City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
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Agenda Item No: 6-A
Mtg. Date: 10-04-12

TO: **HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **ANTON DAHLERBRUCH, CITY MANAGER**
YOLANTA SCHWARTZ, PLANNING DIRECTOR

SUBJECT: **PUBLIC FORUM REGARDING POTENTIAL CHANGES TO VIEW ORDINANCE, SECTIONS 17.12.220 AND 17.26 OF THE ROLLING HILLS MUNICIPAL CODE**

DATE: **SEPTEMBER 22, 2012**

ATTACHMENTS:

1. Correspondence received after August 9, 2012 public forum
2. Staff response to public comments at August 9, 2012 public forum
3. Summary of public comments and topics at August 9, 2012 public forum
4. Potential discussion topics prepared by staff

RECOMMENDATION

At its meeting of June 25, 2012, the City Council directed that the Planning Commission (Commission) review the City's View Ordinance (Municipal Code Sections 17.12.220 and 17.26) and consider whether to recommend changes to the Ordinance. The Planning Commission held its first public forum about the View Ordinance on August 9, 2012 at which time public comments were received. At this meeting, it is recommended that the Planning Commission continue to receive public comments. Time permitting, it is further recommended that staff explain the City's existing ordinance, review the public comments from the August 9 meeting and other organization's regulations, and respond to the Commission's questions. Thereafter, the Commission may desire to begin discussing possible modifications and/or continue the discussion to a future meeting.

BACKGROUND

For the August 9, 2012 meeting, the Commission and public were provided historical background and minutes of the meetings held in 1998 that led to the adoption of the View Preservation Ordinance and other cities view preservation ordinances. It was stated that the Rolling Hills Ordinance is an example of a hybrid model, where the process encourages private solution, but results in local governmental actions if requested by a complainant after the private mediation is unsuccessful.

The View ordinance adopted by the City Council in 1988 reflects a judgment that Views are a significant feature of the community. In turn, the City of Rolling Hills ordinance seeks to preserve views. The ordinance has no date to which a view is to be restored and each case is evaluated on its own merit. The ordinance prescribes what is a view and requires that the view seeker determine a viewing area from which they claim the view is being obstructed. After the complainant has unsuccessfully tried to resolve the issue on his or her own, the complainant can apply to the City to intervene. The City hires a mediator and the issue is mediated without City participation. If the mediation is successful, the parties enter into an agreement based on their resolution of the issue. If the mediation is unsuccessful, the complainant submits an application to the City. Upon receipt of the application, a public hearing is scheduled before the Committee on Trees and Views; and property owners within 1,000-foot radius are notified of the hearing together with the complainants and the tree owners. The Committee holds a noticed hearing including a field visit to all properties subject to the application. During this process, the Committee must establish an appropriate viewing area, based on the definition in the Zoning Ordinance; and determine if a significant view obstruction exists. After public hearings and deliberation, the Committee issues findings as to whether the complainant's view is significantly blocked and if so what corrective action should be taken. The Committee must find that the foliage significantly impairs a view from the applicant's viewing area and that the remediation action will not cause indiscriminate removal of vegetation nor would it unreasonably detract from the privacy or enjoyment of the property where thee trees are located. The ordinance is written so that the complainant is generally responsible for the expense of the foliage removal and/or replacement ordered pursuant to the Committee's resolution, but only to the extent of the lowest bid amount provided by contractors licensed to do such work.

After the initial trimming, lacing or removal of the foliage, the owner, at the owner's expense, is generally responsible for maintaining the foliage so that the view restoration required by the view restoration resolution is maintained. Under certain circumstances the Committee may apportion some of the cost of remediation to the property where the trees are located and some of the cost of future maintenance to the complainant.

The applicant, foliage owner, or any other affected party may appeal this decision to the City Council. The Council starts the process "de novo" and following public hearing(s) and a field visit issues a Resolution containing remediation actions. The City Council may adopt the same remediation action as the Committee, amend them or remand the case back to the Committee. The City Council's action is final, unless it is appealed in court.

Although the language in the Intent and Purpose section (see 17.26.010) of the View Preservation ordinance mentions that "panoramic" views are a "special quality of property ownership" the Committee and the City Council when reviewing view obstruction complaint cases has historically required remediation actions that would restore view corridors or see-through-trees views rather than panoramic views.

Recognizing that views are a desirable asset of properties, the City has also been placing a condition of approval on discretionary cases that new trees on a property be of a species that does not exceed the ridge height of the new structure.

Furthermore, the City of Rolling Hills together with the rest of the Peninsula Cities has been designated as a Very High Fire Hazard Severity Zone (VHFHSZ). As such, the Fire Department is strongly recommending that Eucalyptus Trees and Pine Trees not be planted and when possible removed. In addition, with every new development and substantial addition, the Fire Department Forestry Division reviews landscaping plans for "fuel modification zones" requiring that only certain plants be planted within certain distances to a structure. Very few trees may be planted within one hundred feet of a structure; disallowed trees include Eucalyptus and Pine Trees.

DISCUSSION

Based on the public comments received at the August 9, 2012 public forum and additional staff input, the attached list of 24 potential discussion topics related to the View Ordinance is provided. In discussing these or other topics, the Commission may want to consider the modifications to the existing ordinance.

NOTIFICATION

Notice of this meeting to inform the community was included in two City newsletters and the agenda was mailed to those residents who previously expressed interest in this topic and who spoke at the August 9, 2012 meeting. The staff report and the agenda is available on the City's website and was provided to the RHCA.

CONCLUSION

When the Planning Commission has identified specific changes it desires to consider as modifications to the existing View ordinance, staff will prepare a Resolution for consideration at a public hearing recommending an ordinance modification to the City Council. As stated above, potential topics of discussion are attached.

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Subject: **"The Curse of Lack of Trees" (The Gospel of A. E. Hansen")**
Date: Friday, August 10, 2012 9:16 AM
From: Lynn Gill <lynn.gill@cox.net>
To: Anton Dahlerbruch adahlerbruch@cityofrh.net

Dear Planning Commissioners:

Kudos to a good positive start on the important task of evaluating and revising the View Preservation Ordinance consistent with the will of the people.

A careful reading of A. E. Hanson's Rolling hills-the Early Years discloses that our founder valued both trees and views. As a consummate marketer as well as renowned landscape architect, he worked hard to solve "the curse of lack of trees," while also touting the wonderful views.

I put together the above treatise on how Rolling Hills came to have trees while I was working on the committee to draft the RHCA View ordinance. It's good background here (Sorry Brad, more to read!)

Regards,
Lynn

RECEIVED
AUG 10 2012
City of Rolling Hills
By_____

(5)

HOW ROLLING HILLS CAME TO HAVE THOUSANDS OF BEAUTIFUL MATURE TREES

Rolling Hills was founded in 1936 by A. E. Hanson, a landscape architect for Frank Vanderlip, the New York banker and major stockholder in the Palos Verdes Corporation, which owned the entire Palos Verdes peninsula. Mr. Hanson worked, along with the legendary Olmsted Brothers Landscape Architects, to develop the Portuguese Bend area for Mr. Vanderlip in the early 1930's, planting several hundred trees along the main road and thousands of shrubs on the hillsides (Rolling Hills: The Early Years, A. E. Hanson, 1978, p. 12). In 1931, he became General Manager for the Palos Verdes Corporation, responsible for developing and managing the 12,000 acres owned by the Corporation (Ibid, p. 14.)

In 1933, the Hanson family moved into a ranch house, which had been built about 1885, located near Crest Road and Crenshaw Boulevard, neither of which had yet been constructed. He describes the house, "There were a number of mature trees around the house. On the east side was a large pepper-- on the west and south sides were large pines, eucalyptus, and black acacias. The long side of the rectangle of the house faced directly north, with a magnificent view of the Santa Monica Bay, and in the background Mt. Lowe and Mt. Wilson-- with all of metropolitan Los Angeles in between" (Ibid, p.26). Mr. Hanson valued Rolling Hills' trees and views.

As a landscape architect, A. E. Hanson recognized that what he termed "the curse of the lack of trees" (p. 52) was a serious impediment to the sale of lots. So he set out to remedy the situation by having tens of thousands of pepper, eucalyptus, pine, acacia, palm, and other trees planted. When Palos Verdes Drive North was completed in 1935, the PV Corporation planted pepper trees along its entire length, which we can still enjoy today (p.20). After Portuguese Bend Road, Crest Road, Saddleback Road, and other key roads were completed, in Mr. Hanson's words, "We, the land developers, planted roadside trees and shrubs. Because of the contour of the land, we could not put in uniform street tree planting, nor did we wish to. We did roadside planting of trees and shrubs, using those trees and shrubs that would give the greatest effect and still be economical to take care of" (p. 52). We enjoy the beautiful and stately trees lining our roadways today, the legacy of Mr. Hanson's vision for Rolling Hills.

To further encourage the forestation of Rolling Hills, five full-grown pepper trees were given to each purchaser of a lot of five acres or more in size (p. 52). Early sales advertisements for Rolling Hills lots show the effective landscaping use of these pepper trees, along with stately eucalyptus and palm trees (pp. 27, 66, 77-79, 107-111).

HOW ROLLING HILLS CAME TO HAVE THOUSANDS OF BEAUTIFUL MATURE TREES

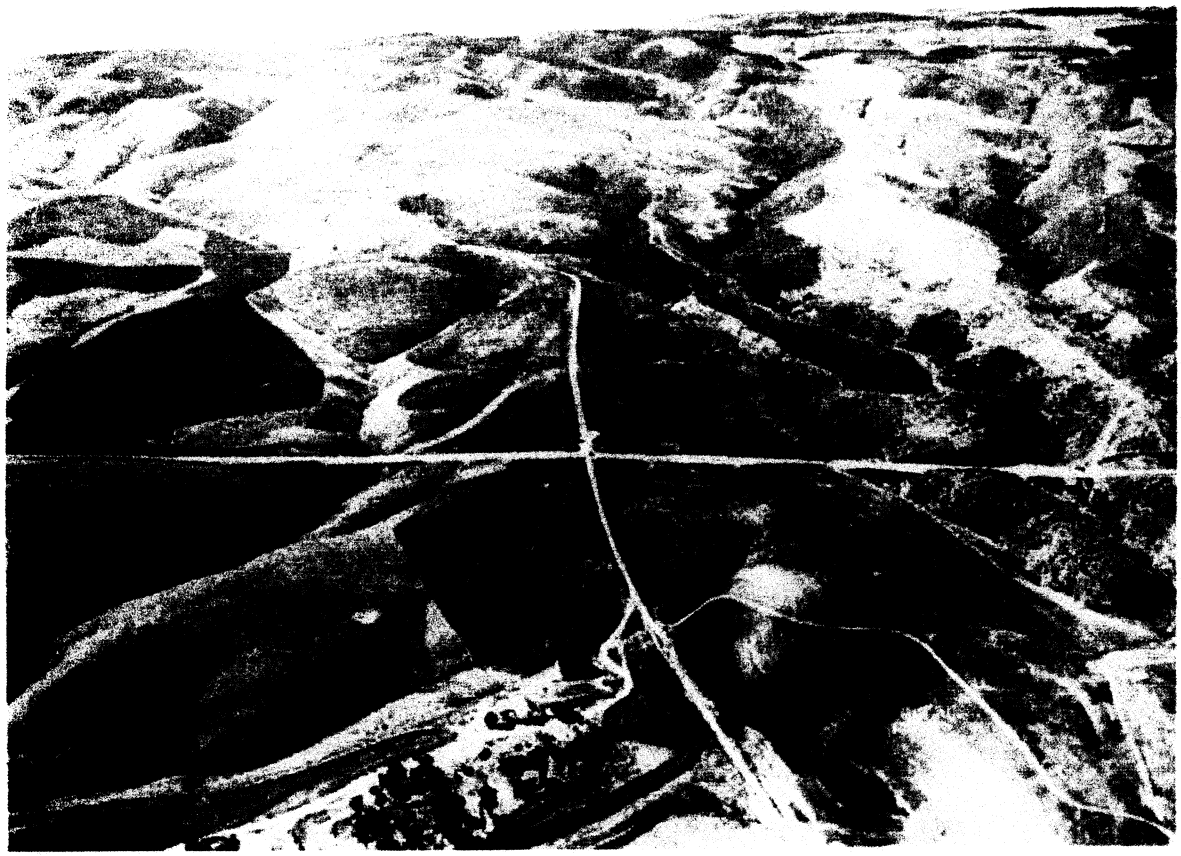
In 1935, during the depth of the depression, Mr. Hanson hit upon a way to transform Rolling Hills' bare ridges and canyons into the urban forest we enjoy today. "When [President] Roosevelt, under his New Deal Program, started the Civilian Conservation Corps, I went to the local office and suggested to them that I had an ideal spot for one of their camps. The Civilian Conservation Corps was a very, very worthwhile project. They took thousands of boys from 16 to 21 years old, from needy families, under-privileged boys -- and they put them in camps all across the Western United States. It was outdoor work, in the way of reforestation and soil preservation. It was really a very marvelous and constructive thing to do, and regardless of how much complaining people did against the New Deal, this was one thing that they all believed in.

They planted on the Palos Verdes Corporation hills, from Crest Road down to Palos Verdes Drive North, thousands and thousands and tens of thousands of trees. The trees really started to turn our brown hills into green hills" (p. 95.)

In 1936, after taking these steps to enhance Rolling Hills by planting trees and shrubs, Mr. Hanson retained George Martinson, an attorney who had helped Palos Verdes Estates set up their Homes Association, to help develop a set of Covenants, Conditions, and Restrictions (CC &R's) for Rolling Hills. On May 14, 1936, Declaration No. 150 was entered in book 14065, page 345 of the official records of Los Angeles County, and Rolling Hills was born (p. 5).

Understanding how diligently Mr. Hanson worked, and the expense the Palos Verdes Corporation incurred, to plant tens of thousands of trees and shrubs all over Rolling Hills provides insights into what he had in mind when he wrote Section 11, Trimming and Removal of Trees and Shrubs. Sentence 1 requires approval from the RHCA Board to trim, cut back, remove or kill any tree over twelve feet in height on any building site—no way was Mr. Hanson going to allow anyone to mess with the trees he had worked so hard to plant! Sentence 2 allows the Association to enter onto any building site to cut back trees which in the opinion of the Association, is warranted to maintain or improve the view of adjoining property. Sentence 3 gives the Association the sole authority to plant and maintain trees, shrubs, and plantings in or along easements or right-of ways. All of these are designed to protect and maintain the beautiful mature trees and plantings that make Rolling Hills such a special place.

HOW ROLLING HILLS CAME TO HAVE THOUSANDS OF BEAUTIFUL MATURE TREES



ROLLING HILLS IN 1936

(Location of Empty Saddle Club in the foreground, RH gatehouse at the intersection of Palos Verdes Drive North and Portuguese Bend Road). Page 40.

HOW ROLLING HILLS CAME TO HAVE THOUSANDS OF BEAUTIFUL MATURE TREES

This photograph shows the five olive trees which were given to every purchaser of a ranchito of five acres or more in size. They immediately took away the curse of the lack of trees. This photo was taken in 1936. A 15-acre grove of olive trees was purchased in the San Fernando Valley to use for landscaping purposes. We would box two sides, let the trees stand for six weeks, then box the other two sides, finally cutting the bottom roots and then placing the bottom boards. You can see how just this little shade dramatically changed the whole atmosphere.

The "Curse of Lack of Trees," p. 52

PAMELA & CURTIS REIS

RECEIVED
AUG 22 2012
City of Rolling Hills
By _____

To: The Rolling Hills Planning Commission

From: Curtis and Pamela Reis

Re: Input on the Trees and Views Ordinance

Date: August 21, 2012

We firmly believe the Ordinance on Trees and Views should protect and enhance views in Rolling Hills. We also think that it is impossible to try to cover every situation and contingency in writing. This is why it is important to keep the Committee on Trees and Views as arbiter of unresolved view issues.

The Committee has shown great awareness, intelligence, patience, common sense and diligence in striking reasonable and realistic solutions that balance each party's interests. Views should generally be limited to appropriate view corridors and that trees should generally be preserved.

We believe that well maintained trees preserve and enhance a property's value. We also believe the same to be true for views. Our fair city was founded with views for everyone guaranteed. The addition of trees was a welcome one, but should never be at the expense of views. Any attempt to prevent our citizens from having realistic views should be denied.

Finally we believe that the Planning Commission should expand the Ordinance to include fire safety. Given that the Committee which hears complaints under this ordinance is the Committee on Trees ***and*** Views, not the Committee on Views, this seems the logical place in the Municipal Code to address this important issue. We do not want an Oakland "Fire Storm" to destroy this city. It is possible that other cities have incorporated something in their municipal codes on this subject. The City Staff or the City Attorney may be able to research this topic. Perhaps the L.A. County Fire Department could make recommendations on this and be consulted regularly to get their insight on serious fire risks in Rolling Hills.

Curtis S. Reis

Pamela P. Reis

Curtis S. Reis
One Wagon Lane, Rolling Hills, California 90274
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Planning Commission Meeting of August 9, 2012
General information in response to public comments received
regarding View Ordinance

	Public Comment	General information in response
1	Don't copy another municipality's ordinance.	At the City Council's direction, the Planning Commission is evaluating the City's existing View ordinance to determine what, if anything should be modified. Other municipal ordinances have been provided to the Commissioners as reference material to be illustrative of features, provisions and concepts in place in other communities, some of which may be useful and some not in considering changes to the City's ordinance. There is value in not re-inventing the wheel, but the City's laws should be tailored to the City's unique circumstances.
2	The process should be consistent relative to determining whether or not there is a view impairment. It is unfair to be denied a view restored when others are successful in getting a view restored. A view should not be provided for a property that never had one.	Since adoption of the City's ordinance, the determination of whether a view exists and whether it is impaired has been consistent. The ordinance has protected views that would exist from a property but for the existence of obstructing vegetation, regardless of the view that existed when the property was acquired. In other words, the ordinance reflects the guiding principles of the General Plan that place views at the top of the hierarchy of values, and protects property, not the people who happen to inhabit the property at any given time. Each case is evaluated on its own merits.
3	A.E. Hanson and the General Plan talk about scenic views and maintaining views.	In his book, Rolling Hills, the Early Years (1930-1941), A. E. Hanson describes Rolling Hills as country, private, lots of sunshine and a "view that could never be obscured" and, the City's General Plan is based on this vision. The General Plan prescribes the goal of preserving the rural environment, preserving open space and protecting scenic views.
4	City should recover costs associated with a complaint.	How much of the City's costs are recovered is an issue the Planning Commission can consider as part of its recommendations. The City currently does not recover all of its administrative costs for staff hours that can range from 50 to 100 hours per case or the full cost of mediation. The Schedule of Fees and Charges currently prescribes the following: **Application Fee (includes mediation): $1,000** **Review by Committee on Trees and Views: $2,000** **Initial Study: $ 200** **Negative/Mitigated Negative Declaration: $1,000**

		(plus fee charged by CA Department of Fish and game, if applicable, as adjusted annually) In the most recent case, the cost of an arborist's study was paid by complainant.
5	Three (3) lawsuits against the City and the litigation costs to the City.	Litigation is a fact of life and it is not uncommon for cities to be sued over land use decisions. Rolling Hills has been fortunate over the years to have had very little litigation. This is likely due to the careful consideration given to land use decisions and the overall atmosphere of neighborliness that has historically prevailed in the City. Residents have had a predisposition to work out their problems and live harmoniously. Ultimately, the City Council does what it believes is right, and if litigation ensues, the City is compelled to incur the cost of defending those decisions. The City is currently defending a lawsuit over a view decision (Howard Hall v. City of Rolling Hills) and a lawsuit regarding an initiative petition (Colyear v. City of Rolling Hills). Funds are available in the City's budget to defend against litigation.
6	The City controls utility poles in easement and thus, the City has influence over trees in easement.	The California Public Utilities Commission (CPUC) controls the installation of utility equipment. The City has no control or authority over the installation of utility poles in the easements. However, it is correct that trees located in private easements are subject to the City's view ordinance. The City's view ordinance addresses view impairments caused by vegetation regardless of where it is planted on a property.
7	Rolling Hills Community Association (RHCA) verses City roles.	The RHCA and City are separate and independent agencies. As a public entity, the City must be careful to not unlawfully delegate its police power to a private association. As an agency unrelated to the City, the RHCA can do as it feels is appropriate within its jurisdiction as long as it complies with all applicable laws including the City's Municipal Code. Both organizations provide a process for resolving view impairments. Residents have the ability to address their concerns through one or both agencies. The resolution that is more restrictive between the two

		agencies will take precedence over the less restrictive solution.
8	Brush is a fire hazard not trees.	The City's view ordinance exclusively addresses the impact of trees on views. It does not address fire hazards. The Fire Department agrees that brush is a significant fire hazard. Dried grasses and dead landscaping in particular are a problem. Fire, however, spreads easily through sparks when tree canopies are ignited; sparks can fly for miles depending on weather conditions. Thus, the Fire Department encourages and often requires "lolly-popping" of trees to separate low brush and grass with the tree canopy. The Fire Department annually inspects property to ensure there is proper brush and tree clearance around residences for structure protection in a fire. The Fire Department's inspection form specifically lists Pine trees and Eucalyptus trees as being known as flammable.
9	Limiting height of trees to ridgeline with Resolution of Approval of new Site Plans as a City policy should be addressed as a community; it has not been a matter of public discussion.	All of the provisions of the zoning ordinance, including this one, are addressed by the community through public hearings before the Planning Commission and the City Council. These public hearings are announced in the City newsletter sent to every residential address in the City. In the past, limitations on the height of new landscaping through Site Plan Review in order to avoid view obstructions was the subject of several public hearings.
10	Existing City ordinance creates clear-cutting of trees.	In the history of the view ordinance, Resolutions have never required the clear-cutting of trees to accommodate the complainant. Remediation includes trimming, crown reduction, lacing, and tree removal. In the 24 years of its existence, property owners have sought the protection of the view ordinance a total of 11 times with the following outcomes: o 3 (and a portion of one other) resolved by mediator o 2 withdrawn/resolved privately o 6 resolved after hearings before the Committee and/or the City Council Among the 6 cases resolved by way of hearings before the Committee and/or the City Council, excluding the case that is currently pending before the City Council: o 16 trees have been ordered trimmed or

		crowned o 7 trees have been ordered removed In one case, it was determined by the Committee that the trees did not impair the established view, and no remedial action was ordered. In only one instance has the City's decision been challenged in court, and that case is currently pending.
11	Few people have filed complaints with the City because property owners do not know the view ordinance existed or because they went to the RHCA who has had the bulk of complaints.	The City routinely receives inquiries; often problems are resolved between neighbors so that a complaint becomes unnecessary. Some residents state that they are deterred because the proceedings are public. Also, some complaints do not meet the City's submission requirements. The City has received 13 complaints (cases) since 1988 with the first one in 1989. Since 1998 when the RHCA first adopted a policy with regard to views, the RHCA has received 21 cases.
12	This challenge to, and the changing of, the existing View Ordinance sets a precedent for future changes to other long-established characteristics of the community such as one story and white painted residences	These discussions certainly do address whether residents want to change the fundamental characteristics of the community.

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**

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.

View Ordinance
Discussion Topics

1. Should the City have a view ordinance? Does the benefit of having an ordinance outweigh the cost of having one?

2. How can the City minimize the overlap and confusion with RHCA regulations?

3. In an ordinance, what's the appropriate balance to strive for between the tree owner and the view seeker?

4. Should an ordinance apply to all landscaping (e.g., including hedges) or only trees?

5. Should the ordinance be detailed and administrative so the resolution of complaints is handled without the Committee on Trees and Views' evaluation of the situation and their tailoring of a solution to the situation; is a discretionary process necessary and appropriate for the resolution of complaints? Should the discretionary process involve establishing the "view site," whether or not there is a view impairment and/or the solution to the view impairment?

6. How and to what extent should the City be active in determining whether there is a view impairment, if the view should be restored, how to remediate the view impairment, and enforcement of maintaining the view? Should the City reduce or eliminate its exposure to litigation by narrowing its role and removing its enforcement responsibilities thus, leaving the outcome to the private parties and private litigation?

7. Should the View Ordinance include provisions requiring the complainant to indemnify the City against any legal challenge?

8. How can or should the determinations (outcome) in each case be the same; how can consistency be achieved?

9. What in the City's existing ordinance should be discussed? What in other municipal ordinances should be considered for Rolling Hills?

10. How should costs be allocated between the parties and the City for covering the application, CEQA, remediation and maintenance?

11. Should there be additional factors to clarify or instruct the Committee's role in apportioning the costs of restorative action and on-going maintenance between the complainant and the owner of the trees?

12. Is there an effective and practical alternative to the complainant providing funds to the owner of the trees for implementation of restorative actions?

13. Is additional definition needed for a "view site"? Should there be more than one "view site" on a property or different criteria for designating the "view site"?

14. Should there be a limit to the distance between the "view site" and the trees in the view subject to the ordinance?

15. How should "view" be defined; should view restorations be limited to a corridor or panoramic? How should "corridor" or "panoramic" be defined? Should "significant" as in a "significant impairment" be defined and if so, how?

16. In coming to a decision about whether or not there is a view from a property that is to be protected, should the ordinance address the date when the landscaping was planted, when each of the properties were purchased, when the existing home was constructed, when the land was subdivided, when the City incorporated, or another specific date in time? Or, should the ordinance state that views are protected and leave it to the Committee on Trees and Views to determine if there is a significant impairment and how to remediate the impairment?

17. Should the View Ordinance have provisions related to trees located on properties beyond property cited in the complaint?

18. Is the term "mature" and "maturing" relevant in deciding whether the landscaping in the view is impairment? Does this word need to be removed from the existing City ordinance?

19. Should "restore" and "restorative action" be defined more clearly or replaced with another term?

20. Can subsequent complaints be filed against a property by the same property if the complainant's house, view site, grade or owner's change?

21. If the property/home is redeveloped (graded and rebuilt) by an owner who had (purchased) a view, is the *protected view* the view from the previously established "view site" of the original elevation and home (what existed prior to redevelopment)?

22. Should existing large trees of any specific species be protected from a view restoration?

23. Should landscaping in the easement be subject to the ordinance?

24. How can information about the view ordinance be more effectively disseminated to residents?

25. Fix typographical error in RH § 17.26.010; the fourth sentence should read: "The purpose of this chapter is to protect this important community asset by establishing procedures for the protection of views and abatement of view obstructions created by landscaping . . ."