



# City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

**Agenda Item No.: 8-D**  
**Mtg. Date: 7/21/15**

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

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

**SUBJECT: PUBLIC HEARING REGARDING AMENDMENTS TO THE  
ROLLING HILLS VIEW PRESERVATION ORDINANCE AND  
REGULATIONS INTERPRETING MEASURE B.**

**ATTACHMENTS: June 16, 2015 Staff Report**

The public hearing scheduled for June 16, 2015 regarding amendments to the View Preservation ordinance has been continued to July 21, 2015 meeting.

Attached is the June 16, 2015 staff report for Commissions reference. The Planning Commission ended the review with Section 17.26.060C, OPTION 1; at the bottom of circle page 18 of the June 16, 2015 staff report.

**RECOMMENDATION**

It is recommended that the Planning Commission reconvene the public hearing, receive public testimony, and continue deliberations on the proposed View Ordinance amendments and the administrative regulations of Measure B, attached.

1-a

**THIS PAGE INTENTIONALLY LEFT BLANK**

1b



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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

**Agenda Item No.: 7D**  
**Mtg. Date: 6/16/15**

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

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

**SUBJECT: PUBLIC HEARING REGARDING AMENDMENTS TO THE ROLLING HILLS VIEW PRESERVATION ORDINANCE AND REGULATIONS INTERPRETING MEASURE B.**

**ATTACHMENTS:**

- A) REDLINE OF PROPOSED ZONING ORDINANCE AMENDMENTS**
- B) PROPOSED ADMINISTRATIVE REGULATIONS OF MEASURE B.**
- C) CORRESPONDENCE RECEIVED AT AND SINCE THE LAST MEETING**
- D) HEIGHT RANGES OF SELECTED TREES AND MATRIX OF OTHER CITIES' REGULATIONS**

---

**OBJECTIVE**

An *Ad Hoc* Committee of the City Council has recommended that the Planning Commission consider amendments to various provisions of the Rolling Hills Zoning Ordinance pertaining to view preservation and administrative regulations interpreting Measure B. Public hearings must be held before the Planning Commission may recommend that the City Council amend the Zoning Ordinance.

**BACKGROUND**

Recommendations from the City Council's *Ad Hoc* Committee pertaining to the City's View Preservation Ordinance ("View Ordinance") were presented to the Planning Commission by staff at its February 17, 2015 and March 17, 2015 meetings. At the March 17, 2015 Planning Commission meeting, staff provided additional background information to assist the Commission in understanding the implications of the *Ad Hoc* Committee's recommendations. At the April 21, 2015 meeting, the Planning Commission opened the public hearing and took public testimony. The public comment portion of the public hearing was continued to provide an opportunity for greater

participation by residents. At the May 19, 2015 public hearing the Planning Commission continued public testimony and commenced reviewing the Ad Hoc Committee's recommended amendments.

The Commission agreed on most of the changes, and tabled the discussion on how far beyond ones property one can claim a view. Staff was directed to research how other cities address this issue.

Staff found the following:

**Rancho Palos Verdes-**

Limits complaints of views to trees/vegetation located within 1,000 feet of the complainant's property boundary. A view owner may pursue remedies simultaneously against one or more foliage owners.

**Rolling Hills Estates-**

Limits complaints of views to trees/vegetation located within 500 feet of the complainant's viewing area. A view owner may pursue remedies simultaneously against one or more foliage owners.

**Beverly Hills-**

A view owner may pursue remedies simultaneously against one or more foliage owners, as long as at least part of each foliage owner's property is within 500 feet of the view owner's property.

**Laguna Beach-**

Limits complaints to trees/vegetation located on property within 500 feet of the complainant's property boundary and which has not been the subject of a view claim within the previous two years.

**Sausalito-** Does not address.

**Tiburon-** Does not address.

If the Planning Commission agrees that a provision should be included that provides a distance or number of properties over which a complainant may request a view restoration, then that provision would be added to Section 17.26.040B, Eligibility, of the View Ordinance.

At the May 19 meeting, the Planning Commission stopped the review of the proposed ordinance on circle page 22 of the ordinance included in the last month's staff report.

The redline ordinance is also provided with this staff report, and the Planning Commission could reconvene the review with Section 17.26.070 Enforcement. Time permitting the Planning Commission could start discussion on the administrative interpretation of Measure B.

The *Ad Hoc* Committee recommended that the Planning Commission consider four items, for which specific recommendations were not provided:

- 1) Should the View Ordinance be amended to require applicants to indemnify the City's costs in defending a view restoration order? **(Four out of the 6 cities staff researched have a provision which indemnifies the City: Tiburon, Rolling Hills Estates, Beverly Hills and Rolling Hills Estates).**
- 2) The View Ordinance requires clarification regarding assignment of subsequent maintenance costs. Should the owner of the obstructing vegetation always be responsible for subsequent maintenance costs, or should the Committee on Trees and Views have discretion to reallocate costs in certain circumstances? **-Planning Commission made a recommendation.**
- 3) Measure B exempts trees that were "mature" at the time of acquisition of property from restorative action, but does not define "mature." The Sunset Western Garden Book is an authoritative reference guide which provides a range of typical heights of trees. It is recommended that the City define "mature" by reference to the heights set forth in the Sunset Western Garden Book; however, the City may define "mature" as a tree that has reached the shortest, tallest, or average height specified therein. Attachment C provides a table showing the Sunset Western Garden Book height range for trees common to Rolling Hills.
- 4) Measure B limits views eligible for restoration to those in existence when the current property owner actually acquired the property, but provides no information regarding when a property transfer results in a change of ownership. Should the City apply the definition of a change in ownership utilized by the state and county for property tax reassessments? Should property transferred to a child or grandchild through inheritance be treated as a change in ownership limiting the recipient's eligible view to that in existence on the date of inheritance, or as a continuation of ownership allowing the recipient to claim the view that existed when the parent or grandparent acquired the property?

Public comments received at the public hearing on April 21 and May 19, 2015 is summarized below. Notably, prior to the April 21<sup>st</sup> meeting, staff received several documents from Mr. Lynn Gill, who suggests that the Planning Commission draft a totally new View Preservation Ordinance based on the City of Rolling Hills Estates' ordinance. Mr. Gill prepared language for a new ordinance, based on the City's and Rolling Hills Estates' ordinances. He also recommends that based on other cities' provisions and his review of literature, "mature" trees should be defined as "Trees that

have reached at least 75 percent of their typical final height and spread." The *Ad Hoc* Committee members considered using similar standards for defining mature trees, except that they could not agree on the "percentage" or height of growth at which a tree should be deemed "mature."

The language of Measure B cannot be changed by an ordinance of the City Council; it can only be changed by a voter approval. Therefore, the provisions in the current ordinance incorporated from Measure B cannot be amended. However, since they are vague and confusing, the City Attorney recommended that a policy interpreting them be adopted.

### RECOMMENDATION

It is recommended that the Planning Commission reconvene the public hearing, receive public testimony, and continue deliberations on the proposed View Ordinance amendments and the administrative regulations of Measure B, attached.

### COMMENTS RECEIVED AT THE APRIL 21, AND MAY 19, 2015 MEETINGS AND CORRESPONDENCE

Also attached are letters received just prior to the May 19<sup>th</sup> meeting, and since the meeting, regarding the view preservation ordinance. All of the letters encourage the City to preserve and protect views, but at the same time recognize that trees are also valuable asset of the community. One letter addresses the issue of the Measure B provision that "mature" trees are exempt from the provision of the ordinance, and the difficulty in establishing maturity of trees. The resident suggests that the age of the tree be the defining factor of "maturity", and should be measured from a time when there were no trees in the City (i.e. 90-years ago); which would suggest that all of the trees were planted subsequently.

#### APRIL 21, 2015

Marcia Schoettle, 24 Eastfield Drive suggested that the city be indemnified and make it so that the City is not financially involved. She further suggested that Committee on Trees and Views be re-named the View Preservation Committee and that the City create a Tree Preservation Committee.

Lynn Gill, 31 Chuckwagon Road spoke to the definition of "mature" and provided several documents which define a mature tree as a tree that has reached at least 75% of its typical final height and spread. He suggested that this definition in conjunction with the mature height range listed in Sunset Western Garden Book be used to determine if a tree is mature. He also suggested, based on his research of how several other Cities handle view issues, that the City act as an ombudsman to reduce the City's legal costs.

Tina Greenberg, 32 Portuguese Bend Road suggested that the City should not be

involved financially for a legal perspective and stating that she does not feel mature needs to be defined. With regard to ownership and inheritance, she stated that she feels that the view should be established when the heirs take possession of the property.

Mike Schoettle, 32 Portuguese Bend Road suggested that the view be established when a property changes hands regardless of whether it is being sold or inherited.

Jim Aichele, 14 Crest Road West stated that he agrees with Mr. Schoettle regarding the inheritance issue and that the City should not be responsible for legal costs. He further commented that the City should not be involved in view disputes at all and that all view issues should be handled by the Rolling Hills Community Association through the CC&Rs.

Lynn Gill stated that the City should be involved in view issues and that the City needs a well crafted view ordinance that balances the property rights of the tree owner as well as the view owner.

#### MAY 19, 2015

Tina Greenberg, 32 Portuguese Bend Road addressed the Planning Commission stating that she feels the issue of mature vs. maturing is being over analyzed and the intent of Measure B was to protect existing large trees that were there when a property was purchased. She stated that the intent is to provide people with the view they purchased and not create views for people who did not have views.

Steve Nuccion, 18 Portuguese Bend Road addressed the Planning Commission stating they purchased a property with a view and the ordinance is being used against them because of the interpretation of the word maturing. He stated that there are multiple definitions for maturing which could include age and he feels that using the Sunset Western Garden Book definition, which uses height, is not accurate.

Marcia Schoettle, 24 Eastfield Drive addressed the Planning Commission stating that she feels the City should not be involved financially and should be indemnified.

Jim Aichele, 14 Crest Road West addressed the Planning Commission stating that he does not feel that age has anything to do with a tree's maturity. He further commented that he too feels that the City should not be involved financially.

Tina Greenberg, 32 Portuguese Bend Road stated that she feels the view someone bought is the view they are entitled to.

**THIS PAGE INTENTIONALLY LEFT BLANK**

- DRAFT -

Chapter 17.26 - VIEW PRESERVATION

**Note:** Red underlines reflect proposed amendments to the existing code. Language deleted appears on the side of the page. Provisions added by MEASURE B are in *bold/italics and larger font*. Provisions not agreed upon by the Ad Hoc Committee members and to be determined by the Planning Commission are in YELLOW.

1. SECTION 17.12.220 "V" words, terms and phrases.

**CURRENT:** "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 or Los Angeles Harbor.

"View impairment" means a significant interference with and obstruction of a view by landscaping, trees or any other planted vegetation. *(No change proposed)*

**PROPOSED:** 17.12.220 "V" words, terms and phrases.

"View" means a view from a principal residence. ~~but not including from 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.

**DRAFT -**

“View corridor” means a view from a designated viewing area broken into segments by vegetation.

2. Section 17.26.010 (Same as CURRENT, except for minor changes proposed-in red. Words to be deleted are on the side.)

17.26.010 Intent and purpose.

The City recognizes the contribution of views to the overall character and beauty of the City. ~~V~~iews 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.

3. 17.26.020 Committee on trees and views.

CURRENT - No changes proposed

A Committee on Trees and Views is established for the purpose of administering the provisions of this chapter. The Committee shall be composed of three members of the Planning Commission appointed by the Commission annually at the same time as the Commission selects its officers, or whenever a vacancy occurs. Committee meetings shall be scheduled as adjourned or special meetings of the Commission. The Committee is authorized to consult with City officials and with specialists such as landscape architects and arborists as required,

Billboard Code: 11/18/14 8:57 AM  
Deleted: Panoramic  
Storyboard Code: 11/18/14 8:57 AM  
Deleted: v

**- DRAFT -**

but shall not incur any expense on behalf of the City without prior approval of the City Council.

4. 17.26.030 Desirable and undesirable trees.

**CURRENT - No changes proposed**

The Committee is authorized and directed to prepare lists of types of desirable and undesirable trees for planting within the City. The list shall be based upon tree size and shape, rate of growth, depth of roots, fall rate of leaves or bark or fruit or branches, and other factors related to safety, maintenance and appearance. The purpose of this provision is to make information available to property owners, which may serve to avoid future occasion for permits, complaints, and other proceedings authorized by this chapter.

(Ord. 239 §11(part), 1993).

5. 17.26.040 Abatement of view impairment—Procedure.

**CURRENT: 17.26.040 - Abatement of view impairment—Procedure.**

Any person who owns or has lawful possession of a residence from which view is impaired by vegetation growing on property other than their own may seek abatement of the view impairment under the following procedure:

A. Application Required. The complainant shall submit a complete application for abatement of view impairment 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

**- DRAFT -**

view impairment prior to filing the complaint. A complaint 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. 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. If agreement is reached through mediation, it shall be implemented in accordance with Section 17.26.060

C. Public Hearing. In the event mediation fails to achieve agreement, the matter shall be returned to the City Manager, who shall schedule the matter for a public hearing before the Committee on Trees and Views.

*(Ord. 292 §5, 2003; Ord. 239 §11(part), 1993).*

**PROPOSED:**

17.26.040 Abatement of view impairment—Procedure

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

Checked: M/02/04 11:15 AM  
Dated: Required

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 requested 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 viewing area.

**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. Agreement reached through mediation shall be

~~Document Control: 11/15/15 10:01 AM~~  
~~Deleted: complaint~~  
~~Document Control: 11/15/15 10:04 AM~~  
~~Deleted: complain~~

~~Document Control: 11/15/15 9:10 AM~~  
~~Deleted:~~

~~Document Control: 11/15/15 2:07 PM~~  
~~Deleted: it's~~  
~~Document Control: 11/15/15 2:04 PM~~  
~~Deleted: is~~  
~~Document Control: 11/15/15 2:07 PM~~  
~~Deleted: , it~~

**- DRAFT -**

~~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 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.~~

~~Revised: 12/11/14 10:24 AM  
Deleted: Section 17.26.050~~

~~Revised: 12/30/14 4:23 PM  
Deleted: the matter shall be returned to  
Revised: 1/20/14 11:23 AM  
Deleted: who~~

**6. 17.26.050 Hearing procedure and findings.**

**CURRENT:**

**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.

- DRAFT -

- 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. 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.
- 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 and to restore the complainant's view, including, but not limited to, removal, pruning, topping, thinning or similar alteration of the vegetation. *Such order is*

**- DRAFT -**

*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. 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.

F. Finality of Decision. The Committee's decision shall be final twenty days after adoption of its written findings, unless it is appealed to the City Council pursuant to the provisions of Chapter 17.54

*(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993) (Ord. No. 333 (Measure B), 3-18-2013)*

**PROPOSED:** *(No changes are proposed to current language in Paragraph A, B and D from above)*

17.26.050 Hearing procedure and findings.

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. If 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

**- DRAFT -**

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 or the complainant requests a delay of the proceedings for more than one hundred eighty (180) days unless good cause exists for the delay.~~

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. ~~If 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 the 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~~

Yovanna Schwartz 3/8/15 11:04 AM

Deleted: or

Yovanna Schwartz 11/18/14 9:07 AM

Deleted: and to restore the complainant's view

Yovanna Schwartz 11/18/14 9:29 AM

Deleted: -

**- DRAFT -**

~~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.

~~Shelley's Copy: 12/21/14 3:41 PM  
Deleted: ivacy  
Shelley's Copy: 12/11/14 1:41 PM  
Deleted: its writen findings  
Shelley's Copy: 12/11/14 1:22 PM  
Deleted: it is appoed~~

**7. 17.26.060 Implementation of restorative action.**

**CURRENT:**

**A.** Within thirty days of a 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 above the amount of the cash deposit. The work shall be completed no more than thirty days from receipt of the cash deposit.

**DRAFT**

C. Subsequent maintenance of the vegetation in question shall be performed as prescribed by the Committee's final decision at the cost and expense of the owner of the property on which the vegetation is growing. The vegetation shall be maintained in accordance with the final decision so as not to allow for future view impairments. A notice of the decision shall be recorded against the title of the property and shall run with the land, thereby giving notice of this obligation to all future owners.

D. The implementation method provided for in this section may be modified by the parties or in any final decision if grounds exist to justify such a modification. In particular, the Committee may allocate the cost of restorative action as follows:

1. If the Committee finds that the tree or other vegetation constitutes a safety hazard to the complainant or his property, and is being maintained by the owner in disregard of the safety of others, the owner may be required to pay one hundred percent of the cost of correction; or
2. If the owner is maintaining a hedge fifteen feet or more in height, the Committee may allocate the cost of correction to the property owner, provided that the owner of the land on which the hedge exists shall not be required to pay more than twenty-five percent of the cost of such correction.

*(Ord. 239 §11(part). 1993).*

**PROPOSED:**

**17.26.060 Implementation of restorative action.**

- A. The complainant shall bear the cost of the initial restorative action.

**DRAFT**

Within thirty days of a 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 above the amount of the cash deposit. The work shall be completed no more than ~~ninety~~ 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.~~

~~**OPTION 2:** Subsequent maintenance of the vegetation in question shall be performed at the cost and expense of the owner of the property on~~

Shahinjah Cohen 11/14/14 9:07 AM  
Deleted: thirty

Shahinjah Cohen 11/14/14 11:29 AM  
Deleted: as prescribed by the Committee's final decision

**DRAFT -**

which the vegetation is growing. The vegetation shall be maintained in accordance with the final decision so as not to allow for future view impairments.

D. e

1.

**8. 17.26.070 Enforcement. No change proposed. (Reference added to the nuisance chapter of the RHMC)**

**CURRENT:**

A. Failure or refusal of any person to comply with a final decision under this chapter or to comply with any provision of this chapter shall constitute a misdemeanor and shall be punishable by a fine of one thousand dollars or six months in County Jail, or both. Failure or refusal of any person to comply with a final decision under this chapter shall further constitute a public nuisance which may be abated in accordance with the procedure contained in Chapter

8.24

B. A final decision rendered under this chapter may be enforced civilly by way of action for injunctive or other appropriate relief, in which event the prevailing party may be awarded attorney's fees and costs as determined by the court.

C. Nothing in this chapter shall preclude the prosecution of any civil cause of action under the law by any person with respect to the matters covered herein.

(Ord. 239 §11(per), 1993).

**9. 17.26.080 Notification of subsequent owners.**

**CURRENT:** The owner on whose property the offending vegetation exists shall notify all successor owners of the final decision in any proceeding under this

**Deleted:** A notice of the decision shall be recorded against the title of the property and shall run with the land, thereby giving notice of this obligation to all future owners.

**Deleted:** <->The implementation method provided for in this section may be modified by the parties or in any final decision if grounds exist to justify such a modification. In particular, the Committee may allocate the cost of restorative action if the Committee finds that the tree or other vegetation constitutes a safety hazard to the complainant or his property, and is being maintained by the owner in disregard of the safety of others, the owner may be required to pay one hundred percent of the cost of correcti [X]

**- DRAFT -**

chapter, and such decision shall be binding upon all such successors in interest. Within thirty days of the final decision, an informational covenant shall be recorded against the title of the property on a form provided by the City.

(Ord. 239 §11(part), 1993).

**PROPOSED:**

**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.~~

**17.26.090 (PER MEASURE B -No change proposed)**

**CURRENT:**

***17.26.090 - Preservation of views defined.***

***Notwithstanding any other provision of Chapter 17.26.010 to 17.26.080 inclusive, the following provision shall apply and supersede in priority any other provision.***

- 1. A view is defined in Chapter [Section] 17.12.220 and only applies to that view existing from the date any current owner of a property in the City of Rolling actually acquired the property.***
- 2. Chapter [Section] 17.26.010 provides that the intent of the***

~~Document Control: 11/12/18 10:06 AM  
Deleted:  
Document Control: 11/26/18 10:30 AM  
Deleted: The owner on whose property the offending vegetation exists shall notify all successor owners of the final decision in any proceeding under this chapter, and such decision shall be binding upon all such successors in interest.~~

**- DRAFT -**

*Ordinance is to protect views from "maturing" vegetation. As such, in addition to the limitations otherwise set forth in [Chapter 17.26](#), including but limited to this [Section 17.26.090](#), any vegetation which 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.*

*3. The burden of proof to show that any view is impaired shall be upon the party claiming such impairment, and the standard shall be by "clear and convincing evidence". Evidence shall be weighted in the following order of priority:*

- a. Photographs;*
- b. Expert testimony; and lastly*
- c. Other evidence*

*(Ord. No. 333 (Measure B), 3-18-2013)*

**Editor's note—**

Ord. No. 333 (Measure B) which added the provisions set out herein, was adopted March 18, 2013, as a result of a vote of the electorate and thus cannot be changed except by another vote. Said ordinance states, "This [Section 17.26.090](#) shall be effective retroactively to the date [Chapter 17.26](#) was first made an Ordinance to the

**TO BE DECIDED:**

**Section 17.26.100 Indemnification**

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.

**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.

**- DRAFT -**

The primary challenge is that the additional financial risk could create a hardship for some applicants, particularly those on fixed incomes.

**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.

The implementation method provided for in this section may be modified by the parties or in any final decision if grounds exist to justify such a modification. In particular, the Committee may allocate the cost of restorative action if the Committee finds that the tree or other vegetation constitutes a safety hazard to the complainant or his property, and is being maintained by the owner in disregard of the safety of others, the owner may be required to pay one hundred percent of the cost of correction.

If the owner is maintaining a hedge fifteen feet or more in height, the Committee may allocate the cost of correction to the property owner, provided that the owner of the land on which the hedge exists shall not be required to pay more than twenty-five percent of the cost of such correction.

**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]

## 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.

**THIS PAGE INTENTIONALLY LEFT BLANK**



RECEIVED

Tuesday, May 19, 2015 11:30 AM

Subject: Re: RH views discussion and Measure B  
Date: Tuesday, May 19, 2015 11:26 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Vukan Ruzic <vukanr@gmail.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015

City of Rolling Hills

By \_\_\_\_\_

Hello Vukan,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1621 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Vukan Ruzic <vukanr@gmail.com>  
Date: Monday, May 18, 2015 at 8:57 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: RH views discussion and Measure B

Hi Ray,

Since I am not positive that I will make it to the meeting tomorrow evening for the View discussion I thought I'd share my opinion for what it is worth.

One of the key reasons we purchased our property back in 1998 was the unique location of it and the "ALMOST UNOBSTRUCTED VIEW" that came with it. In my opinion the views are synonymous with Rolling Hills and integral part of this city. Please do not get me wrong, I love trees and the visual statement they provide however, they can be and should be trimmed regularly. They can also be replaced or moved but following the same logic one cannot trim, replace or move the view. I realize that not every property in RH enjoys the view that others do but that does not mean that we should not protect the properties that have one. It so happens that our property sits on an elevation that provides quite a dramatic and valuable view. There are hundreds of such properties in RH and that should be taken into consideration when discussing the restoration or preservation of a view.

Best Regards,

Vukan S. Ruzic  
5 Lower Blackwater Cyn Rd  
Rolling Hills, CA  
310.544.1881

RECEIVED

Tuesday, May 19, 2015 11:30 AM

Subject: Re: View ordinance  
Date: Tuesday, May 19, 2015 11:25 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Aaron DeLaTorre <adelatorre@juanitasfoods.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015

City of Rolling Hills  
By \_\_\_\_\_

Hello Aaron,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 877-1621 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Aaron DeLaTorre <adelatorre@juanitasfoods.com>  
Date: Monday, May 18, 2015 at 9:11 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: View ordinance

Dear Ray,

I am unsure if I will be able to make it in person for the meeting surrounding the current view ordinance. In light of that, I wanted to send you an email expressing our opinion that the restoration or preservation of the views are a valuable and integral part of this city. I appreciate the beauty that our local trees provide, however, a tree can be trimmed, moved, and/or replaced and still provide value in re-establishing the spectacular views that our city is known for. Our city is in the unique position to have elevations that provide for dramatic and valuable views that should be taken into consideration when discussing the restoration or preservation of a view.

Thank you,

Aaron DeLaTorre  
Rolling Hills Resident

Aaron De La Torre | Chief Executive Officer  
Tel 310.834.5339 • Fax 310.835.1059  
adelatorre@juanitasfoods.co <mailto:adelatorre@juanitasfoods.com> m

Juanita's Foods  
645 N. Eubank Avenue  
Wilmington, CA 90748  
JuanitasFoods.com <http://www.juanitasfoods.com/>

RECEIVED

Tuesday, May 19, 2015 11:29 AM

Subject: Re: View meeting  
Date: Tuesday, May 19, 2015 11:24 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Laura Gregorio <lkg2000@gmail.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015  
City of Rolling Hills  
By \_\_\_\_\_

Hello Laura,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1621 F: 310-377-7268

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Laura Gregorio <lkg2000@gmail.com>  
Date: Monday, May 18, 2015 at 10:12 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: View meeting

Hello,

My name is Laura Gregorio and with my husband Joe, we have lived in Rolling Hills for nearly 20 years. We enjoy the privacy and beauty of our city. We have always had homes where the view and/or the trees have been an issue. On our first house in Rolling Hills we had view issues which were never resolved completely. We could only obtain half of our view which I believe hindered our sales price of our home. At our second home in Rolling Hills, we again had some issues with trees and views, mostly it was people maintaining what we paid for to be trimmed originally to gain our view in the first place. And again, here at our third Rolling Hills home we are struggling with view/tree issues.

I realize that trees are indeed a necessity of any home but do they have to grow to block the views of it's neighbors? Why is it that the Eucalyptus trees are allowed to grow and multiply in every easement and every street frontage? I have seen dead trees, overgrown weeds that turn into trees, trees that shade a valuable portion of yard of it's neighbors and trees that shed into pools, easements, driveways and never of the person who owns the tree but all over the person who lives next door or near.

Please consider the value that a view has to a property. Know that a tree can be moved, trimmed or replaced anytime leaving the homeowner with a tree but not a tree that will block the view, shed all over the neighboring property or shade a beautiful yard causing a cold pool or vegetation to remain small, especially where vegetable gardens are concerned.

The time I have spent asking and pleading with neighbors to just trim a tree is ridiculous. The view at our current home is compromised and becomes more compromised each day as the new eucalyptus tree next to the already overgrown eucalyptus continues to crowd out our view. I am all for trees, heck, we have them ourselves but why in the world does anyone have the right to just block views, cause shade or have an enormous tree that sheds all over someone else's private property like a pool!

I hope you will consider the importance of everyone's rights where trees and privacy and views are concerned. Our city provides all of us with a great place to live and dramatic views, please help us gain our views back!!

Thank you,  
Laura Gregorio

RECEIVED

Tuesday, May 19, 2015 11:30 AM

Subject: Re: Importance of views in the city  
Date: Tuesday, May 19, 2015 11:27 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Matt Seaburn <mseaburn@rentawheel.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015  
City of Rolling Hills  
By \_\_\_\_\_

Hello Matt,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Matt Seaburn <mseaburn@rentawheel.com>  
Date: Monday, May 18, 2015 at 8:53 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: Importance of views in the city

Dear Ray,

I am unsure if I will be able to make it in person to the meeting for the discussion surrounding the current view ordinance. In light of that, I wanted to send you an email expressing our opinion that the restoration or preservation of the views are a valuable and integral part of this city. In no means am I against trees and the beauty they provide, however, a tree can be trimmed, moved, or replaced and still provide value in the future whereas a view cannot. Our city is in the unique position to have elevations that provide for dramatic and valuable views that should be taken into consideration when discussing the restoration or preservation of a view.

Thanks,

Matt Seaburn  
14 Portuguese Bend Road  
310.663.1904

35

RECEIVED

Tuesday, May 19, 2015 11:23 AM

Subject: Re:  
Date: Tuesday, May 19, 2015 11:23 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Stephanie Brandmeyer <mikeandstephb@hotmail.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015

City of Rolling Hills

By \_\_\_\_\_

Hello Stephanie and Mike,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310-377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Stephanie Brandmeyer <mikeandstephb@hotmail.com>  
Date: Monday, May 18, 2015 at 10:38 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: <no subject>

Hi Ray,

I can't make it in person to the view ordinance meeting, but wanted to send you an email expressing our opinion that we feel that the preservation of views in this city is a really important aspect of living here.

Thank you,  
Stephanie and Mike Brandmeyer  
67 Eastfield Drive

RECEIVED  
MAY 13 2015  
City of Rolling Hills  
By \_\_\_\_\_

Subject: Re: Views Ordinance in Planning Commission.  
Date: Tuesday, May 12, 2015 11:20 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Raghumendu <raghumendu@ventureast.net>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

Hello Raghu,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-2821 F: 310-377-7298

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

**WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.**

On 5/16/15, 11:31 PM, "Raghumendu" <raghumendu@ventureast.net> wrote:

>Dear Ray

>  
>A bit belated but I wanted to be sure to thank you for spending time with me and explaining the Views Ordinance and the under grounding process.

>  
>I unfortunately will be out of town and wanted to share some thoughts on the issue through this email prior to the Planning Commission meeting tomorrow.

>  
>My wife and I are of the opinion that the restoration or preservation of the views is a valuable and integral part of this city and one that has been neglected. In saying this, I want to highlight that having an abundance of trees and foliage is important to us too.

>  
>The environment benefits all of us. However I believe the issue of Trees vs Views can be settled easily with a common sense approach to reduce stress and tension in the city.

>  
>A tree can be trimmed, moved, and worked with to continue providing all the green and aesthetic benefits. A sensible approach would also make possible at the same time, the maintenance and restoration of views, which in turn will add value to all City Homeowners' homes.

>  
>Our city is in the unique position to have elevations that provide for dramatic and valuable views. This should be taken into consideration when discussing the restoration or preservation of views.

>  
>What we now have is a case that is the source of much tension in the City.

>  
>Please add our views to the discussion in the Planning Commission on May 19th.

>  
>Best,

>  
>Raghu

>Sent via BlackBerry from T-Mobile

37

RECEIVED

Tuesday, May 19, 2015 11:18 AM

Subject: Re: View  
Date: Tuesday, May 19, 2015 11:18 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Speed Fry <speedsmithfry@gmail.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015

City of Rolling Hills  
By \_\_\_\_\_

Hello Speed and Mellissa,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Speed Fry <speedsmithfry@gmail.com>  
Date: Monday, May 18, 2015 at 11:38 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: View

Dear Ray,

I am unsure if I will be able to make it in person to meeting for the discussion surrounding the current view ordinance. In light of that I wanted to send you an email expressing our opinion that the restoration or preservation of the views is a valuable and integral part of this city. In no means am I against trees and the beauty they provide, however, a tree can be trimmed, moved, or replaced and still provide value in the future whereas a view cannot. Our city is in the unique position to have elevations that provide for dramatic and valuable views that should be taken into consideration when discussing the restoration or preservation of a view. I have lived in this amazing city for over 14 years and the discussion of view has brought the worst out in so many neighbors, but I truly feel that not allowing a resident who has a view to maintain it is a topic that should not even be up for discussion. Taking a residents view away should be the crime.

Thanks

Speed and Melissa Fry

38

RECEIVED

Tuesday, May 19, 2015 11:16 AM

Subject: Re: View Ordinance  
Date: Tuesday, May 19, 2015 11:16 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Kristin Kudrave <teamk@cox.net>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015  
City of Rolling Hills  
By \_\_\_\_\_

Hello Kristin and David,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Kristin Kudrave <teamk@cox.net>  
Date: Tuesday, May 19, 2015 at 7:11 AM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: View Ordinance

Dear Ray,

I am unsure if I will be able to make it in person to the meeting in regards to amending the current view ordinance. With that in mind, I wanted to send you an email expressing our opinion that the restoration or preservation of views are a valuable and integral part of this city. In no means am I against trees and the beauty they provide. However a tree can be trimmed, moved, or replaced and still provide value in the future whereas a view cannot. Our city is in the unique position to have elevations that provide for dramatic and valuable views that should be taken into consideration when discussing the restoration or preservation of a view.

All the best,

Kristin Kudrave and David Kudrave  
17 Chuckwagon Rd

39

RECEIVED

Tuesday, May 19, 2015 11:16 AM

Subject: Re: Rolling Hills View  
Date: Tuesday, May 19, 2015 11:11 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: "Goodman, Scott" <Scott.Goodman@Mattel.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015  
City of Rolling Hills  
By \_\_\_\_\_

Hello Scott,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: <Goodman>, Scott <Scott.Goodman@Mattel.com>  
Date: Tuesday, May 19, 2015 at 9:34 AM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: Rolling Hills View

Dear Ray,

I would love to be at the meeting to listen to what others are saying about our priceless views and offer up my thoughts as well. Unfortunately I have work obligations that will most likely prevent that. I want to share my perspective in the event I don't make it.

I live at 64 Saddleback Road and am fortunate to have an outstanding view. It is without a doubt one of the main reasons we purchased the house. We are also enamored with all the trees that are on our property. I can understand how the blocking of views can escalate tension and create problems in the community. I believe that most disputes can be resolved and that people are entitled to the view they have. Part of the charm of Rolling Hills is all the vegetation that make our community so unique. Finding the right balance between restoration and preservation can be a difficult task but one that must be dealt with in a fair and equitable manner.

Regards,

Scott

This message (including any attachments) is only for the use of the person(s) for whom it is intended. It may contain Mattel confidential and/or trade secret information. If you are not the intended recipient, you should not copy, distribute or use this information for any purpose, and you should delete this message and inform the sender immediately.

40

Subject: Planning Commission Meeting  
Date: Monday, May 18, 2015 8:23 PM  
From: Deborah Thomas <dkstomas@me.com>  
To: "Raymond R. Cruz" <rcruz@cityofrh.net>, "hluce@cityofrh.net" <hluce@cityofrh.net>

Hi Ray!

I understand you are having a planning commission meeting tomorrow morning and will be discussing trees and views. Unfortunately I cannot attend, but would like you and Heidi to know how important Tom and I think the views in Rolling Hills are. We have purchased and sold 3 different properties in Rolling Hills, each based on their view. The views are very important to property values and are one of the reasons we live here behind the gates.

Please feel free to contact me if you would like any further input.

Sincerely,  
Dabi and Tom Thomas  
66 Eastfield Dr.

RECEIVED

MAY 19 2015

City of Rolling Hills

By \_\_\_\_\_

41

Subject: Views in Rolling Hills  
Date: Monday, May 18, 2015 10:53 PM  
From: Ronald Navarro <navarorji@cox.net>  
To: "Raymond R. Cruz" <rcruz@cityofrh.net>, "hluce@cityofrh.net" <hluce@cityofrh.net>

Hi Ray

I hope you are well. Hello Heidi. I just wanted to take a moment to let you know that I am aware of the Planning Commission - Views meeting tomorrow. I may not be able to make it to the meeting, as I operate all day and my cases are long.

I must express my opinion that I believe that views are integral for this city, as we live with the benefit of being at higher elevation and choose to afford it partially for the incredible views that this city's location provides. Views are important to the character of this great city. The amazing views we all have continue to be eroded and/or lost due to the well meaning but unintended consequential opinions of the few who typically attend the View-Planning Commission.

I love trees and also know they can be 1) trimmed to a reasonable height, 2) moved or 3) eventually replanted. The concept that the trees in Rolling Hills will provide oxygen for the whole world is without merit and the trimming that many suggest to maintain views will not mitigate the beneficial effects of trees. Those of us who love the views in the city are not asking for trees to be cut down mindlessly but only for the tree lobby and their possible proposed height minimums not to supersede the strong belief we have for maintenance of views in our wonderful city, as the views are vital to the character of Rolling Hills.

Please don't let the views be lost forever!

Thank you for your time.

Best,

Ron Navarro  
18 Wide Loop Road  
Rolling Hills

RECEIVED

MAY 19 2015

City of Rolling Hills  
By \_\_\_\_\_

42

Hello Ray and Heidi,

It is my understanding that there is another meeting on views this evening. I grew up in Palos Verdes, and had always dreamed of living in Rolling Hills. Rolling Hills certainly has the great combination of nature and spectacular views that make it such a desirable place to live. We were finally able to afford buying a home and moving into RH three years ago, and we plan on never leaving.

The views that our terrain allow are paramount in keeping our homes desirable. If our home did not have a view, we would not be living here. I have a busy medical practice and two young kids. It will be many years before I will have the luxury to attend these meetings! However, I strongly would like to voice my concerns about view preservation.

Thank you,  
Laura Hatch  
15 Georgeff Rd

Laura Hatch, MD, INC  
Alban Wertheimer Orthopedic Group  
4401 Atlantic Ave  
Ste 110  
Long Beach, CA 90807  
562-493-4499



RECEIVED

MAY 19 2015

City of Rolling Hills

By \_\_\_\_\_

43

RECEIVED

Tuesday, May 19, 2015 3:46 PM

Subject: Re: Views  
Date: Tuesday, May 19, 2015 3:42 PM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: "JD@traceww.com" <JD@traceww.com>  
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 19 2015

City of Rolling Hills  
By \_\_\_\_\_

Hello John and Abby,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: "JD@traceww.com" <JD@traceww.com>  
Date: Tuesday, May 19, 2015 at 3:29 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Subject: Views

Hello Ray,

I am not sure if Abby or I will make it to the View Ordinance meeting tonight. However, because of the importance of our trees and views to the beauty and value they bring to our city we wanted to at least send this email to express our opinion on the subject.

The preservation of our views throughout the city is an integral part of the value of Rolling Hills. In no way are we against trees and the beauty they provide. However, a tree can usually be trimmed, moved, or replaced while still providing a valuable asset in the future while other view obstructions may not.

Our city is in the unique position to have elevations that provide for dramatic and valuable views. These should be taken into consideration when discussing the restoration or preservation of a view.

Thanks,  
John and Abby Douglass  
51 Crest Rd East  
Rolling Hills, CA 90274

44

RECEIVED

Wednesday, May 20, 2015 10:04 AM

MAY 20 2015

City of Rolling Hills  
By \_\_\_\_\_

Subject: Re: May 19 Public hearing  
Date: Wednesday, May 20, 2015 9:53 AM  
From: Raymond R. Cruz <rcruz@cityofrh.net>  
To: Stephen Nuccion <snuccion@yahoo.com>  
Cc: Diana Nuccion <dnuccion@yahoo.com>, "hluce@cityofrh.net" <hluce@cityofrh.net>

Hello Steve,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Stephen Nuccion <snuccion@yahoo.com>  
Reply-To: Stephen Nuccion <snuccion@yahoo.com>  
Date: Tuesday, May 19, 2015 at 8:58 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Cc: Steve Nuccion <dnuccion@yahoo.com>  
Subject: May 19 Public hearing

Ray,

I am sorry I had to leave before the completion of the public hearing on the view preservation policy. I have a thought I would like added to the record, and if possible, passed on to the committee members.

The internal conflict in measure B between maintaining the view you had when a property was purchased and mature trees being exempt from view issues can be resolved with a reasonable definition of mature. Since most trees have a very long life span, a definition of mature that uses age as the criteria would allow the reconciliation of the conflict inherent in measure B. For example, if a tree lives to be a thousand years old, it could take 500 years to be mature. Therefore, if someone had a view when they bought a property and over a period of time a tree grew into that view, the committee would have the ability to restore the view by taking an age-based definition of mature. Likewise, if someone bought a property and tried to get a view that was not present when they purchased the property, the definition of mature would not matter as measure B says you are only able to keep the view you have at the time of purchase. I think this keeps the power in the committee and eliminates much of the constraint and concern in measure B.

Thank you

Steve

45

MAY 20 2015

Wednesday, May 20, 2015 7:42 AM

**Subject:** View preservation

**Date:** Tuesday, May 19, 2015 6:58 PM

**From:** Jodi Belke <jjbelke@gmail.com>

**Reply-To:** <jjbelke@gmail.com>

**To:** "Raymond R. Cruz" <rcruz@cityofrh.net>, "hluce@cityofrh.net" <hluce@cityofrh.net>, Kristen Raig <kraig@rhca.net>, Robert Belke <rbelke@lovelminnick.com>

City of Rolling Hills  
By \_\_\_\_\_

Dear Planning Commission,

We will be unable to make it in person to the meeting for the discussion surrounding the current view ordinance. I wanted to send you an email expressing our opinion that the restoration or preservation of the views are a valuable and integral part of this city. In no means am I against trees and the beauty they provide, however, a tree can be trimmed, moved, or replaced and still provide value in the future whereas a view cannot. Our city is in the unique position to have elevations that provide for dramatic and valuable views that should be taken into consideration when discussing the restoration or preservation of a view. We think resident's views should be preserved.

Thanks  
Jodi and Robert Belke  
68 Eastfield Drive

46

RECEIVED

Wednesday, May 20, 2015 11:16 AM

Subject: Re: May 19 Public hearing  
Date: Wednesday, May 20, 2015 11:07 AM  
From: Diana Nuccion <dnuccion@yahoo.com>  
To: "Raymond R. Cruz" <rcruz@cityofrh.net>  
Cc: Stephen Nuccion <snuccion@yahoo.com>, "hluce@cityofrh.net" <hluce@cityofrh.net>

MAY 20 2015

City of Rolling Hills

By \_\_\_\_\_

I have a few things to add if I may;

I agree Ray. Since "mature" can also mean "able to bear fruit". I don't think aren't any fruit bearing trees that are tall enough to be an issue.

The average age of a eucalyptus is 250 years. Since we all know there was not a tree on this hill in 1920, we can be assured there is not a tree over 90 years old in Rolling Hills.

Curiously, there was an article about the oldest verified olive tree in Israel in the news this week. It is 4000 years old.

Thank you,

Diana Nuccion

Sent by Diana Nuccion's personal assistant.

On May 20, 2015, at 9:53 AM, Ray Cruz <rcruz@cityofrh.net> wrote:

Hello Steve,

I will forward your comments to the City Clerk so she can provide them to the Planning Commissioners and be part of the public record.

Thank you,

Ray

Raymond R. Cruz

City Manager  
City of Rolling Hills  
2 Portuguese Bend Road, Rolling Hills, CA 90274  
310 377-1521 F: 310-377-7288

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Stephen Nuccion <snuccion@yahoo.com>  
Reply-To: Stephen Nuccion <snuccion@yahoo.com>  
Date: Tuesday, May 19, 2015 at 8:58 PM  
To: Raymond Cruz <rcruz@cityofrh.net>  
Cc: Steve Nuccion <dnuccion@yahoo.com>  
Subject: May 19 Public hearing

Ray,

I am sorry I had to leave before the completion of the public hearing on the view preservation policy. I have a thought I would like added to the record, and if possible, passed on to the committee members.

47

The internal conflict in measure B between maintaining the view you had when a property was purchased and mature trees being exempt from view issues can be resolved with a reasonable definition of mature. Since most trees have a very long life span, a definition of mature that uses age as the criteria would allow the reconciliation of the conflict inherent in measure B. For example, if a tree lives to be a thousand years old, it could take 500 years to be mature. Therefore, if someone had a view when they bought a property and over a period a time a tree grew into that view, the committee would have the ability to restore the view by taking an age-based definition of mature. Likewise, if someone bought a property and tried to get a view that was not present when they purchased the property, the definition of mature would not matter as measure B says you are only able to keep the view you have at the time of purchase. I think this keeps the power in the committee and eliminates much of the constraint and concern in measure B.

Thank you

Steve

**HEIGHT RANGES OF SELECT TREES  
ACCORDING TO THE SUNSET WESTERN GARDEN BOOK**

Tree Type	Growth Size		Notes
	Height	Width	
Brazilian Pepper (Schinus)	30'	30'	Moderate growth
Cypress (Italian)	60'	5'-10'	
Eucalyptus (many varieties)	45'-150'	45'-105'	Large with spreading crown
Melaleuca (Black Tea Tree)	18'-30'	12'-25'	Fast growth
Olive	25'-30'	25'-30'	Slow growth
Photinia (mostly used as hedge)	10'-15'	10'-15'	Moderate to fast growth
Pine (Aleppo)	30'-60'	20'-40'	Moderate to fast growth
Pine (Canary Island)	50'-80'	20'-35'	Fast growth
Pine (Coulter)	30'-80'	20'-40'	Moderate to fast growth
Pine (Torrey)	40'-60'	30'-50'	Fast growth
Pittosporum (Victorian Box)	30'-40'	30'-40'	Fast to 15'; slow to 30-40'
Podocarpus (P.nagi)	15'-20'	6'-8'	
Redwood (Sequoia sempervirens)	70'-90'	15'-30'	Fast early growth

Summary Matrix of View Ordinances

City	Beverly Hills	Laguna Beach	Rancho Palos Verdes	Rolling Hills Estates	Sausalito	Tiburon	Rolling Hills
<b>Components</b>							
Private efforts	x	x	x	x	x	x	x
Mediation	x	x		x	x	x	x
Voluntary binding arbitration	x	x		x	x	x	
City staff judgment			x	x			
View defined by a specific point in time		x	x	x	x	x	
Owners have private cause of action	x	x		x	x	x	
Local agency review and permitting (enforcement)	x	x	x		x		x
Liability & Indemnification protecting City	x	x		x		x	
Distance limitation of view impairment	x	x	x	x			