

Summary of Public Comments and Topics
Received by the Planning Commission August 09, 2012
Re: View Ordinance

1. Define in the ordinance whether the complainant can **create** a view that previously did not exist or if the complaint is **preserving** a view that previously existed.
2. The **view protected** by ordinance should be the view existing **when the City was incorporated**.
3. **Create an ordinance from scratch** that specifically pertains to Rolling Hills rather than copy another organization's ordinance that does not fit this community.
4. **Be reasonable in response to view complaints**; be consistent in how each complaint is evaluated and resolved.
5. The protected view is established by the existing view when the property was purchased. **Property owners are entitled to the view that they purchased** with the property.
6. **Information about the view ordinance** and its implications should be provided to **property owners** and prospective buyers.
7. **Large trees have environmental benefits** that improve/maintain air quality and are **aesthetically beneficial** to the community. Small trees (small replacement trees) do not have the same qualities.
8. The cost of staff time and litigation with regard to resolving view complaints should be eliminated or minimized; as a cost ultimately paid by property owners, it is too much. **The cost and how the City recovers its costs** should be addressed.
9. **Avoid costly litigation** that challenges the ordinance and City actions.
10. Consider if the positives of having and enforcing the ordinance outweigh the negatives of it. Irrespective of the negative cost implications (staff time and litigation) of the view ordinance, recognize that it also puts the City between a neighbor-to-neighbor dispute; this is not a position the City should be in. With the view ordinance, **it is not positive to aggravate residents**.
11. The City should have a view ordinance; **support having a view ordinance**. It should be **strengthened and enforced**. It is surprising that the existing ordinance has never been challenged in court; **once litigation determines its validity, the challenges (litigation) by residents need to stop**.
12. It is confusing to have the Rolling Hills Community Association (RHCA) and City both with regulations about views. It appears that there is **duplication and**

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overlap between the RHCA and City regulations. It is unclear **who regulates trees in easements** that block views.

13. Each **property in the City is unique** and each situation should be addressed as such. Decisions and outcomes should **balance each property owner's interests** and result in a **compromise**.
14. At the conclusion of the remediation effort, it should be decided **who pays for new trees planted in replacement of the trees removed and the on-going maintenance of the trees**. The tree owner should have that responsibility.
15. A.E. Hansen's book "Rolling Hills, The Early Years" and the City's General Plan convey a history and emphasis on having scenic views. Consistent with the character of the community as described by both, **property owners should be entitled to a view**.
16. The City should have a **list of trees that are appropriate for planting in the City** as replacement for trees that are removed by the remediation of a view impairment.
17. A **short**, flexible view **ordinance is advantageous** and the City's ordinance, as such, should not be changed. **Leave the ordinance alone** because it provides the ability to address a variety of situations. Moreover, **the longer an ordinance is**, the complicated it is and **the more opportunity it creates for litigation**.
18. **Review the Palos Verdes Estates (PVE) Homeowners Association view regulations and the City of Malibu's new ordinance** as models/examples of additional means to address views. The Malibu ordinance bifurcates the process for preservation of a view and the restoration of a view.
19. **Limiting the heights of trees to the ridgeline of new homes** approved during Site Plan Review **results in precluding tall trees**. Review if this is a practice that has community support and represents the community character desired by property owners.