighborhood; the property exists where it is, whether it is in the County or the City; but he does have a very serious problem with the removal of the ridgeline, which he sees as the biggest hurdle for him at this point.

Mayor Pro Tem Weber spoke next:

Of all the objections raised, the ridgeline is the key; he walked the area again this morning; Bridle Trail is already a noisy street because it has a direct line of sight to the freeway; as you get to the top of the hill, there is no line of sight to the freeway, and the noise level drops a lot; he believes Mr. Simons is concerned about what would happen if the hill is lowered, as then it is almost a line of sight to where he lives; will that increase the noise on Long Valley; earlier tonight there was documentation that there was no direct line of sight from the hill to the freeway; if that is the case, he would still like to hear the long-term effect of the noise levels beyond the hill; that ridgeline is his main concern; secondarily, his concern is whether or not there is any noise problem to areas outside of Bridle Trail; he does not believe Bridle Trail will be affected by noise if that ridgeline comes down; but he also thought, after looking at an old map, that the Hidden Ridge project was not in the City when approved, and he wondered where it had been.

Mayor Freedland assured Mayor Pro Tem Weber that the Hidden Ridge project was 100% within the City of Hidden Hills when approved, and that what might be confusing is the Pet Cemetery sign which is actually on the Hidden Ridge property within the City, not on the Cemetery property itself. Ron Gonen confirmed that when his company bought the property in question, it was indeed in the City, as it was probably annexed in the early 1990s.

Council Member Cohen then stated his thoughts and concerns:

He has the same concerns as everyone else, which he will briefly state; he believes possible access from Lasher is a concern, but not a major concern; he does not have much of a problem annexing the property; he is not sure about the access to the 7.8 acres now in the County; it may have no effect, but he would like to know before making a decision on this project; if the annexation is approved, it will have access from Bridle Trail; but if it stays in the County, is the access from Bridle Trail or Craftsman Center; the main concern is the ridgeline and how the Council treats it; he feels the Council will treat it like any other property in the City and in conformance with the City's general plan; he does not see a need to adopt the NAP; the City's general plan does have goals related to ridgelines, which are probably very similar to, if not exactly like, the NAP; he does have some specific questions regarding the ridgeline, one in particular being in regards to the voluntary replacement of trees should the ridgeline come down; would the size, maturity, placement, and maintenance of those trees, or any effect they might have on the noise levels, require a modification to the EIR.

Ms. Thomas felt it would be an additional offer by the applicant that would not have any adverse environmental impacts on the project. Mayor Freedland suggested that if there were further questions on this matter, they would be better addressed once the public comment portion of the hearing is closed and the Council begins its deliberations.

Council Member Siegel added his comments:

Because he represents Hidden Hills on an intergovernmental agency (the Las Virgenes Malibu Council of Governments), the NAP is something he has dealt with from the time it was first considered; his initial concerns had to do with the effects on horse properties, and the horse community was up in arms about the NAP; its regulations not only affected developers, but also affected those who already owned hilly horse properties who might want to build new barns, stables, etc.; so the NAP was the first thing he noticed with this project; we do need to have mutual respect for the County and other cities in this area; he has not been able to find a way, even though Mr. Ashley has done a good job, to accommodate Mr. Ashley and still absolutely respect the NAP; there does have to be a way to achieve both; this is what needs to be talked about tonight; the Council may decide the ridgeline should not come down, but at the same time, he does not feel the NAP should be adopted by the City for many reasons; the Council would probably instead be looking for something in that general spirit; if that is what the Council does, this process does not end; Mr. Ashley could decide to make modifications, which might require some modifications to the EIR; Mr. Ashley could return with a project that shows regrading and is not as close to the ridge, but that could mean more, less, or the same

number of lots; he believes there is an impression that if the Council does not approve the ridgeline removal, that the project will go away; that is not going to happen; the removal of the ridgeline is the largest complaint, and therefore, if Mr. Ashley comes back with a project that does not remove the ridgeline, there should not be a lot of objections, since the ridgeline also includes noise, aesthetic, and other concerns; his general sense is that if the ridgeline is protected, the City Council would have very little objections.

On another note, Council Member Siegel stated the following:

He and Council Member Fisher have been doing this for many years; some people in the community have been incredibly and personally rude to the City Council Members regarding this project; the Council Members are all your neighbors, and are not professionals but volunteers; he is shocked that people would treat their neighbors like this; he has had spirited disagreements with residents and neighbors for fifteen years; not until now has it been so personal, including such accusations that the Council has had secret meetings, and that the Council has intentionally scheduled meetings when people were not available to attend; it is completely unbelievable, and this process has been very distasteful.

Mayor Freedland then invited those who had not previously spoken to address the Council, asking them not to repeat everything that has already been said, and keeping in mind what they have heard.

First to address the Council was Richard Shapiro (John Muir):

He has lived here for twenty years; he sits on a state commission and has empathy for what Council Member Siegel has said; it is a thankless position and he would like to apologize for the community; Mr. Ashley has been developing properties since he (Mr. Shapiro) has lived in the City, and does a wonderful job with an understanding of the community; notwithstanding that, the question is what do the people want to get out of Hidden Hills; he believes some of the comments with respect to sound, light, and noise have been somewhat disingenuous; if you are removing most of a ridge and planting trees in its place, it will not have the same effect; he is a real estate developer, currently developing a similar type property, so understands these things; while he believes Mr. Ashley should not be denied the opportunity to develop his property fairly and in conjunction with what the community wants, he also doesn't think the community should suffer as a result of not getting any benefits; he has seen the attributes we would supposedly get, and is unmoved by those perceived benefits; he believes the comments about the hill being unstable are just scare tactics and unreasonable; if you would do a geologic study throughout the rest of the community, you would find there are many

portions that likely sit on active or inactive earthquake, geologic, unstable areas; the question is what do we want as a community; no one wants to see a ridgeline taken down; on the other hand, he doesn't think Mr. Ashley should be denied from developing his property as he sees fit and within the bounds of his legal authority to do so; what does the community want, not just for one owner or one developer; he came to Hidden Hills because it was rural; now we have mansionization, which he doesn't like, but it is okay if that is what the community wants; as the Council makes this decision, it should weigh what is in the best interests of Hidden Hills; we are not running on a deficit, do not have a shortfall of funds, and our lives will not be changed by increasing the tax base; we want the peace, quiet, and tranquility of Hidden Hills; bringing in more traffic and density is a problem, as our infrastructure will not support it; he would hope the Council would limit the size of the development and not obstruct the natural landscape beyond what is absolutely necessary.

The next speaker was Mark Jaffe (Jim Bridger):

He understands that demolishing the ridgeline will allow the developer to build more homes and put a few more dollars into the Hidden Hills treasury through assessments and fees; what he doesn't understand is why the Council is willing to jeopardize the long term sustainability of our community for those few extra homes; destroying the ridgeline will expose many residents to the noise and stench of the trucks on the Ventura freeway; gone will be the serene silence, replaced by the belching roar of the big rigs going up the Calabasas grade; slicing the top of the ridgeline and replacing the sight line with rooftops of the developer will expose Hidden Hills to every car and every gang member traveling on the freeway; we have heard how you cannot see the freeway from the homes, but we have not heard how you cannot see the homes from the freeway; he applauds the operations of the gates, but they are not designed to turn away every determined criminal intent on robbery of our community; we have heard from Mr. Ashley's attorney and experts (who said they were not sound experts) that this would not happen; but what do we tell our neighbor who can't sleep because of the roar and rumble of continual traffic; we won't be able to help her, as the ridgeline will already be gone, and we can't bring it back; the noise ratings have been averaged over a 24 hour period; they don't tell you about the peak noise ratings; what do we tell our neighbor with two little children who had to witness a home invasion robbery; we can't help her either because the developer's homes have already been built that advertise the wealth of this community to all who use the freeway; you've already spent the few extra dollars that fell into our treasury; he would ask the respected members of our City Council – is that what you want for your legacy to our community – replacing the sounds of songbirds, exposing neighbors to every car passing on the freeway, and obliterating the concept of hidden from Hidden Hills; he would hope not; the Council can create a different legacy where it keeps it word, preserves the quality of life, does the right thing, and keeps the ridgeline where it

belongs, undisturbed and on the hill; he would respectfully ask for approval of alternative 3.

Resident Gary Simons (Round Meadow) was next to address the Council:

He only became aware of this recently due to, in his mind, inadequate notice requirements; he is a developer; Mr. Ashley has done a lot for the community and in creating value for Hidden Hills; but this project has to stand on its own two feet; he is not a sound expert, but believes if the ridgeline comes down and is replaced with trees, that landscaping will do nothing to mitigate noise; sound does not act, to his knowledge, like light does; light and a barrier form a distinct shadow; sound follows contours, so as you reduce the ridgeline, you increase the sound levels, even to those in the remaining ridgeline shadow; he is shocked that grading 177,000 cubic yards would even be considered; since five or six lots already exist, with a net increase of three lots, that is 65,000 cubic yards per each net lot; an individual homeowner is given a 500 cubic yard limitation; he grew up in Woodland Hills and was surprised that this community was even here; if you show this community to the freeway, that attracts attention we don't want; we like being hidden; it is unacceptable to remove the ridgeline; we want Mr. Ashley to be able to develop his property; usually the Council toils in obscurity, and he is sorry that anyone on the Council has been treated badly; no personal attitudes should come to the table; but this is a small town; in the spirit of Hidden Hills, and with Mr. Ashley's experience and ability, he should be able to sit down with those most affected and arrive at something that meets with a majority of their approval; if not, then it should come to the Council.

Mayor Freedland asked Mr. Simons if he had met with all of his neighbors and gotten approval from all of them when he built his house. Mr. Simons responded as follows:

He was not asking for anything, such as an annexation, a ridgeline removal, a variance, or a zone change; but he did meet with several of his neighbors to discuss his plans; the plans were then presented to Hidden Hills at a community proceeding, where some questions were asked; developers are entitled to some use of their property; but the use is the zoning that was established when the property was bought; yes, it can be taken away or modified to give greater rights, but a developer has no right to increased zoning; when it happens, if there is opposition, the developer gets sent back to deal with the neighborhood, which is more relevant in Hidden Hills; he is not suggesting anything formal, but a meeting to get the people affected behind Mr. Ashley; he is not familiar with alternative 3 and has not looked at it, but if it means one or two lots less and saving the ridgeline, he would think that would meet with the neighbors' approval; it is a reasonable compromise that he himself would have to take.

Mayor Freedland pointed out that Mr. Ashley has met with the surrounding neighbors.

Lisa Selan (Scott Robertson) stepped to the podium to state the following:

She is surprised that alternative 3 has not been presented this evening; she believes that most of those in the area that are affected by this project would not necessarily be happy with development, but would support that alternative; it preserves the ridgeline, allows development and annexation, and preserves what the NAP wants – the hill to remain; she has lived here for fifteen years and loves the rural area; there are no traffic, street, or tennis court lights, mostly to preserve the community for horses and to keep it ranchy; that is what gives this community its ambiance; to give more respect to horses than to the homeowners is an atrocity; she would hope that the Council would support them, and allow Mr. Ashley to develop his land, but to do so with respect to the community as a whole; she supports alternative 3.

Joel McNeely (Scott Robertson) expressed his thoughts as follows:

Even if some of us are preaching to the choir, he thinks the City Council might take the pulse of the community, take advice and counsel from that in the interest of good governance, and indulge us; he is a composer and sound engineer; what is being said in relation to acoustics is not fact, as it is a very inaccurate and vague science; if you hear that trees can have the same acoustic reflections and absorption properties as a ridgeline, this is not true; he is a member of the Hidden Hills Citizen Group, all of whom come here in good faith and as neighbors; it is inexcusable that the City Council Members have not been treated well; alternative 3 is the superior way to go; the fact that 185 residents signed a petition in support of alternative 3 shows the strong passion to find a compromise and reasonable solution for all to preserve the integrity of the community; he finds it ironic looking at the beautiful photo in the back, the hill with the rainbow, and what would be Ahmanson with 3000 homes, and wonders if the City would have hung those pictures if the top of the hill was lopped off and houses put there.

The following comments were made by Craig Aaronson (Bridle Trail):

He and his wife just moved in across from the proposed project, and did have a nice meeting with Mike shortly after; he feels badly that people are disrespecting the process, but in looking around the room, it shows that this is a magical community and we have amazing neighbors; it is a good feeling to have all this support from the residents for a cause he believes in; he does appreciate that support and all the work put in by many people; one of his neighbors gave him something that he agrees with, which states the following; they do not want to prevent Mr. Ashley from developing his existing lots that conform to the City's goals, policies, and CC&Rs; but when Mr. Ashley proposes annexation of County land to seek approval of a project that violates these goals, policies, and CC&Rs, they would ask the elected officials to protect their rights; saying yes to annexation does not mean saying yes to the project as proposed; if Mr. Ashley won't revise his project as many residents have asked him to, then they are asking the City

Council to do what we tell our kids to do – just say no; he and his wife support alternative 3; he feels everyone is on the same page, and even though the Council is hearing the same things over and over, sometimes persistence pays; he would like to thank the Council for hearing all of them.

Mayor Freedland wished to clarify some comments:

No one is offended by this process; he actually loves the process, and thinks this is a healthy discourse; but people have to keep in mind that the Council works for and represents you; this is not an adversarial relationship; but he knows exactly what Council Member Siegel means, because at times the Council is treated almost as adversaries; that is what gets trying, especially with the rate of pay the Council Members receive (note: they are volunteers and are not paid anything); the Council represents you as residents, but at the same time, Mr. Ashley also has rights as a property owner; the Council will do what is in the best interests of the City in protecting those rights as well; there is no need to open the City to unwanted litigation; the Council is balancing property rights with being your advocate, so please keep that in mind.

Next to address the Council was Peter Baer (lives on Bridle Trail and owns on Long Valley):

He is concerned that the three sound measurements were from the Bridle Trail side and not the Long Valley/Lasher side, which is closer to the development; he believes the sound measurements should have been made from the Long Valley/Lasher side, as there is enough noise already on Long Valley and no noise on Bridle Trail.

Mr. Gialketsis responded as follows:

CEQA requires that impacts be looked at when they are significant; because no additional traffic was routed onto Lasher, there was no noise generation affiliated with mobile sources from the project; there is also an intervening ridgeline (not the same one in question) that blocks the line of sight from the freeway; the issues of construction noise that would affect the entire neighborhood were found to be unavoidable adverse class 1 impacts; so noise was looked at, but traffic noise was determined not to affect that area; the ridgeline modification was determined not to affect that area as well.

Mr. Baer did not agree, as he felt the way sound travels is not just a matter of sight; he thought it should have been considered for the other part of the community.

Mr. Gialketsis wished to clarify the following:

There were two elements to the noise impact assessment; a report was prepared by an acoustical engineer for the applicant; Rincon's expert is a Doctor of Environmental Science and Engineering; he has 30 years of experience in conducting noise modeling, attenuations, evaluations, and barrier effectiveness; he reviewed the report and concurred with its findings; the thought that this has not been studied thoroughly and is not predictable is not accurate; the models used are standard accepted models in the land use planning practice; they are usually Caltrans models; he understands that he does not often win popularity contests at these meetings, but the team of scientists concurred that the noise levels were below the threshold of significance with the exception of the construction impact noise.

At this point, Mayor Freedland reminded everyone that the Council would address this matter until 9:30 p.m., as in previous meetings, and if not concluded by then, the item would be continued to the next Council meeting on 9/22/08.

Mr. Spiegel addressed the Council for a second time:

He heard what the Council Members said, but still has some questions; he just got into this process, and in looking at the slides and being a visual person, it is hard for him to comprehend what they are talking about when saying the ridgeline is coming down 4.8% (30' - 55'); is this from the grade elevation at the top of the hill, are they taking down half, 75%, or 25%, and how is it relative to someone looking at the hillside.

Mr. Simons stepped to the podium and stated the following:

The 4.8% was taken from sea level, and if it was done by the City's consultant, it was intentionally misleading or they don't know what they are doing; if you take the 55' reduction from the 987' elevation, it is a 63% reduction relevant to that lot.

Mr. Gialketsis corrected Mr. Simons' statements by explaining the following:

That slide was prepared by the applicant, not the City's consultant; the handout provided earlier shows pad elevations and current elevations; the current elevation at the top of the ridgeline is 1127'; that would be reduced to a modified elevation of 1072'; roughly in the background the elevations are 1034', 1037', 1041', and 1043', which is about a 50% reduction.

Mr. Spiegel continued with his comments:

He thought the change was greater than the 4.8%, which is actually misleading since the ridgeline is coming down about 50%; that is a big issue and important for everyone to know; he still has two additional questions; if the developer could build the five lots that he already has build rights for, what has to be done to the “dangerous” condition associated with the ridgeline and does it make a difference; there are two existing old landslides; if Mr. Ashley cannot take down the ridgeline, are these old slides going to be fixed, does he have to stay away from them, or does he have to correct them if he is only allowed to build those five lots.

Council Member Siegel pointed out the following:

As he understands it, none of the lots that Mr. Ashley currently has permission to build are in the area of the landslides; they would come into play only if the 7.8 acres is annexed and he cannot take the ridgeline down; he could always regrade, as a developer would know; if he builds on only the existing five lots, that would have nothing to do with the landslides.

Mayor Freedland provided the following information:

If the 7.8 acres remains in the County and is not annexed into Hidden Hills, and the County at a later date decides that property can be developed, the health and safety concerns of those landslides take precedence over the NAP; so when it was said earlier that it is possible that part of the ridge could come down as part of “fixing” measures for the landslides in the area outside of the control and responsibility of Hidden Hills, that was not inaccurate.

Mr. Spiegel had additional questions:

He wondered if the property was not annexed, what could actually be built on it based on the slope density; he stated that depending on the slope and terrain, and certain formulas, the slope density can be determined which then determines build rights for the property, which could include clustering and a larger density on the flat pad depending on the benefits from the hillside; he thought it would be prudent for the City to determine that.

Special Counsel Wiener replied as follows:

He does not know what the County’s land use regulations are; not every local agency would allow clustering, and not every local agency has the concept of slope density; some may simply say you have an allowed pad that can be graded on a certain slope or less, and you must stick to that pad; in many hillside communities, that is the extent of the development you can have without regard to clustering; perhaps the County would

allow that, but no one here has looked at the County's land use regulations to determine what density would be allowed on that property.

Mr. Spiegel, in reference to the cut and fill discussed earlier, said he believed the Council could condition the property to make it balanced on site so there would be no import or export, or adjust the final grade elevation. Mayor Freedland reminded him that there is no way to know what may be found underground, and even though the intention is to have the site balanced, that may not be possible. Mayor Freedland asked the consultant to comment, with Mr. Gialketsis stating the following:

Typically when an EIR is done, you assume that the information provided by the applicant's engineering team is accurate, and that the 177,000 cubic yards of dirt is correct and would be balanced on site; when Rincon reviewed the geotechnical report, there was some complexity on the site, and some level of uncertainty; there is also the landslide component, an artificial fill component, and an expansion issue relating to compatibility and suitability for fill; Rincon figured 10% as a worst case scenario, which would be 17,720 cubic yards; they received a lot of comments as part of the Notice of Preparation, and understood that traffic was a serious concern for the community; so they did not want to underestimate any potential effect; again typically, they would have assumed 177,000 cubic yards balanced on site with no import or export; but due to the uncertainty, they took an abundance of caution and assumed up to 17,720 cubic yards that might require import/export on site; he does not know the answer to whether or not the site grade could be modified to avoid that; but the key from the CEQA document is that they wanted to put an envelope around the worst case condition; if more import/export is required, that would raise the issue of whether or not a supplement to the EIR would be required.

At this time, Charlie Goldwasser (Bridle Trail) wished to address the Council:

He would like to talk about three things – a staging area, construction access and plan coverage, and Lasher Road and the ridgeline; in reading the specifics of the EIR, he realized there would be a negative impact on the entire community, no matter where anyone lives, if Mr. Ashley is allowed to develop the project as proposed; but the project is literally in his back yard; he would ask that an alternate staging area be selected; Mr. Ashley owns five lots on Bridle Trail, not just the three in this project, and they have been graded and sitting barren for about 30 years; Mr. Ashley conveniently included only three of those five lots in this proposal, so no mitigation measures will have to be applied to those other two lots, such as irrigation, ground cover, etc.; if any plan is approved, he would want the same mitigation measures applied to those two lots as the measures on the other three as a condition of approval; the Hidden Ridge project at least arranged to

reduce construction noise and impacts by having construction traffic access the construction site from outside the City limits during the grading process; Mr. Ashley should do the same and then stage construction from somewhere on the 7.8 acre parcel to be annexed rather than in a populated area; maybe Mr. Ashley could stage from the large vacant parcel on either Whitman or Rolling View, as he already has construction vehicles, etc. staging from their now; with respect to Lasher Road and its width, Mr. Ashley's attorney said it was substandard at 19', but will be fully improved to the satisfaction of the City Engineer to a maximum pavement width of 24' (same as many other roads in Hidden Hills) in the area of the VTM of Hidden Ridge and to the intersection with Long Valley Road; so the City has already required improvements to handle Mr. Ashley's two lots currently on Lasher plus the 11 homes to be built; the EIR states that the methods to be used to comply with the Urban Stormwater Mitigation Plan requirements include the Best Practices approach to design residential streets for minimal width needed; so keeping two lots on 24' wide Lasher would be better than cutting down the ridgeline to provide access from Bridle Trail, which requires a 244' extension of the Bridle Trail cul de sac, a 600' new road off of Bridle Trail, and a 330' new driveway; all of these paved surfaces would take the place of unpaved areas, increasing and concentrating pollutant loads; finally, there has been a lot of discussion regarding the nature of the dialogue; the real point he wants to make has to do with trust; we elected you and trust that you will do your best to respect our desires for the community; maybe we have not done a good enough job of that; regarding the Hidden Ridge hearings, the City Council probably followed the letter of the law and notified residents within 500' ten days prior, or whatever was required; probably many people did not read the EIR or attend the hearings; but in that EIR and those hearings, the many significant negative impacts related to aesthetics, air quality and noise were apparently brought to light; we thought the goals and policies outlined in the City's general plan to preserve the significant natural land forms that provide the hidden in Hidden Hills would protect us from a plan such as what was proposed; alternatives were studied, that just like with this project, offered other options with reduced negative impacts; at the end, the City Council voted to write a statement of overriding considerations and rejected the alternatives as they would not sufficiently achieve the basic objective of the project, to meet the demand for housing in a manner that conforms to the City's general plan and zoning ordinance; they as residents need to accept some of the responsibility for that decision; maybe if they would have showed up more and spoke more loudly, the City Council would have understood that their desires to preserve that which makes us special, the natural landforms protected by the general plan, take precedence over the creation of more houses, especially with 40 homes on the market, 11 more approved for Hidden Ridge, and 29 undeveloped lots (many owned by Mr. Ashley); more housing with compromised views and more noise issues will negatively impact the community; that is why they are all here, why they are speaking, why they read the EIR, and why 183+ residents signed the petition; they want to make absolutely sure there is no confusion about what the

residents want, and that the Council can vote in support of alternative 3 knowing they are representing the desires of the community.

Mayor Pro Tem Weber stated that it sounded earlier like Mr. Goldwasser was opting for alternative 4 or 5. Mr. Goldwasser assured him he was in favor of alternative 3.

As it was now past 9:30 p.m., Mayor Freedland continued the public hearing to the next Council meeting on 9/22/08 at 7:30 p.m., and invited everyone to attend. He reminded everyone that again he would recognize only those who have not had an opportunity to speak yet, after which the Council will most likely close the public comment portion of the public hearing and conduct its deliberations to make a decision.

Mayor Freedland called for a short recess at this time (9:35 p.m.), and then reconvened the meeting at 9:55 p.m.

**B. Minor Accommodation
24748 Long Valley Road
Alter Existing Nonconforming Single Family Residence**

City Engineer Dirk Lovett provided the following staff report:

This is a request for a minor accommodation to alter the roof and a portion of the house currently in the setback; notices were properly posted and sent to all property owners within a 300' radius of the subject property, with no comments being received; the existing building is a 4600 square foot single story single family residence with a front yard setback of roughly 36 ½' (the required setback is 50'); the applicant is requesting to change the front elevation, including rebuilding the entire roof structure and new entry; the improvements will not increase the building footprint and will encroach no further into the setback than the existing building; the minor accommodation may be granted if the Council finds that there will be no material adverse impact on the public welfare or adjacent property; staff believes the finding can be made, as the improvements will encroach no further into the required setbacks, the building footprint will remain the same, and other existing houses on Long Valley Road are as close or closer to the road easement than this proposed house.

Mayor Freedland opened the public hearing.

David Ray, who designed the project, stated he was in attendance in case the Council had any questions or comments, and added that they redesigned the front of the house to give it a better look from Long Valley, which resulted in the need to raise the roof. He assured the Council that the improvements would not encroach any further into the setback than the existing building.

Council Member Cohen was confused about the applicant being listed as Debbie Sutz, when the owner was listed as Barry Davis. Mr. Ray explained that Ms. Sutz was also an owner, and that he was representing the owners.

As there were no further comments, Mayor Freedland closed the public hearing. Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, the Council made the required finding, approved the minor accommodation, and adopted Resolution No. 813 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 SINGLE FAMILY RESIDENCE LOCATED AT 24748 LONG VALLEY ROAD.

**C. Minor Accommodation
24508 Wingfield Road
Alter Existing Nonconforming Single Family Residence**

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

This is a request for a minor accommodation to complete improvements to an existing single family residence that encroaches into the side yard setback; the request is to reconstruct a portion of the structure that is located within the required 25' side yard setback; notices were properly posted and sent to all property owners within a 300' radius; one written comment was received this evening from the next door neighbor, Andrew Basch; per Mr. Basch's written note, "This should be submitted for the record today 9-8-08 as per the notice. Also I have been informed by the owner of 24508 that these so called plans are just the first phase of plans and they intend to add a second story in the future. Therefore any modification that is nonconforming will only be a ruse to their true intent"; the existing building is a 6000 square foot single story that is set back

about 23 ½' from the side property line; roughly 6 square feet of the encroaching building needs to be rebuilt to create a higher ceiling; the portion that used to encroach has been demolished except for the slab and footings, and is proposed to be reconstructed within the exact same footprint; it will encroach no further into the setback, although the roof ridgeline will increase by approximately 10'; the minor accommodation may be granted if the Council finds that there will be no material adverse impact on the public welfare or adjacent property; staff believes the finding can be made because none of the improvements would encroach any further into the side yard setback than the existing encroachment, and the building footprint will remain the same.

Mayor Freedland opened the public hearing.

Steve Wilson, who designed the project, stated he was there to answer any questions. In response to Mayor Freedland, Mr. Wilson stated that his client would possibly like to do a second story addition in the future, but if so, it would meet all the code requirements and would not be in the area that they are remodeling at this time. He added that they are undergrounding the utilities.

As there were no further comments or questions, Mayor Freedland closed the public hearing. Upon MOTION of Council Member Cohen, seconded by Mayor Pro Tem Weber and unanimously carried, the Council made the required finding, approved the minor accommodation, and adopted by title only Resolution No. 814 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 SINGLE FAMILY RESIDENCE LOCATED AT 24508 WINGFIELD ROAD.

CONSENT CALENDAR

- A. City Council Minutes – August 25, 2008**
- B. Demand List**

Upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried on roll call vote, it was resolved to approve items A and B of the consent calendar as submitted.

MATTERS FROM STAFF

Review/Report on City's Conflict of Interest Code

As the current Conflict of Interest Code was accurate and required no changes, it was received and filed.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Council Member Cohen and unanimously carried, it was resolved to adjourn the regular meeting of September 8, 2008 at 10:05 p.m.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk