



## **VIEW IMPAIRMENT COMPLAINT**

### **VIEW IMPAIRMENT AFFIDAVIT**

Pursuant to Chapter 17.26 of the Municipal Code (attached), any person who owns or has lawful possession of a residence from which a view is impaired by vegetation growing on property other than their own may seek abatement of a view impairment. Please note that per Municipal Code Section 17.26.090 "...a view only applies to that view existing from the date any current owner of a property in the City of Rolling actually acquired the property" and "any vegetation that is already mature at the time any party claiming a view impairment actually acquired the property shall be exempt from Chapter 17.26. 'Mature' versus 'Maturing' shall be defined by industry standards predominantly accepted by arborists." It is incumbent upon the complainant to provide evidence that the view that existed when the property was acquired and that the impairing vegetation was maturing at the time the property was acquired.

### **APPLICATION AND REQUEST FOR MEDIATION**

In order to obtain abatement of view impairment, a property owner must submit an application for mediation and participate in mediation prior to requesting a hearing before the Committee on Trees and Views. To do so, the applicant shall assemble the necessary application documents and submit them at City Hall. Upon receipt, City staff will review the application.

### **INITIAL SUBMITTAL INFORMATION**

Complete and submit for each application:

1. "Request for Mediation" Application (attached).
2. Photographs depicting the view impairment from the viewing area.
3. Designate the area(s) for which the Abatement of View Impairment is requested.
4. Copies of written communications attempting to resolve the matter prior to submitting the application to the City.
5. Owner's Declaration (attached).
6. Application Fee (per Resolution No. 1149): \$1,000 (includes costs of mediation)

## **MEDIATION PROCESS**

Once an application has been accepted as complete by the City, a mediator will be selected. If mediation does not resolve the matter, the complainant may request a hearing before the Committee on Trees and Views. Such a request shall be in writing. Complainants should expect to attend at least three meetings with the mediator.

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### **CHECKLIST FOR SUBMITTAL OF REQUEST FOR MEDIATION**

In addition to the required information in the attached Abatement of View Impairment application materials, the following information must be submitted in order for an application to be deemed complete:

- "Request for Mediation" Application.
- Photographs depicting the view impairment from the viewing area as per the Municipal Code. Each tree blocking the view must be numbered on the photographs.
- Designate the area(s) for which the Abatement of View Impairment is requested and identify whether the vegetation is within an easement.
- Copies of written communications attempting to resolve the matter prior to submitting the application to the City and copies of evidence that the owner of the vegetation has refused to comply.
- Owner's Declaration.
- Application Fee (per Resolution No. 1149) \$1,000 (includes costs of mediation)  
Make check payable to the City of Rolling Hills

# REQUEST FOR MEDIATION

## ABATEMENT OF VIEW IMPAIRMENT

COMPLAINANT'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NO. & EMAIL: \_\_\_\_\_

MAILING ADDRESS IF DIFFERENT FROM ABOVE:

\_\_\_\_\_

LEGAL DESCRIPTION: LOT NO. \_\_\_\_\_

ASSESSORS BOOK NO. \_\_\_\_\_ PAGE \_\_\_\_\_ PARCEL \_\_\_\_\_

=====

TREE OWNER'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_

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### NATURE OF PROPOSED PROJECT

Describe in detail the nature of the proposed view restoration. Include documentation showing a good faith effort to effect a solution to the view impairment with tree-owner and evidence that the owner of the vegetation has refused to comply.

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\_\_\_\_\_

\_\_\_\_\_

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Describe how the view is impaired and describe the area of your house or yard from which the view is impaired.

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Describe what views will be restored by elimination or trimming of the vegetation.

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Describe what action is specifically proposed to restore the view (i.e. topping, trimming, removal of vegetation).

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**APPLICATION FEE**

An application fee of \$1,000.00 for mediation must accompany the application. Make check payable to the **CITY OF ROLLING HILLS**. Additional fees will occur if review by Committee on Trees and Views will be needed (please see page 8 of the application for details).

# OWNER'S DECLARATION

## REQUEST FOR MEDIATION

I (We) declare under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_, California,

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_

**NOTE:** The Owner's Declaration can only be used if this application is signed in California. If this application is signed outside of California, the applicant should acknowledge before a Notary Public of the State where the signature is fixed, or before another officer of that State authorized by its laws to take acknowledgments, that he (it) owns the property described herein, and that the information accompanying this application is true to the best of his (its) knowledge and belief. Attach appropriate acknowledgment here.

\_\_\_\_\_  
APPLICANT: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

FEE: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

RECEIPT NO: \_\_\_\_\_

COMPANY ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_

COMPANY PHONE NO. \_\_\_\_\_

PROPERTY ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_



NO. 2 PORTUGUESE BEND ROAD  
ROLLING HILLS, CA 90274  
(310) 377-1521  
FAX (310) 377-7288

## **REQUEST FOR HEARING BEFORE THE COMMITTEE ON TREES AND VIEWS**

Following unsuccessful mediation, to request and proceed to a hearing before the Committee on Trees and Views, the complainant must additionally submit the following:

1. Letter requesting a hearing before the Committee on Trees and Views.
2. An official record of when the current property owner acquired the property (such as a current title report) and “clear and convincing evidence” of the view that existed when the current property owner (as identified on a current title report) acquired the property.
3. Evidence that the impairing vegetation was “maturing” at the time the property was acquired.
4. Owner’s Declaration (attached).
5. Certified Property Owner’s List and three (3) sets of self-adhesive mailing labels for all property owners within 1,000 ft. radius from the exterior boundaries of the property under consideration with vegetation, including the owner of the subject property. This information must be as it appears on the latest available assessment roll of the Los Angeles County Assessor. This list shall be certified to be true and correct (complete Certified Property Owner’s Affidavit).
6. Application Fee (per Resolution No. 1149).
 

Review by Committee on Trees and Views	\$2,000	
Processing fee		
Environmental Review Fees:		
Preparation and Staff Review of Initial Study	\$200	
Preparation of Negative Declaration or Mitigated Negative Declaration	\$1,000	plus fee charged by CA Dept. of Fish & Game, if applicable, as adjusted annually

Complainants should expect at least three meetings with the Committee on Trees and Views for their review of the facts presented and to make a field trip to view the physical conditions. The applicant or a representative must appear at the Committee on Trees and Views meetings.

## **COMMITTEE ON TREES AND VIEWS AUTHORITY AND RESPONSIBILITY**

Based on the evidence received and considered as defined by Municipal Code Section 17.26.090, the Committee may find any of the following:

1. That no view exists within the meaning of the Municipal Code;
2. That a view exists within the meaning of the Municipal Code, but that the view is not significantly impaired; or
3. That a view exists within the meaning of the Municipal Code and that it is significantly impaired.

## **DECISION OF THE COMMITTEE ON TREES AND VIEWS:**

The action of the Committee on Trees and Views will be final unless within twenty (20) days following the notice to the applicant of the decision, an appeal in writing is filed with the City Clerk by:

1. The applicant;
2. The tree owner;
3. Any person who protested, either orally or in writing, as a matter of record, prior to the final vote of the Committee on Trees and Views on the matter and who, in addition, received or was entitled to receive the written notice specified in Section 17.26.050 of the Rolling Hills Municipal Code; or
4. The City Council, upon the affirmative vote of three members of the Council.

Upon obtaining a view impairment judgment, it will be necessary for the complainant(s) and tree-owner(s) to sign a copy of the findings that they understand and accept the conditions of approval.

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## CHECKLIST FOR SUBMITTAL

### REQUEST FOR HEARING BEFORE THE COMMITTEE ON TREES AND VIEWS

In addition to the required information already provided with the application for mediation process, the following information must be submitted in order for the request for hearing to be deemed complete:

- Letter requesting a hearing before the Committee on Trees and Views.
- An official record of when the current property owner acquired the property (such as a current title report) and “clear and convincing evidence” of the view that existed when the current property owner (as identified on a current title report) acquired the property.
- Evidence that the impairing vegetation was “maturing” at the time the property was acquired.
- Owner’s Declaration (attached).
- Certified Property Owner’s List and three (3) sets of self-adhesive mailing labels for all property owners within 1,000 ft. radius from the exterior boundaries of the property under consideration with vegetation, including the owner of the subject property. This information must be as it appears on the latest available assessment roll of the Los Angeles County Assessor. This list shall be certified to be true and correct (complete Certified Property Owner’s Affidavit).
- Application Fee (per Resolution No. 1149). Please make check payable to the City of Rolling Hills.

Review by Committee on Trees and Views Processing fee	\$2,000
Environmental Review Fees:	
Preparation and Staff Review of Initial Study	\$200
Preparation of Negative Declaration or Mitigated Negative Declaration	\$1,000 (plus fee charged by CA Dept. of Fish & Game, if applicable, as adjusted annually)

*COMMITTEE ON TREES & VIEWS: Forms:VIEW IMPAIRMENT rev 10\_2013.docx*



**OWNER'S DECLARATION**

**REQUEST FOR HEARING  
BEFORE THE COMMITTEE ON TREES AND VIEWS**

I (We) declare under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_, California,

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_

**NOTE:** The Owner's Declaration can only be used if this application is signed in California. If this application is signed outside of California, the applicant should acknowledge before a Notary Public of the State where the signature is fixed, or before another officer of that State authorized by its laws to take acknowledgments, that he (it) owns the property described herein, and that the information accompanying this application is true to the best of his (its) knowledge and belief. Attach appropriate acknowledgment here.

\_\_\_\_\_  
APPLICANT: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

FEE: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

RECEIPT NO: \_\_\_\_\_

COMPANY ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_

COMPANY PHONE NO. \_\_\_\_\_

PROPERTY ADDRESS:  
\_\_\_\_\_

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**CERTIFIED PROPERTY OWNER'S LIST**

**AFFIDAVIT**

**REQUEST FOR HEARING  
BEFORE THE COMMITTEE ON TREES AND VIEWS**

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF ROLLING HILLS        )

I, \_\_\_\_\_, declare under penalty of perjury that the attached list contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County within the area described and for a distance of one thousand (1,000) feet from the exterior boundaries of property legally described as:

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Executed at \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
SIGNATURE

