



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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**Agenda Item No: 10A**  
**Mtg. Date: 02-19-13**

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

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

**SUBJECT:** SUMMARY OF DISCUSSION TOPICS PERTAINING TO POTENTIAL CHANGES TO THE VIEW PRESERVATION ORDINANCE

**DATE:** FEBRUARY 19, 2013

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**RECOMMENDATION**

At the January 15, 2013 meeting, the Planning Commission directed staff to summarize the concepts the Commission discussed for potential changes to the current View Preservation Ordinance. At this meeting, it is recommended that the Planning Commission review the summary of topics as prepared by staff and ascertain if it encapsulates the Commission's consensus on matters to be discussed with the City Council.

**BACKGROUND AND DISCUSSION**

Among many residents in the community, there has been a significant interest in "views" relative to what constitutes a view and, the appropriate role of City government relative to determining a protected view, who should bear the cost of administering the view ordinance and who should be responsible for legal costs associated with adjudicating view disputes. This subject matter evolved into a community-wide dialogue from one, possibly two, recent view complaints and manifested itself into a ballot measure for the March 5, 2013 election.

Being cognizant of resident's concerns, the City Council directed the Planning Commission (Commission) on June 25, 2012 to consider changes to the existing view

ordinance. The Commission subsequently held public forums on August 9, 2012, October 4, 2012, November 15, 2012 and January 15, 2013 where it received a significant amount of public input and, following several discussions, compiled the attached list of concepts for a conversation with the City Council. With the City Council's concurrence with and input on the list of topics, the Commission will schedule a formal public hearing for public input and Commission deliberation on changes to the View Preservation Ordinance. The scope of the hearing will depend on the outcome of ballot measure B in the upcoming election.

### **NOTIFICATION**

The agenda for the meeting was mailed to those residents who have expressed interest in this topic or spoke at previous meetings. The staff report and the agenda are available on the City's website and were provided to the RHCA.

### **CONCLUSION**

It is recommended that the Planning Commission review the attached list to ascertain that staff accurately captured the Commission's topics to be addressed as potential changes to the existing view ordinance.

## Rolling Hills Planning Commission

### Concepts/Topics Related to the View Preservation Ordinance For Discussion with the City Council

#### *Proposed topics to be incorporated into a public hearing for changes to the ordinance*

Language to indemnify the City, minimize litigation costs and reduce liability.

Delete the word "panoramic" from Section 17.26.010 and not add the word "corridor", to provide the Committee on Trees and Views with flexibility when deciding if and how much view should be restored.

Inclusion of better definitions and clearer language in the ordinance.

Add the word "and" with the word "or" in Section 17.12.230 in the definition of a View and View Impairment to read: "View" means a view from a principal residence and any immediately adjoining patio or deck area at the same elevation as the residence which consists of a visually impressive scene or vista not located in the immediate vicinity of the residence, such as a scene of the Pacific Ocean, off-shore islands, city lights of the Los Angeles basin, the Palos Verdes Hills and/or Los Angeles Harbor". "View impairment" means a significant interference with and obstruction of a view by landscaping, trees and / or any other planted vegetation".

Add better and more specific language in the ordinance to define long-term maintenance of the vegetation and who should be responsible.

Inclusion of a 3<sup>rd</sup> party consultants available during proceedings of view obstruction cases and who should pay for the consultants.

Clarify who should pay for the restorative actions and under what circumstances.

Include exceptions to Section 17.26.060D to define costs to the complainants and to the owners of the trees.

The fees collected should reflect the City's cost of a case including environmental reviews and attorney's fees.

#### **Additional Discussion Topics to address in a revised ordinance**

Filing multiple complaints, following the resolution of the first complaint, against a property located beyond the first property.

Definition of the viewing area, or areas, if multiple.

Should City's imposed remediation actions adopted by a Resolution be recorded against the properties.

If a private resolution among the complainant and tree owner should it be formalized/memorialized by the City.