



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
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Agenda Item No.: 10A
Mtg. Date: 2/17/15

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

**FROM: SHAHIEDAH COATES, ASSISTANT CITY ATTORNEY
YOLANTA SCHWARTZ, PLANNING DIRECTOR**

SUBJECT: CONSIDERATION OF ORDINANCE AND REGULATIONS PERTAINING TO VIEW IMPAIRMENT.

ATTACHMENTS:

- A) DRAFT ORDINANCE AMENDING TITLE 17 OF THE RHMC**
- B) DRAFT REGULATIONS INTERPRETING MEASURE B**

OBJECTIVE

The City Council's *Ad Hoc* Committee has recommended adoption of an ordinance amending the City's View Preservation Ordinance and administrative regulations interpreting Measure B. The purpose of this report is to advise you on the deliberations of the *Ad Hoc* Committee to guide your discussion regarding future actions relative to the View Preservation Ordinance.

BACKGROUND

In June 1988, the City adopted the View Preservation Ordinance ("Ordinance"). The Ordinance established preservation of views as a primary value of the community and created a process by which a property owner could seek to abate a view obstruction caused by vegetation on a neighboring property. In November 2003, the ordinance was modified relative to the composition of the Committee on Trees and Views ("CTV"), the body designated to consider view applications.

In March 2013, the residents of Rolling Hills passed Measure B, an initiative that amended the Ordinance in several respects. Most notably, Measure B: 1) limited the view that may be restored to the view that existed when the current owner of a

property actually acquired the property; 2) exempted trees that were mature at the time of property acquisition from the Ordinance; and 3) specified that the purpose of the Ordinance is to create “view corridors” and views through trees, rather than unobstructed views. Measure B specified that its provisions apply retroactively.

Measure B contains several ambiguities that have resulted in uncertainty in its application. Additionally, Measure B did not address several potential modifications to the Ordinance discussed by the Planning Commission in 2012. As a voter-approved initiative, Measure B cannot be amended by the City Council, but may only be amended by the voters. However, to the extent that Measure B is unclear or susceptible to interpretation, the City may adopt administrative regulations interpreting Measure B in order to achieve uniformity (and eliminate the potential for inconsistent case-by-case determinations) in the consideration of view complaints. Further, provisions of the Ordinance that were not amended by Measure B may be amended by an ordinance of the City Council upon the Planning Commission’s recommendation.

On July 28, 2014, the City Council established an *Ad Hoc* Committee to propose amendments to the Ordinance and administrative regulations interpreting Measure B (“Regulations”). Councilmembers Pieper and Dieringer were appointed to the Committee. The *Ad Hoc* Committee met on August 4, October 27, November 10, November 24, 2014, and January 12, 2015. The Committee members reviewed and discussed potential amendments to the Ordinance and Regulations; they reached an agreement regarding several issues, but were unable to agree on others.

The attached draft ordinance reflects amendments recommended by the *Ad Hoc* Committee, redlined against the existing language of the code. Items on which the Committee did not agree are highlighted. Likewise, the attached draft Regulations reflect the recommendations of the *Ad Hoc* Committee. With respect to the Regulations, the Committee members were unable to agree on the definition of “mature” trees or the circumstances which would result in a change in ownership of property. Staff recommends that as part of its review of the proposals, the Commission resolve the areas of disagreement in its recommendations to the Council.

AD HOC COMMITTEE CONSENSUS ITEMS

In addition to correcting various typographical errors in the Ordinance, the *Ad Hoc* Committee reached consensus on the following items:

1. A property may acquire more than one separate and independent view through the Ordinance.
2. “Principal residence” should be defined to exclude bathrooms, hallways, garages and closets.

3. During the course of a hearing, an applicant may be required to amend an application or provide supplemental materials in specified circumstances.
4. Agreements reached in mediation shall be confirmed by an executed contract between the parties and will not be implemented or enforced by the City.
5. The CTV may make a finding that although a view exists and is significantly impaired, restorative action is precluded by specified circumstances (i.e., impacts to the environment or to the privacy of the property on which the objectionable vegetation is located).
6. "View corridor" should be defined.
7. The ordinance should clarify that complainants bear the cost of initial restorative action, up to the amount of the lowest bid.
8. The period to implement the initial restorative action should be extended to reflect field conditions and arborist recommendations.
9. Measure B's retroactivity provision has the effect of invalidating all view restoration orders issued by the City prior to passage of Measure B.
10. A person is not precluded from applying for view restoration if: a) vegetation on the applicant's own property contributes to the view impairment; or b) the applicant previously obtained an order abating impairment of the same view caused by vegetation on another property.

ITEMS UNRESOLVED BY THE AD HOC COMMITTEE

The *Ad Hoc* Committee did not agree on recommendations pertaining to the four items listed below. Alternative options are presented to aid in your deliberation.

1. Should the City be indemnified for its costs and expenses related to litigation arising from view restoration orders? The Ordinance is silent on this issue.
 - a. **The Issue:** The Ordinance grants residents a right to obtain a City order resolving a view dispute. View impairment decisions are adjudicatory City actions and therefore may be challenged in Superior Court by way of a writ of mandamus. The City could incur significant expenses in defending a lawsuit challenging a view impairment decision. Currently, the Ordinance is silent as to whether the City or the person seeking view restoration should bear the costs of defending litigation challenging a City order resolving a view dispute. In the few cases that have been filed, the City has defended the litigation at City expense.

- b. **Option A:** If complainants are required to indemnify the City and reimburse its administrative and legal costs incurred in defending litigation challenging a City order resolving a view dispute, the primary benefit would be conserving the City's limited resources. The primary challenge is that the additional financial risk could create a hardship for some applicants, particularly those on fixed incomes.
 - c. **Option B:** The City shall bear its own costs in defending litigation challenging a view restoration order. Since its adoption, the Ordinance has not required indemnification of the City's legal costs, and the City has not been faced with an excessive number of lawsuits challenging its view orders.
2. Measure B limits potential view restoration to the view that existed when a "current owner" "actually acquired the property." What constitutes a change in ownership affecting the date that an owner "actually acquired" property?
- a. **The Issue:** If a complainant may only acquire the view that existed when the current owner actually acquired the property, it is important to identify the circumstances that constitute a change in ownership. Measure B is silent on this issue. The California Revenue & Taxation Code (R&T Code) defines a change in ownership for purposes of property tax reassessment. The City may adopt the definition of a change in ownership set forth in the R&T Code or adopt a reasonable alternative definition for purposes of the Ordinance.
 - b. **Option A:** Adopt the definition of a change in ownership set forth in the R&T Code. This option will provide certainty to parties, City officials and staff. However, the definition in the R&T Code excludes certain transfers that would normally result in a change in ownership, such as an inheritance by a child from his or her parents if certain requirements are met. The inheritance exclusion would allow a child who inherits property to apply to restore the view that his or her parents enjoyed when the parents acquired the property, if evidence of the view exists. Other exemptions contained in the R&T Code will have similar consequences. The hypotheticals below illustrate how the R&T Code treats the most common transfers of property.
 - c. **Option B:** Adopt an alternative definition of a change in ownership. The alternative definition must be reasonable and certain enough to place the public on notice as to what view they may seek to restore. Several alternatives exist. For instance, the City could adopt the definition of change in ownership set forth in the R&T Code with the exception of the inheritance exclusion.

Hypothetical A (revocable trust)

Parents purchase a house in 1950. In 1951, they place the house into a revocable trust, naming themselves as trustees and their children as beneficiaries. In 1990, the parents die, which has the legal consequence of making the trust irrevocable. The house remains in the trust until 2000, when the children sell the house on the open market and share the proceeds.

Transfer	Not a Transfer	Whose View From When?
1950 purchase of house	1951 placement of house into revocable trust	Parents, 1950
1990 death of parents, which makes trust irrevocable by law		Children, 1990 (but see discussion of Reassessment Exclusion in Hypo D below)
2000 sale of house		Buyer, 2000

Hypothetical B (irrevocable trust)

Parents purchase a house in 1950. In 1955, husband dies. In 1957, widow places house into irrevocable trust, naming children as beneficiaries. In 1970, widow dies. Children maintain ownership of the house through the trust and lease the house for 5 year terms.

Transfer	Not a Transfer	Whose View From When?
1950 purchase of house	1955 death of husband	Widow, 1950
1957 placement of house into irrevocable trust	1970 death of widow	Children, 1957 (but see discussion of Reassessment Exclusion in Hypo D below)
	Leasing of the house, as long as each lease term is under 35 years	Children, 1957

Hypothetical C (no trust; life estate)

Grandparents purchase a house in 1950 and do not place the house into a trust. In 1980, grandparents deed house to grandchild with reservation of life estate for the grandparents' lives. Grandparents die in 2000.

Transfer	Not a Transfer	Whose View From When?
1950 purchase of house	1980 deed to grandchild because life estate is reserved	Grandparents, 1950
2000 death of grandparents, ending life estate		Grandchild, 2000 (if no Reassessment Exclusion, discussed in Hypo D) Grandchild, 1950 (if Reassessment Exclusion applies)

Hypothetical D (no trust; inheritance)

Parents purchase a house in 1950 and do not place the house into a trust or prepare a will. In 2000, parents die and children inherit house. Alternatively, the same scenario, but the parties are grandparents and grandchild rather than parents and child.

Transfer	Not a Transfer	Whose View From When?
1950 purchase of house		Parents, 1950
2000 death of parents and inheritance by children	Children, 1950 (if Reassessment Exclusion applies)	Children, 2000 (if no Reassessment Exclusion)

Two voter propositions (Prop. 58 and Prop. 193, effective November 6, 1986 and March 27, 1996, respectively, and both codified as R&TC §63.1) authorize transfers of property between parents and children and grandparents and grandchildren to be excluded from property tax reassessment; however, the exclusion is not automatic. Without the exclusion, such a transfer would result in a change in ownership under the Rev. & Tax Code and the transfer date would serve as the new base year for calculation of property taxes under Prop. 13. In most cases, the base year change would increase the property tax assessment. Therefore, Prop. 58 and Prop. 193 authorize an eligible new owner to opt into the reassessment exclusion. However, because the exclusion is not automatic (in rare cases, reassessment may have favorable tax consequences or a transfer may be ineligible for the exclusion), state law does not categorically exempt transfers by inheritance from changes in ownership.

Reassessment Exclusion Eligibility:

- a) The transfer (by sale, gift or inheritance) occurred on or after November 6, 1986;
 - b) The transferred property was the principal residence of the transferor;
 - c) The transfer was one of the following: a) from parents to their children, b) from children to their parents, or c) from grandparents to their grandchildren;
 - d) A claim and proof of eligibility was filed with the County Assessor within three years after the date of the transfer or before the property was sold to a third party, whichever is earlier.
3. Section 17.26.060(C) of the Rolling Hills Municipal Code currently provides a general rule that the owner of view obstructing vegetation shall bear the cost and expense of subsequent maintenance of the vegetation required to comply with a view restoration order. However, Section 17.26.060(D) provides that the implementation method may be modified if grounds exist. The two provisions create some uncertainty as to whether subsequent maintenance costs may be allocated in part to a person seeking to restore a view. The *Ad Hoc* Committee members disagree as to whether subsequent maintenance costs should be borne by the owner of the obstructing vegetation in all cases, or whether the CTV should have discretion to require an alternate allocation of subsequent maintenance costs. The two alternatives are set forth in Section 17.26.060(C) of the attached draft ordinance.
4. Measure B exempts from the Ordinance "any vegetation which is already mature at the time any party claiming a view impairment actually acquired the property" and provides that "mature" and "maturing" shall be defined by industry standards predominantly accepted by arborists. It has become apparent that arborists classify trees as "mature" and "maturing" in numerous ways, resulting in differences of opinion regarding the maturity of trees at issue in a view impairment complaint. The *Ad Hoc* Committee determined that the Sunset Western Garden Book is an authoritative reference guide for determining whether vegetation is "mature" or "maturing." That book provides a range of heights at which vegetation is considered "mature." The *Ad Hoc* Committee members disagree as to whether vegetation should be considered "mature" by the City when it reaches the *lowest* or *average* height of the range. The two alternatives are set forth in Section 3001 of the attached draft Regulations.

FUTURE ACTIONS

The City has been considering updating its View Preservation Ordinance for some time, and is now faced with ambiguities resulting from Measure B. The Ordinance is located in Title 17 of the Rolling Hills Municipal Code, the Zoning Ordinance. Therefore, it may only be amended pursuant to an ordinance of the City Council recommended by the Planning Commission. Because the Regulations affect administration of view

impairment cases, the Regulations are being presented to the Planning Commission concurrent with the draft ordinance.

It is recommended that the Planning Commission consider the attached draft ordinance and Regulations, resolve the items upon which the *Ad Hoc* Committee did not agree, identify any additional items it would like addressed in the ordinance and Regulations, hold a public hearing on the proposed ordinance and adopt a resolution recommending that the City Council adopt an ordinance amending Title 17 of the Rolling Hills Municipal Code pertaining to view preservation and Regulations interpreting Measure B.

ATTACHMENT A

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Note: Redlines reflect proposed amendments to the existing code. Provisions added after the last Ad Hoc Committee meeting are highlighted yellow.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROLLING HILLS
AMENDING TITLE 17 OF THE ROLLING HILLS
MUNICIPAL CODE RELATING TO VIEW PRESERVATION

The City Council of the City of Rolling Hills does ordain as follows:

Section 1. Section 17.12.220 of Title 17, Chapter 17.12 of the Rolling Hills Municipal Code is amended by amending the definitions of "View" and "View corridor" to read as follows:

17.12.220 "V" words, terms and phrases.

"View" means a view from a principal residence, but not including ~~but~~ bathrooms, hallways, garages or closets, 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 or Los Angeles Harbor.~~

"View corridor" means a view ~~from a designated viewing area broken into segments by vegetation.~~

Section 2. Sections ~~17.26.010, 17.26.040, 17.26.050, 17.26.060 and 17.26.080~~ of Title 17, Chapter 17.26 of the Rolling Hills Municipal Code are amended to read as follows:

17.26.010 Intent and purpose.

The City recognizes the contribution of views to the overall character and beauty of the City. Views of the Pacific Ocean, Catalina Island, City lights and Los Angeles Harbor are a special quality of property ownership for many residential lots in the City. These views have the potential to be diminished or eliminated by maturing landscaping located on private property. 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, while at the same time protecting natural vegetation from indiscriminate removal.

17.26.040 Abatement of view impairment—Procedure.

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Any person who owns or has lawful possession of a residence from which a view is impaired, pursuant to the definition of "view impairment" in Section 17.12.220 of this title, by vegetation growing on property other than their own may seek abatement of the view impairment under the following procedure:

- A. **Mediation Application.** The complainant shall submit a complete application for abatement of view impairment by mediation on a form provided by the City. The application shall be accompanied by a fee as provided for in Section 17.30.030 of this title. The complainant shall describe in the application what efforts have been made by the complainant to resolve the view impairment prior to filing the mediation application. An application shall not be accepted for filing unless the complainant can demonstrate that the owner of the view-impairing vegetation has been given notice of the impairment and a reasonable opportunity to abate it, but has refused to do so.
- B. **Eligibility.** A person shall not be precluded from filing an application for abatement of a view impairment on grounds that vegetation located on the complainant's property contributes to impairment of the residential view. A person who has obtained an order abating impairment of a view against a property shall not be precluded from filing a subsequent application to abate impairment of the same view by vegetation on another property. An application may be filed to abate impairment of one or more distinct views listed in Section 17.12.220 "View." However, if multiple views are identified, each must be disjointed and observable from a separate vantage point.
- C. **Mediation.** Upon receipt and acceptance of an application as complete, the City Manager shall refer the matter to a mediator for conduct of a mediation session to abate the view impairment. The mediator shall be responsible for notifying the property owner of the view-impairing vegetation of the application and for scheduling and managing the mediation process. At the conclusion of mediation, the mediator shall advise the City Manager as to whether the complaint has been resolved. An agreement reached through mediation shall be reflected in an executed contract and implemented in accordance with the terms of the agreement.
- D. **Public Hearing Application.** In the event mediation fails to achieve agreement, the complainant may submit an application and accompanying fee as provided for in Section 17.30.030 of this title for a public hearing. Upon receipt and acceptance of an application for a public hearing as complete, the City Manager shall schedule the matter for a public hearing

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before the Committee on Trees and Views. If a complete application for a public hearing is not received within 30 days of the mediator's notification set forth in Section 17.26.040(C), the City shall terminate all proceedings related to the application.

17.26.050 Hearing procedure and findings.

- A. Notice Required. Public notice of the hearing shall be given a minimum of fifteen days prior to the hearing. The hearing shall not proceed unless proof is shown that the owner of the tree or other obstructing vegetation received notice of the hearing as provided herein:
1. Notice shall be given by certified mail, return receipt requested, to the owner of the tree or other obstructing vegetation and to the complainant;
 2. Notice shall be given by first class mail to all property owners within one thousand feet of the exterior boundary of the property on which the tree or other obstructing vegetation are located and to other persons who, in the Committee's judgment, might be affected.
- B. Content of Notice. The notice shall state the name of the complaining party, the name of the property owner against whom the complaint is filed, the location of the tree or other vegetation, and the time and place of hearing. The notice shall invite written comments to be submitted prior to or at the hearing.
- C. Conduct of Hearing. The Committee shall adopt rules for the conduct of required hearings. At the hearing, the Committee shall consider all written and oral testimony and evidence presented in connection with the application. During the course of the proceedings it is discovered that information submitted in an application is inaccurate or incomplete such that it could be misleading or a significant change has occurred impacting either the view or the obstruction, an applicant may be directed to amend the application or submit supplemental information. In the event the Committee requires expert advice in consideration of the matter, the cost of obtaining such evidence shall be borne by the complainant, pursuant to written agreement with the City. An application shall be deemed withdrawn and all proceedings shall be terminated with respect thereto if the parties to a complaint notify the City that it has been voluntarily resolved, the complainant requests a delay of the proceedings for more than one hundred eighty (180) days unless good cause exists for the delay.
- D. Findings. Based on the evidence received and considered, the Committee may find any of the following:
1. That no view exists within the meaning of this chapter;

2. That a view exists within the meaning of this chapter, but that the view is not significantly impaired; or
3. That a view exists within the meaning of this chapter and that it is significantly impaired.

The Committee shall make specific written findings in support of the foregoing determinations.

E. Action. If the Committee makes finding subsection (D)(3) of this section, it shall order such restorative action as is necessary to abate the view impairment, including, but not limited to, removal, pruning, topping, thinning or similar alteration of the vegetation. Such order is not intended to create an unobstructed view for applicants. Instead it is intended to create view corridors and a view through trees. The Committee may impose conditions as are necessary to prevent future view impairments. Notwithstanding the foregoing, in no event shall restorative action be required if such action would adversely affect the environment or would unreasonably detract from the privacy or enjoyment of the property on which the objectionable vegetation is located. In restorative action is precluded by the existence of one or more such limiting factors, the Committee shall make specific written findings to that effect.

F. Environmental Review. If the Committee makes finding subsection (D)(3) of this section and orders restorative action, the proposed order shall be reviewed by City staff to determine the appropriate level of environmental review. If an action is determined to be exempt from the California Environmental Quality Act ("CEQA"), a resolution containing the Committee's written findings shall be presented for adoption at the Committee's next meeting. If the action is determined not to be exempt from CEQA, the complainant shall bear the City's reasonable costs of environmental review and CEQA compliance, including consultant fees.

G. Finality of Decision. The Committee's decision shall be final on the date the Committee adopts a resolution setting forth its decision. The decision shall become effective thirty days after adoption of the resolution, unless an appeal has been filed to the City Council pursuant to the provisions of Chapter 17.54. For purposes of such an appeal, references to the Planning Commission in Chapter 17.54 shall be interpreted as inclusive of the Committee on Trees and Views.

17.26.060 Implementation of restorative action.

A. The complainant shall bear the cost of the initial restorative action. Within thirty days of a

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final decision ordering restorative action, the complainant shall obtain and present to the owner of the obstructing vegetation three bids from licensed and qualified contractors for performance of the work, as well as a cash deposit in the amount of the lowest bid. In order to qualify, the contractors must provide insurance which protects and indemnifies the City and the complainant from damages attributable to negligent or wrongful performance of the work. Any such insurance shall be subject to the approval of the City.

B. The owner of the obstructing vegetation may select any licensed and qualified contractor to perform the restorative action (as long as the insurance requirements of subsection A of this section are satisfied), but shall be responsible for any cost ~~in~~ the amount of the cash deposit. The work shall be completed no more than ~~thirty~~ days from receipt of the cash deposit ~~or if additional time is necessary due to weather or unique conditions of the vegetation, at the earliest date recommended by the contractor and approved by the City Manager.~~

C. **OPTION 1:** Subsequent maintenance of the vegetation in question shall be performed at the cost and expense of the owner of the property on which the vegetation is growing, ~~unless the Committee adopts a final decision providing an alternative cost allocation, which shall be accompanied by written findings justifying the alternative cost allocation. The vegetation shall be maintained in accordance with the final decision so as not to allow for future view impairments.~~

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D. ~~_____~~
17.26.080 Notification of subsequent owners.

~~Within thirty days of the final decision of the Committee, or the City Council on appeal, an informational covenant shall be recorded against the title of the property on which the offending vegetation exists and the complainant's property, on a form provided by the City, which shall run with the land and be binding upon all successors in interest.~~

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2015.

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MAYOR

ATTEST:

City Clerk

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ATTACHMENT B

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City of Rolling Hills

Administrative Regulations Interpreting Measure B

Relating to View Preservation

- Chapter 1 General Description of View Preservation Ordinance and Measure B
- Chapter 2 Date of Property Acquisition
- Chapter 3 “Mature” versus “Maturing” Trees
- Chapter 4 Retroactivity of Measure B

Chapter 1

GENERAL DESCRIPTION OF VIEW PRESERVATION ORDINANCE AND MEASURE B

Section 1001. General Description of View Preservation Ordinance and Measure B

In June 1988, the City adopted a View Preservation Ordinance. The ordinance established preservation of views as a primary value of the community and created a process by which a property owner could seek to abate an obstructed view. In November 2003, the ordinance was modified relative to the composition of the Committee on Views and Trees, the body designated to consider view applications.

In March 2013, the residents of Rolling Hills passed Measure B to amend the View Preservation Ordinance. The principal effect of Measure B was to shift the protection of the ordinance from views that are *capable* of being enjoyed from a property to views that were *actually* enjoyed from a property when the property owner acquired the property. In particular, the initiative amended the ordinance as follows:

- Only a view that existed when the current property owner “actually acquired” the property may be restored;
- Abatement of view impairment is limited to obstructions caused by trees that were “maturing” at the date of acquisition and trees that were “mature” at the time of property acquisition are excluded from consideration;
- Measure B specified that abatement of view impairment is intended to create “view corridors” and views through trees, and not unobstructed views;
- Measure B specified that its provisions are to be applied retroactively.

Measure B contains various ambiguities that have resulted in uncertainty in its application. Because Measure B can only be amended by the voters, these regulations clarify the City’s interpretation of the initiative.

Section 1002. Applicability

The provisions of these regulations are intended to be applicable to the administration and enforcement of the provisions of Chapter 17.26 of Title 17 of the Rolling Hills Municipal Code amended by Measure B.

Chapter 2
DATE OF PROPERTY ACQUISITION

[TBD]

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Chapter 3

“MATURE” VERSUS “MATURING” TREES

Section 3001. Definition of “Mature” Trees

The Sunset Western Garden Book is a trusted reference guide on trees, plants and other vegetation present in the region and defines a plant species’ “maturity” as the time at which a plant achieves a certain height range and displays other characteristics. For purposes of the View Preservation Ordinance and Measure B, a tree or other vegetation is “mature” when it reaches the average/lowest height of the “mature” height range for the species specified in the Sunset Western Garden Book.

Section 3002. Definition of “Maturing” Trees

Trees and other vegetation that are not “mature” as specified in these regulations are “maturing.”

Section 3003. Presumption that Trees were not “Mature”

If evidence is presented, such as historical aerial photographs, showing that none of the offending trees or vegetation subject to a complaint was planted at or around the time that the complainant acquired the property from which a view is claimed, the complainant shall be entitled to a presumption that the offending trees and vegetation were not “mature” at the date of acquisition and are therefore subject to restorative action.

Chapter 4

RETROACTIVITY OF MEASURE B

Section 4001. Retroactive Application.

Any resolution of the City of Rolling Hills adjudicating any complaint regarding view impairments adopted by the Committee on Trees and Views, or the City Council on appeal, prior to March 18, 2013, is hereby considered void and will not be enforced by the City.