ATTACHMENT "F"

Residents Correspondence.

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RECEIVED
DEC 28 2015
City of Rolling Hills
By _____

31 Chuckwagon Road
Rolling Hills, CA 90274

December 28, 2015

City Council
City of Rolling hills
Rolling Hills, CA 90274

RE: Resolution No. 2015-24 Attachment A: Chapter 2 Sections 2001 and 2002, Definitions of "Mature" and Maturing" Trees

Honorable Councilpersons:

I have reviewed *Attachment A, Administrative Regulation Interpreting Measure B Relating to View Preservation*, as proposed by the Planning Commission. It references the International Society of Arboriculture's definition of "mature height" as "the maximum height that a plant is *likely* to reach if the conditions of the planting site are favorable." So far, so good.

But they then go on to define a "mature tree" as one having reached the **top of the height range** for that species, as specified in *Sunset Western Garden Book*. **Using this definition, no tree in Rolling Hills could ever be considered "mature."** The definition of what is a "mature tree" is important to prevent the indiscriminate removal or topping of trees. In Rolling Hills, any "maturing" tree is in the cross-hairs for removal to provide views to owners that did not have a view when they purchased their property. This incorrectly applied definition would subvert the will of a majority of the residents of Rolling Hills that voted to pass Measure B.

I have discussed the ISA definition with Wesley Kocher, Educational Development Manager of ISA and professional Certified Arborist. Here is what I have learned about why the ISA definition has not been interpreted correctly.

TREE HEIGHTS ARE NORMALLY DISTRIBUTED

Heights of mature trees of a particular species growing in a homogeneous geographical area are normally distributed (bell-shaped distribution), as are the diameters of such mature trees. I have attached two exhibits: Exhibit 1 is a scatter gram of mature tree heights of a species in a forest, exhibiting a normal distribution. Exhibit 2 is a statistical treatise on normal distribution using mature white oak trees as an example. On page 218, the range of mature white oak trees is from minimum 75 feet to maximum 105 feet, with a mean (average) height of mature trees of 90 feet. In a normal distribution, the mean, median, and mode are all equal.

The ISA definition fortunately incorporates the word *"likely."* Likelihood is a statistical concept defining the probability of an event. The ***most*** "likely" height that a mature tree could attain is the mean (average) height. The mean (average) is a greater (more probable) height than any other height. The probability of a mature white oak tree achieving the top of range maximum height of 105 feet is essentially zero. The most likely height is 90 feet. The least likely height is the maximum point of the range.

So, using the Planning Commission proposed definition of "mature," no white oak trees could ever be considered "mature." The same is true of any tree species in Rolling Hills, all of which would be dubbed "maturing."

To illustrate this statistical concept, I have attached Exhibit 3, *Heights of Mature Men in America.* Heights of over 100 million adult males in the US are also normally distributed, with a range of 4' 7" to 7' 7", and an average height of 5' 10." There are **no** US men in the top bracket 7' 4" to 7' 7" and only 2 adult men in the world male population of over 3 billion adult males.

Using the top of the range for defining a "mature" tree is an inappropriate metric.

CORRECT APPLICATION OF THE ISA DEFINITION OF "MATURE" TREE

Most likely height that a mature tree could achieve is the average height, not the extreme of the range. First of all, it is well to note that all trees within the low height to high height range of mature trees listed *Sunset Western Garden* by definition are "mature." Therefore, trees that have achieved the bottom of the height range are mature. Similarly, all adult (mature) US men 25 years and older are in the range between 4'7" and 7'7" in height. A man who is 4'7" tall is not excluded from being considered mature because of his stature, only perhaps vertically challenged. A man need not be 7'7" tall to be considered mature. In fact, there is not one single mature US man who is that height.

Attached is Exhibit 4, a page from *Sunset Garden Book* for Eucalyptus cinerea, a common tree in Rolling Hills.

Eucalyptus cinerea "Silver Dollar" (p. 338, 2001 edition)
Low range mature height 20 feet
High range mature height 55 feet

Mature E. cinerea trees are likely to be between 20 and 50 feet in height. A 20 foot tall Silver Dollar is therefore "mature."

In April I proposed a Solomon -esque compromise to the Planning Commission that the low and high heights of the range for a mature tree as defined by the *Sunset Garden Book* be averaged to estimate the mean (most likely) height of a mature tree.

Using the ISA definition, the most likely height of a mature Silver Dollar Eucalyptus is:

$$\frac{L + H}{2} = \frac{(20 + 55)}{2} = 38 \text{ feet}$$

Using this standard predominately used by arborists, the height of a mature E. cinerea would be 75% of the average height of 38 feet, or 28 feet. As a reality check, I have four 15 years old Silver Dollar Eucalyptus in front of my residence, all which have achieved at least 28 feet in height. They are mature. I cut down a 50 year old Silver Dollar (counting tree rings) a couple of years ago that was about 50 feet in height. It was about that same height when I moved to Rolling Hills in 1994. It was mature when I moved here and mature when it was removed.

In the Exhibit 2 example for white oaks, the average of low point of the range of 75 and high of 105 is 90 feet, the mean. This validates the suggested computation, using an average of the range to calculate the mean (average) height.

The wording of *Measure B*, passed by the voters, is "'Mature' versus 'maturing' shall be defined by industry standards predominantly accepted by arborists." Therefore, if there is an industry standard widely accepted by arborists, the industry standard **shall define** "mature."

There **is** such a standard that is predominately used by arborists, "**Mature Trees-** Trees that have reached at least 75 percent of their final height and spread." This 75% rule recognizes that when a tree has reached maturity, it may live on for years as a mature tree and may continue to grow larger as it adds annual tree rings.

Here is one such citation of the 75 percent rule, from the Los Angeles City Department of Parks and Recreation *Urban Forest Program*.

http://www.laparks.org/dos/forest/pdf/UrbanForestProgram.pdf.

There are many other identical citations on city, state, and arborist web sites, all citing the 75% rule in defining mature trees, so this is the industry standard that should be used.

To illustrate this statistical concept of maturity, using adult US men as an example, the legal definition is human adulthood is 18 years. However parts of the brain involved in decision-making are not fully developed until age 25 or so. Humans are mature at about age 25 but some continue to live on in maturity an additional 75 years, or more. And unfortunately (in my case) girth continues to increase each year—like adding tree rings.

MAINTAINING TREES IS A GOOD THING, AND SHOULD BE ENCOURAGED

The Planning Commission concludes that "trees that show evidence of regular cutting and are therefore unlikely to reach their maximum potential height shall not be considered 'mature' for purposes of the View Preservation Ordinance and shall not be exempted from restorative action." **REALLY!!??**

Not only is this statement patently false, it is also not good public policy. Proper maintenance of mature trees should be encouraged by the City, not discouraged. The City Council will of course need to exercise its common sense in evaluating this Planning Commission definition, which dooms any properly maintained mature tree to the status of "maturing," and subject to cutting or removal to make a view for a neighbor who never had one. However to aid common sense, I call your attention to ISA publications:

Mature Tree Care http://www.isa-arbor.com/store/product.aspx?ProductID=277

If the Planning Commission definition of "mature" were to be adopted, there would be no need for this ISA guide, as all Rolling Hills trees would be "maturing." The definition,is of course is hogwash!

Tree Ordinance Guidelines
http://www.isa-arbor.com/education/onlineResources/treeOrdinanceGuidelines.aspx

Most City ordinances balance the property rights of view-seekers with those of tree-owners. The definition proposed by Planning Commission tramples the rights of tree-owners by arbitrarily defining ALL trees in Rolling Hills as "maturing" and subject to cutting or removal to give a view to a neighbor who never had the view.

PUBLIC POLICY IMPLICATIONS OF THE DEFINITIONS
Adopting the Planning Commission definition of a "mature" tree is bad public policy. Reducing the crown of a tree to willingly create a view for a neighbor, removing lower branches of a tree next to a roadway or trail to allow equestrians to pass under, trimming hedges along roadways so that neighbors can walk or park, or removing branches of trees near power lines would all, under the Planning Commission definition of "mature," constitute "cutting" and would thereby make the tree or plant "maturing" and susceptible to view remediation. The only way a tree/plant owner could avoid having his trees/plants in the cross-hairs is to allow trees, shrubs, and other plants to grow wild and un-trimmed.

Here's where common sense is needed, Honorable Commissioners. Public policy should encourage, not discourage, proper tree maintenance.

REGULAR MAINTENANCE OF TREES ENABLES TREES TO REACH THEIR FULL POTENTIAL
The Planning Commission opines that trees that have been regularly maintained ("cut") are unlikely to reach maximum potential height, and are therefore defined as "maturing." More common sense is needed! The opposite is of course true. Proper tree maintenance increases the likelihood of a tree reaching its full potential.

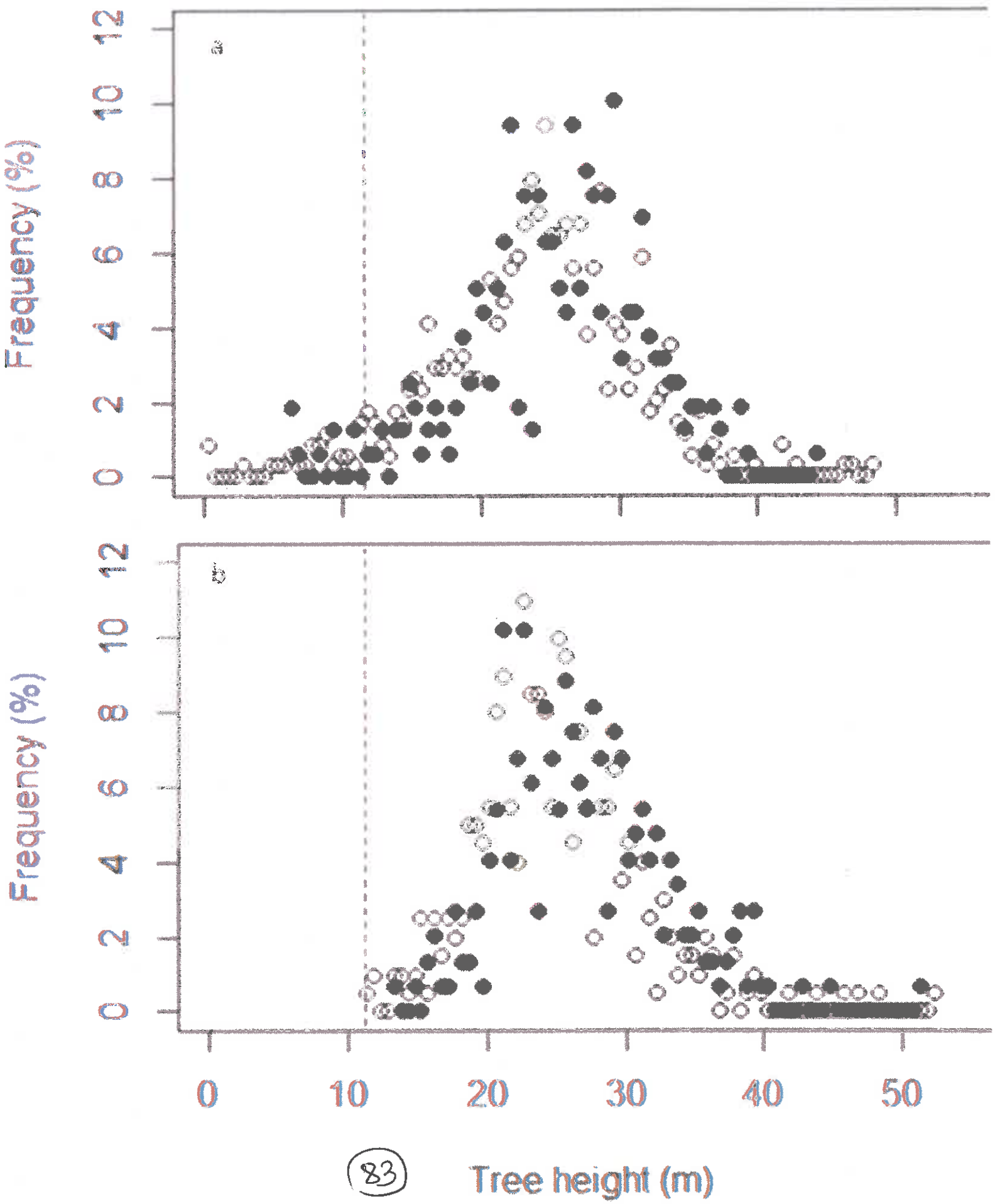
There are hundreds of bulletins and guides available on the web extolling the benefits of properly maintaining maturing and mature trees. I provide you with a link to one such tree pruning guide published by the California Department of Forestry and Fire Protection, National Arbor Day Association, and University of California- Agriculture and Natural Resources:
http://www.azlca.com/uploads/documents/04-tree-pruning-guide.pdf

Regular maintenance of maturing and mature trees improves the appearance of a tree, increases its strength and structural safety, reduces fire fuel, and increases tree longevity. Well maintained trees have fewer branches and provide less view impairment as views can be seen through the tree branches. Trees add value to the community and are estimated by arborists to increase property values up to 27 percent.

Best regards,

Lynn E. Gill

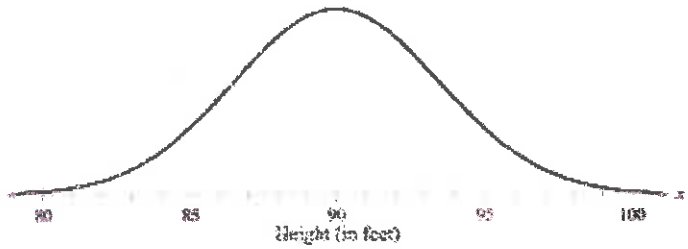
Lynn E. Gill


a
b
Frequency (%)
Frequency (%)
0
2
4
6
8
10
12
0
10
20
30
40
50
Tree height (m)

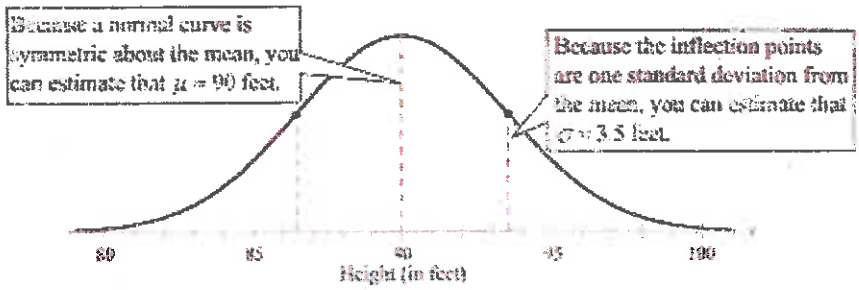
EXAMPLE 2

Interpreting Graphs of Normal Distributions

The heights (in feet) of fully grown white oak trees are normally distributed. The normal curve shown below represents this distribution. What is the mean height of a fully grown white oak tree? Estimate the standard deviation of this normal distribution.



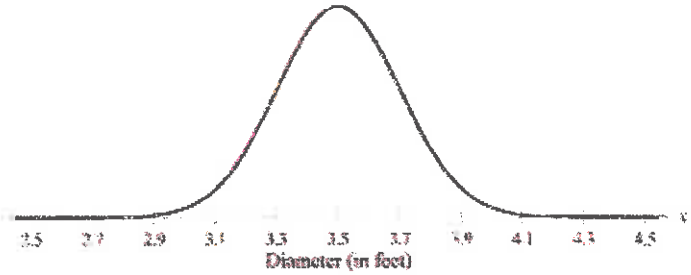
SOLUTION



Interpretation The heights of the oak trees are normally distributed with a mean of about 90 feet and a standard deviation of about 3.5 feet.

Try It Yourself 2

The diameters (in feet) of fully grown white oak trees are normally distributed. The normal curve shown below represents this distribution. What is the mean diameter of a fully grown white oak tree? Estimate the standard deviation of this normal distribution.



a. Find the *line of symmetry* and identify the mean.
b. Estimate the *inflection points* and identify the standard deviation.

Answer: Page A35

It turns out that men's height falls onto what's called a standard distribution, or a gaussian curve, or a bell curve. Out of one hundred men, about 2/3 of them, about 68, are between 5'7" and 6'. About 2/3 of all American men are 5'10" ± 3". About 1/3 of them are outside this range, with about half of those on each side. So, about 1/6 are 6'1" or taller, and about 1/6 are 5'6" or shorter. If we start looking for men who are much taller than 6' tall, we find that as their height goes up, they get more and more rare.

Some very famous very tall guys

	Players	US population this tall
3σ	Michael Jordan 6'6", Kobe Bryant 6'7"	130,000
4σ	Larry Bird 6'9", Karl Malone 6'9"	3,200
5σ	Shaquille O'Neal 7"1', Wilt Chamberlain 7'1", Kareem Abdul-Jabbar 7'2"	28
6σ	Yao Ming 7'5"	2 in the world

Once we have graphed a representative sample, as we have above, we can find the points which enclose 2/3 of the population. This is called the Standard Deviation range. Standard Deviation is normally written as σ The standard deviation for American men's height is about 3". Knowing that, we can figure out what the rest of the population looks like too. Each time height increases by 3", by a standard deviation, the population drops off considerably. There are just about exactly 100,000,000 adult men in America. Now that we know their average height is 5'10" and the standard deviation is 3", we can predict how many of these men fall into various height categories.

Population of American Men in various height categories

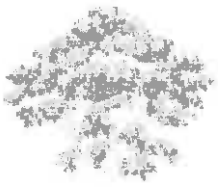
Height Range	S.D.	Expected number
4'7" - 4'10"	-4σ	3,200
4'10" - 5'1"	-3σ	135,000
5'1" - 5'4"	-2σ	2,100,000
5'4" - 5'7"	-1σ	13,600,000
5'7" - 5'10"	average	34,000,000
5'10" - 6'1"	average	34,000,000
6'1" - 6'4"	1σ	13,600,000
6'4" - 6'7"	2σ	2,100,000
6'7" - 6'10"	3σ	135,000
6'10" - 7'1"	4σ	3,200
7'1" - 7'4"	5σ	28
7'4" - 7'7"	6σ	0

We see above that the number of men at a given height drops off really quickly as you get away from the average height. In fact, the expected number of men in the US who are over 7'4" is less than 1. There actually is at least one guy in the US who is this tall: NBA star Yao Ming. We had to import him from China, where they have four times as many people as the US has.

The gaussian curve is a mathematical curve, and does not fit population data perfectly. Height is subject to a lot of things besides just statistics. There are chemical imbalances that can strongly effect how people grow, and there are hormones and steroids you can take in adolescence to effect your final height. One man, Robert Wadlow, once grew to be 8'11". According to statistics, this is all but impossible. But Robert had a pituitary problem, and pituitary glands don't know anything about statistics.

Pests. Eucalyptus was pest-free until 1984, when the eucalyptus longhorn beetle—one of the tree's native attackers in Australia—was observed in Southern California. Without natural predators to keep it in check, the beetle has become a serious pest, especially on stressed trees. Signs of infestation include oval holes made by the beetle in the plant's wood, and individual branches or the whole plant dying with leaves still attached. The best control is good management. Freshly cut wood attracts the pest, so avoid pruning during its active period (May to October). If you see tunnels under bark of firewood, immediately burn or bury the wood. Remove dead or dying trees; bury logs or cover tightly with tarpaulins for at least 6 months. Tightly cover eucalyptus firewood and do not transport it.

Another pest, the red gum lerp psyllid, is a more recent arrival from Australia. Discovered in Southern California in 1998, the tiny insect has spread throughout the state, attacking many eucalyptus species in addition to red gum (*E. camaldulensis*). It sucks sap from leaves, excreting honeydew in the process; foliage may look black due to sooty mold growing on the honeydew. If present in high numbers, the pest can cause severe leaf drop. Infested plants are more susceptible to attack by other pests, including borers. Minimize stress by irrigating deeply (but not near the trunk) during long dry spells; don't fertilize. Don't spray with any kind of insecticide—a parasitoid wasp has been released to control the psyllid.



Eucalyptus citriodora

EUCALYPTUS

NAME, HARDINESS	HEIGHT	SPREAD	LEAVES, BARK	FLOWERS, FRUIT	COMMENTS
Eucalyptus albens WHITE BOX 22°F/ −6°C	45–75 ft.	30–45 ft.	Large, pale gray-green juvenile leaves. Pale bark	Clusters of small white flowers from whitish buds. Small fruits	Casts fairly dense shade. Juvenile leaves are good for cut foliage. Stringy growth than *E. polyanthemos* in desert
E. bauerlana BLUE BOX 10 to 18°F/ −12 to −8°C	35–75 ft.	25–45 ft.	Gray-green, nearly round juvenile leaves, broader and rougher than those of *E. polyanthemos*. Adult leaves may be slightly longer, broader, less sharply pointed	Unimportant whitish flowers	Fuller-bodied substitute for *E. polyanthemos*. Attractive round tree when young, becomes tall and straight with age
E. camaldulensis (E. rostrata) RED GUM 12 to 23°F/ −11 to −5°C	45–150 ft.	45–105 ft.	Long, slender, lance shaped, pendulous green leaves. Tan, mottled, curved trunk	Unimportant white to pale yellow flowers, small capsules	Large tree with spreading crown, weeping branches. For highways, broad streets, parks, skylines. Gets chlorosis in desert
E. cinerea SILVER DOLLAR TREE 14 to 17°F/ −10 to −8°C	20–55 ft.	20–45 ft.	Roundish gray-green juvenile leaves, 1–2 in. long. Long, narrow green mature leaves	Unimportant small white flowers, small capsules	Cut back often for a supply of decorative foliage. Withstands wind. Best in dry site or with fast drainage. Can be used as perennial in borderline climates
E. citriodora (Corymbia citriodora) LEMON-SCENTED GUM 24 to 28°F/ −4 to −2°C	45–90 ft.	15–45 ft.	Leaves long (3–7 in.), golden green, lemon scented. Trunk white to pinkish	Small white flowers, little urn-shaped capsules	Attractive, narrow tree, can grow close to walls, walks. Lower half to two-thirds of tree is bare trunk. Trunk is weak when young; stake sturdily. Cut back and thin often to strengthen. Can take much or little water
E. cladocalyx (E. corynocalyx) SUGAR GUM 25 to 28°F/ −5 to −2°C	45–90 ft.	45–75 ft.	Shiny, reddish, 3–5-in. leaves, oval or variably shaped. Tan bark peels to show creamy patches	Unimportant creamy white flowers, small capsules	Planted for structure. Skyline tree on Southern California coast with characteristic puffy clouds of foliage separated by open spaces. Tough. 'Nana' is a small grower to 20–25 ft.
E. conferruminata (usually sold as **E. lehmannii**) BUSHY YATE 25 to 28°F/ −4 to −2°C	12–27 ft.	15–30 ft.	Elongated oval, light green, 2-in. leaves, some turn red in fall	Green flowers in 4-in. clusters open from horn-shaped buds. Large woody capsules remain on branches	Fast-growing, flat-topped, dense tree for windbreak or seashore. If left unpruned, branches touch ground
E. deglupta MINDANAO GUM 24 to 26°F/ −4 to −3°C	75–200 ft.	30–75 ft.	Dark green leaves. Flaking bark strikingly colored in blue, green, yellow, red, purple	Flowers, fruit inconspicuous	Fast-growing, erect tree from [illegible] of Indonesia, Philippines, New [illegible]. Trunk is the spectacular feature. Regular water

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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

Subject: Planning Commission Resolution (2015-24)
Date: Sunday, December 20, 2015 2:37 PM
From: Tom Heinsheimer <theinsheimer@col-heins.com>
To: Yolanta Schwartz <ys@cityofrh.net>, Leah Mirsch <LeahMirsch@verizon.net>, Jeff Pieper <jeff.pieper@pieper.com>, "hluce@cityofrh.net" <hluce@cityofrh.net>, Jim Black <ksbmd1@cox.net>

To City Council and Staff:

I commend the Planning Commission for sending you the very well thought-out Resolution (2015-24) that will go far to resolving the ambiguities that recent hearings have dealt with in reconciling the 1988 View Preservation Ordinance and Measure B.

I respectfully offer the following suggestions for your consideration:

1 – Chapter 2, Section 2001, paragraph 2 lines 3 and 10 – I suggest removing the words "regularly" and "regular" as this is impossible to demonstrate by inspection of the trees — just saying "plants that have been cut" in line 3, and "show evidence of cutting" in line 10 will remove any ambiguity.

2 – At the end of paragraph 2, I would add the following: "Trees that are dead or dying shall not be categorized as "mature" and shall not be exempt from restorative action".

3 – Section 2003 – I would fix the syntax in the first 2 lines to read: "If evidence is presented such as historical ground or aerial photographs showing that the offending tree or trees or vegetation subject to the complaint was either not in existence, nor mature (as per the definition in section 2001) at or around the time that the complaint.....

4 – Section 3001 – I would add to line 4 as follows: "....the City unless such adjudication is reaffirmed by further decisions by the City Council in compliance with this resolution.

Thank you for your attention.

Tom Heinsheimer

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City of Rolling Hills
By _____

Colbaugh & Heinsheimer
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DEC 11 2015

City of Rolling Hills
By_____

31 Chuckwagon Road
Rolling Hills, California 90274

April 23, 2015

EXPANSION OF TIME-LIMITED COMMENTS- VIEW ORDINANCE HEARING

Dear Planning Commissioners:

This is to expand on the comments I provided at the public hearing April 21, 2015. Sorry I went over my allotted 3 minutes, but the issues are complicated!

Page circle b (3)- Measure B exempts trees that were "mature" at the time of acquisition of property, but does not define "mature." The wording of *Measure B,* passed by the voters, is " 'Mature' versus 'maturing' shall be defined by industry standards predominantly accepted by arborists."

I interpret this to mean that if there is an industry standard widely accepted by arborists, the industry standard **shall define** "mature." There is such a standard, "**Mature Tree-** Trees that have reached at least 75 percent of their final height and spread." I provide as attachments three such identical citations, one from the Los Angeles City Department of Parks and Recreation *Urban Forest Program* and two others.

http://www.laparks.org/dos/forest/pdf/UrbanForestProgram.pdf.

There are many other similar citations on city, state, and arborist web sites, all citing the 75% rule in defining mature trees, so this is the industry standard that should be used.

Page circle b (3) recommends that the range of heights of trees in the *Sunset Western Garden Book* be used to define the mature height of a subject tree. The Commission is to decide whether the shortest, tallest, or average height should be applied. Shortest would favor the tree-owner, tallest the view-seeker, so a Solomon-esque compromise would appear to be to apply the average of the low and high values. Here's an example of how it would work:

Eucalyptus Cinerea "Silver Dollar" (p. 338, 2001 edition)- a common RH tree
Low height 20 feet
High Height 55 feet

$$\frac{L + H}{2} \times 0.75 = \text{height of a mature tree}$$

$$\frac{(20 + 55)}{2} \times 0.75 = \text{at least 28 feet is the height of a mature Silver Dollar Eucalyptus.}$$

As a reality check, I have four 15 years old Silver Dollars in front of my residence, all which have achieved at least 28 feet in height. I cut down a 50 year old Silver Dollar a couple of years ago that was at least 50 feet in height.

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Page Circle b (1)- Should applicants be required to indemnify the City's costs?
As Tina Greenberg testified, the view action in which she was involved cost her over $200,000 in legal fees, and the view-seeking applicant had no or minimal costs beyond the application fee as the City's attorney represented the view-seeking applicant and the City (RH taxpayers) picked up all outside legal costs, consulting arborists, CEQA, staff time, and the like. The deck is stacked against the tree-owner; and as Tina testified, there is little incentive for the applicant to negotiate a reasonable solution as they can take it to the limit since the property taxes of the other Rolling Hills owners are used to pick up the view-seekers tab. This is manifestly unfair.

So, yes, the view-seeking applicant should pay the City's full costs of the view mitigation action, including legal, consulting, CEQA, staff time, etc. An example indemnification may be found at circle 47, *City of Beverly Hills*. Four of six view ordinances of other cities summarized at page circle 37 require such indemnification, as does RHCA in its *Resolution 193*. We should go with the majority.

A better solution would be to *limit* the risk of legal, litigation and other costs of the applicant, tree-owner, and City. There are at least two not mutually exclusive ways that this could be accomplished:

1. **City provides view dispute resolution guidelines and advisory services to assist view/tree adversaries to arrive at a reasonable solution, but the City does not act as a party to the dispute.** An example of this approach may be found at page circle 80 Sec. 17.55.100 D, *Advisory Opinion* (Rolling Hills Estates), "the view seeker may request that the city's planning director assess and issue an advisory opinion on the view equity claim. The director may, but is not required to, assist the parties in resolving the view equity dispute. It is the intention that the advisory opinion be admissible as evidence in any [subsequent] civil action."

   At the time I was on the committee to develop the RHCA view resolution, I conducted a survey of view ordinances of about 50 cities including Rolling Hills. The vast majority took the approach of assisting the parties in a view dispute as an ombudsman, not as a party to the dispute. Typically, a body such as a view committee works with the view-seeker and tree-owner to arrive at a mutually agreeable solution, typically issuing a non-binding advisory opinion. If the parties cannot agree at this point, the parties may commence arbitration or legal remedies, and the City is out of it as a party until an order is issued.

   The rare exceptions in my survey were RPV and Rolling Hills which become parties to a view resolution dispute (I learned as a kid not to wade into a fight between two kids on the playground, or I was likely to become bloodied myself!). I recommend that we join the majority of California cities and provide view dispute resolution guidelines and advisory services, but the City should not subject itself to litigation by acting as a party in the dispute.

It would work something like this:

a. **Initial discussion between view-seeker and tree-owner.** It is always best if neighbors can work things out among themselves. If this fails, the view-seeker provides documentation to the City showing attempts to resolve the issue with the tree-owner, and moves to step b.
b. **Application for view dispute resolution and payment of application fee**
c. **Mediation.** If either party refuses mediation, go directly to step e or f. Mediator apportions mediation costs as part of the agreement. If mediation agreement is accepted, go to step g. If not, go to step d.
d. **Assistance of Committee on Trees and Views.** Committee works with the parties to resolve the view dispute, and issues a non-binding advisory opinion. Parties provide their own legal counsel if they wish to have counsel. If the parties accept the committee opinion in writing, go to step g. If not, go to step e. or f.
e. **Binding arbitration.** If either party refuses binding arbitration, view-seeker may move to step f. If a binding arbitration order is issued, go to step g.
f. **Litigation.** View seeker sues tree-owner and receives a court order.
g. **Implementation of restorative action.** Upon receipt of a mediation agreement, acceptance of View Committee advisory opinion, binding arbitration order, or court order, guidelines are provided to implement restorative action, if actions are not otherwise specified in the agreements or orders.
h. **Enforcement.** City may use its enforcement powers if necessary to enforce the mandated restorative action.

2. **Draft and adopt a View Ordinance that will be viewed as fair by both view-seekers and tree-owners in Rolling Hills.** There are some good model ordinances that have been well debated and lawyered that we could use as models. Trying to patch up the currently poorly drafted ordinance is like putting lipstick on a pig- when you are done, it's still a pig!

   I will elaborate on this in a separate letter.

Regards,

Lynn E. Gill
31 Chuckwagon Road

RECEIVED
Tuesday, July 21, 2015 4:25 PM

JUL 21 2015
City of Rolling Hills
By _____

Subject: View Ordinance
Date: Tuesday, July 21, 2015 4:24 PM
From: Jeanne Saks <jeannecsaks@yahoo.com>
Reply-To: Jeanne Saks <jeannecsaks@yahoo.com>
To: "Raymond R. Cruz" <rcruz@cityofrh.net>, "hluce@cityofrh.net" <hluce@cityofrh.net>
Cc: Ewa Nikodem <enikodem@cityofrh.net>

Dear Mr.Cruz and Ms. Luce,

I wanted to provide my imput for tonight's hearing before the Planning Commission, as I am not sure whether I will be able to attend.

I have lived in the City of Rolling Hills since 1984 in two different houses. One of the primary reasons I chose our houses and neighborhood was because of the beautiful ocean and city light views. Views are integral to our home values, and without protection of our lovely views, we lose the very thing we moved here for: communion with the ocean. I hope the City continues to vigorously protect our view corridors from growing trees, and make view restoration economically available for all homeowners who have views to protect. Along those lines, I would be very opposed to any change in the existing regulations that require an indemnity from view applicants. Given the disparities in homeowner resources and incomes, requiring an indemnity would make it impossible for some long term owners to protect their views from neighbors that insisted on legal action as a way of avoiding or delaying view restoration.

I strongly believe that protection of our community's beautiful views should be a priority for our City, and hope the Planning Commission will keep this in mind when considering any changes to its regulations.

Sincerely,

Jeanne Colette Saks

Jeanne Colette Saks
33 Crest Road West
Rolling Hills, CA 90274
310-404-4446 cell
jeannecsaks@yahoo.com

92

RECEIVED
MAY 19 2015
City of Rolling Hills
By _____

Subject: Re: View Restoration Discussion
Date: Tuesday, May 19, 2015 11:32 AM
From: Raymond R. Cruz <rcruz@cityofrh.net>
To: Robert Hammond <rhammond@greekbill.com>
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

Hello Rob,

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

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From: Robert Hammond <rhammond@greekbill.com>
Date: Monday, May 18, 2015 at 8:39 PM
To: Raymond Cruz <rcruz@cityofrh.net>
Subject: View Restoration Discussion

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,

Rob Hammond

Rob Hammond | President and CEO | **GreekBill, Inc.**
23224 Crenshaw Blvd – Torrance, CA 90505
800.457.3816 ext. 706 | Direct: 310.697.7056 | fax: 310.376.9088
www.GreekBill.com <http://www.greekbill.com/>

Follow us! <https://www.greekbill.com/GBWEB/FRONT/DEFAULT.ASPX> <http://www.facebook.com/pages/GreekBill/377114088982667> <https://twitter.com/#!/GreekBill> <http://www.linkedin.com/company/143178?goback=%2Efcs_GLHD_greekbill_false_*2_*2_*2_*2_*2_*2_*2_*2_*2_*2_*2_*2&trk=ncsrch_hits>

93

RECEIVED
MAY 19 2015
City of Rolling Hills
By _____

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>

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
310 377-1521 F: 310-377-7288

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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

MAY 19 2015

City of Rolling Hills
By _____

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>

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
310 377-1521 F: 310-377-7288

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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/>

95

RECEIVED
MAY 19 2015
City of Rolling Hills
By _____

Subject: Re: View meeting
Date: Tuesday, May 19, 2015 11:24 AM
From: Raymond R. Cruz <rcruz@cityofrh.net>
To: Laura Gregorio <lktg2000@gmail.com>
Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>

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
310 377-1521 F: 310-377-7288

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From: Laura Gregorio <lktg2000@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

96

RECEIVED

MAY 19 2015

City of Rolling Hills
By _____

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>

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

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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

RECEIVED
MAY 19 2015
City of Rolling Hills
By _____

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>

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

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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

98

RECEIVED
MAY 19 2015
City of Rolling Hills
By _____

Subject: Re: Views Ordinance in Planning Commission.
Date: Tuesday, May 19, 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
310 377-1521 F: 310-377-7288

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On 5/18/15, 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

99

RECEIVED
MAY 19 2015
City of Rolling Hills
By _____

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>

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

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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

100

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MAY 19 2015

City of Rolling Hills

By

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>

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

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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

RECEIVED

MAY 19 2015

City of Rolling Hills
By _____

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>

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

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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 Saddeleback 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

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Subject: Planning Commission Meeting
Date: Monday, May 18, 2015 8:23 PM
From: Deborah Thomas <dksthomas@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,
Debi and Tom Thomas
66 Eastfield Dr.

RECEIVED
MAY 19 2015
City of Rolling Hills
By _____

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

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 _____

105

RECEIVED

MAY 19 2015

City of Rolling Hills
By _____

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>

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

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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

RECEIVED Wednesday, May 20, 2015 11:16 AM

MAY 20 2015

City of Rolling Hills

By _____

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>

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
>
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>
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>
> **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 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

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

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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,

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Thank you

Steve

RECEIVED
MAY 20 2015
City of Rolling Hills
By _____

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@lovellminnick.com>

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

CITY OF ROLLING HILLS

RECEIVED

APR 2 7 2015

City of Rolling Hills
By from Lynn Gil

PROPOSED VIEW ORDINACE

View and Tree/Vegetation Equity Process

Anon

4/27/2015

The View and Tree/Vegetation Equity Process contained herein establishes a right of real property owners in Rolling Hills to preserve and/or restore a view that existed when they purchased their property, while mitigating unreasonable negative effects on trees and vegetation such as severe pruning, unnecessary removal of vegetation, and reduction of privacy, shade, and soil stability.

(11)

Chapter
17.12

The following replaces Section 17.12.220 in its entirety.

DEFINITIONS

17.12.220 Words, terms and phrases.

For the purpose of this chapter, the meaning and construction of words and phrases hereinafter set forth shall apply:

"Arbitration" means a voluntary legal procedure for settling disputes and leading to a final and binding determination of rights of parties, usually consisting of a hearing before an arbitrator where all relevant evidence may be freely admitted as set forth in California Code of Civil Procedure Section 1280 et seq.

"Arbitrator" means a mutually agreed upon neutral third party professional intermediary who conducts a hearing process, and who hears testimony, considers evidence and makes binding decisions for the disputing parties.

"Arborist, certified" means a person who has passed a series of tests by the International Society of Arboriculture (ISA), is governed by ISA's professional code of ethics and possesses the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants. The arborist utilized in mediation of a view dispute shall be approved by the city.

"Authorized agent" means a person, as defined herein, who has been designated and approved in writing by the property owner of record to act on his/her behalf in matters pertaining to the processing of a view claim as outlined in this chapter.

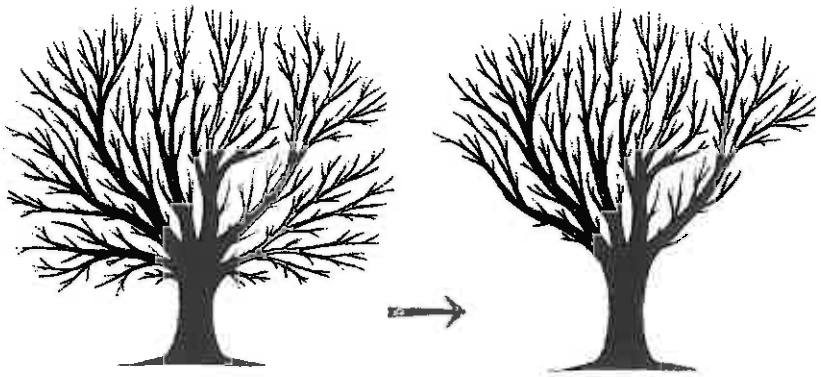
"Canopy" means the umbrella-like structure created by the over-head leaves and branches of a tree which create a sheltered area below.

"City" means the City of Rolling Hills.

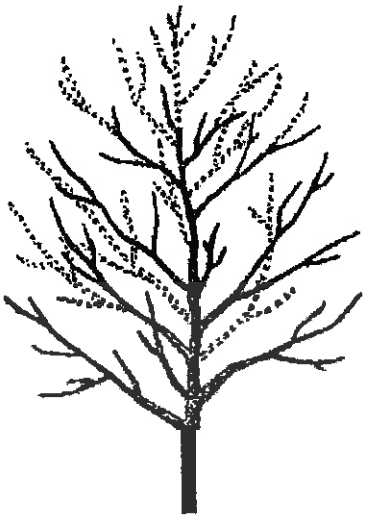
"Claim, view" means documentation that outlines the basis of the alleged view impairment and the specific preservation/restoration action that is being sought.

"Crown" means the rounded structure of branches that make up the top of the tree.

"Crown lifting" means removing the lower branches of a tree so that a view can be experienced under the tree.



"Crown reduction/shaping" means a method of pruning that reduces a tree's height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs by means of removal of leaders or the longest portion of limbs to a lateral limb large enough to assume the tree's growth.



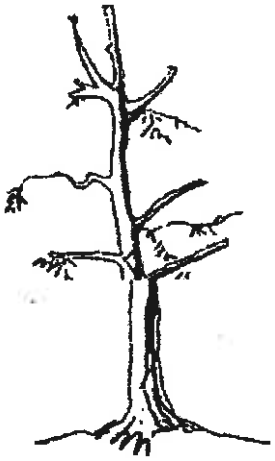
113

"Damage" means to endanger the health or vigor of a tree or vegetation, including, but not limited to, girdling, severe pruning (topping or heading back), interfering with the water supply, applying chemicals, or re-grading around the base of the trunk so as to disrupt the feeder root zone of the tree or vegetation.

"Decision-making body" means a mediator, arbitrator, Committee on Trees and Views, Rolling Hills City Council, or judicial body.

"Established view" means a view that was in existence on the date the current owner (view-seeker) purchased their real property, [or the date the current tree/vegetation owner purchased their property,whichever date is more recent.] *Note-adding these words in parens may require a proposition and vote of the RH voters?*

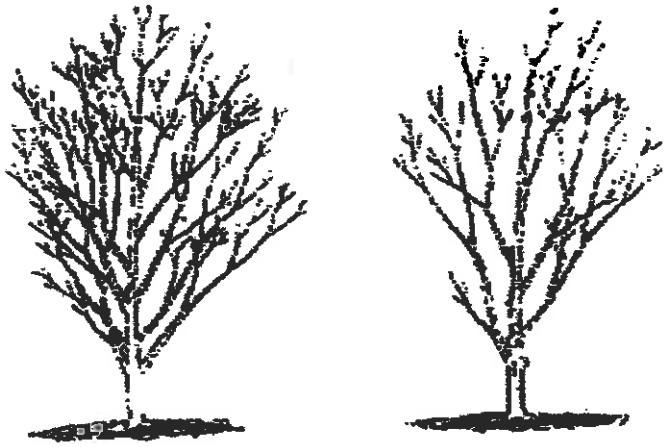
"Heading back" means the overall reduction of the mass of a tree by modification to major limbs. "Heading back" as defined herein is considered to be severe pruning and its use is limited.



"Impairment" means the blocking or diminishment of a view attributable to growth, improper maintenance or location of maturing trees and/or vegetation.

"International Society of Arboriculture (ISA) is an over 90-year old professional association that, through research, technology, and education, promotes the professional practice of arboriculture and fosters a greater worldwide awareness of the benefits of trees. ISA provides professional certification for arborists who meet its standards, and provides guidelines and standards for best practices in the maintenance and pruning of trees.

"Lacing" means a method of pruning that selectively removes excess (primarily interior) limbs and foliage to improve the structure of the tree and to provide a view through the tree, as part of a view corridor. No more that 30 Percent of the foliage should be removed.



Before and After
Lacing

"Maintenance" means pruning with the primary objective of maintaining or improving tree health and structure and enhancing aesthetics; and includes "crown reduction," or "lacing.

"Mature tree" means a tree that has reached at least 75 percent of its final height.

"Maturing tree" means a tree whose height is less than that of a mature tree.

"Mediator" means a neutral, objective third party professional negotiator/facilitator to help disputing parties reach a mutually satisfactory solution regarding a view claim.

"Person" means any individual, individual, corporation, partnership, firm or other legal entities.

"Preservation/restoration action" means any specific steps taken affecting maturing trees or vegetation that would result in the preservation or restoration of an established view.

"Pruning" means the removal of plant material from a tree/vegetation.

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"Real property" means rights or interests of ownership of land and all appurtenances to the land including buildings, fixtures, vegetation and improvements erected upon, planted or affixed to the land.

"Severe pruning" means the cutting of main branches and/or the trunk of a tree to stubs in a manner which substantially reduces the overall size of the tree and destroys the symmetrical appearance or natural shape of the tree. Severe pruning damages the tree, makes it susceptible to disease, and usually results in explosive new growth as the tree attempts to save itself by replacing canopy floiage. "Heading back"and "topping" are severe pruning, the use of which is limited.

"Stand thinning" means the selective removal of selected trees from a grove of trees.

"Topping" is the removal of the entire top of a tree's crown by cutting back large diameter branches to stubs and truncating the main stem/trunk. Topping damages and weakens trees, often results in explosive new growth, and topped trees appear disfigured and mutilated. Topping is considered severe pruning, the use of which is limited.

"Tree" means any woody perennial vegetation with a woody main-stem or trunk (sometimes multiple trunks) ordinarily growing to a considerable height, and usually developing branches at some distance from the ground.

"Tree/vegetation owner" ("tree owner") means any person who owns real property in Rolling Hills on which tree(s) and/or vegetation is located.

"Vegetation" means all types of plants, bushes, hedges and shrubs, including trees.

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"View" means a vision of a scene or vista from a viewing point in a principal residence or 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, lights of the Los Angeles basin, the Palos Verdes hills or Los Angeles and Long Beach harbors. The term "view" does not mean an unobstructed panorama of these features, rather a view corridor through trees or vegetation. "View", "the view" and "views" are synonymous and singular.

"View and tree/vegetation equity means a fair, reasonable, and balanced accommodation of preserving or restoring an established view and competing property purposes such as structures, trees and/or vegetation), considering benefits such as privacy and the use and enjoyment of property.

"View corridor" is a narrow visual pathway through trees or vegetation from a single viewing point to a single scene or vista.

"View impairment" means a significant interference with an established view by maturing landscaping, trees or any other vegetation. (Ord. 239 §11(part), 1993).

"View Seeker" means any real property owner in the city or authorized agent of such property owner who alleges that maturing tree(s)/vegetation located on a neighbor's property in the near vicinity are causing unreasonable impairment of a view benefiting such real property.

"Viewing point" is a location within a principal residence from which a person can experience an established view, such as the living, family, kitchen and dining rooms; rooms that have features such as picture windows, sliding glass doors, or French doors; and common exterior areas such as patios, balconies, decks, pool areas, and gazebos. Minor rooms such as bathrooms, hallways, garages, and closets are excluded.

The following replaces Chapter 17.26 in its entirety.

Section Chapter 17.26

TREES AND VIEW PRESERVATION

Sections:

17.26.010	Intent and purpose.
17.26/020	Preservation of views defined
17.26.030	Criteria for determining unreasonable impairment.
17.26.040	Criteria for determining appropriate preservation/restoration action.
17.26.050	Hierarchy of view preservation/restoration actions.
17.26.060	Committee on Trees and Views.
17.26.070	Desirable and undesirable trees.
17.26.080	View and Tree/Vegetation equity process
17.26.090	Initial discussion.
17.26.100	View claim procedure.
17.26.110	Mediation.
17.26.120	Assistance of Committee on Trees and Views.
17.26.130	Arbitration.
17.26.140	Litigation.
17.26.150	Preservation/restorative action limitations.
17.26.160	Implementation of preservation/restorative action.
17.26.170	Enforcement
17.26.180	Responsibility for view preservation/restoration action and subsequent maintenance.
17.26.190	Notification of subsequent owners.
17.26.200	Liability and Indemnification.
17.26.210	Severability.

SEC. 17.26.010 Intent and purpose.

The City of Rolling Hills enjoys both beautiful views and an abundance of trees and other vegetation, and values both as contributing to the unique character of the city and enhancing the quality of life. 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. Views contribute to property values. These views have the potential to be diminished or eliminated by maturing landscaping located on adjoining private or city property.

Trees and vegetation produce significant psychological and tangible benefits for both residents and the broader community. Trees and vegetation provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, remove pollutants from the air, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Trees and vegetation also create shade which allows enjoyment of outdoors areas and reduces energy costs and the environmental impact of air conditioning.

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Trees and vegetation contribute to the visual aesthetics by providing visual screens and buffers between different properties or land uses. Trees and vegetation in landscaping buffer the scale and mass of architecture and provide an attractive environment. Trees and vegetation within the city provide botanical variety and a sense of history. Trees and vegetation contribute to property values. Absent an unreasonable impairment of the established view of a neighboring property by maturing vegetation, the city encourages and supports the planting and maintenance of trees and vegetation.

The benefits derived from an established view and trees/vegetation may come into conflict. The planting or natural germination of trees and other vegetation and their subsequent growth, particularly when such trees are not properly maintained, can produce unintended harmful effects both on the property on which they are planted and/or on neighboring properties.

No person shall plant, maintain, or permit to grow any trees or vegetation which unreasonably grows to obstruct an established view from a neighboring property or properties.

The purpose of this chapter 17.26 is to:

a) Establish a right of real property owners in the city to preserve and or/restore an established view that existed on the date that the property was purchased by the view- seeker, [or on the date that tree/vegetation owner's property was purchased, whichever is more recent,]
b) Mitigate the inherent conflict between an established view and trees/vegetation by establishing procedures for the protection of an established view and/or abatement of view impairments created by maturing trees and vegetation, while at the same time protecting trees and vegetation from damage or indiscriminate removal,
c) Preserve property rights of tree/vegetation owners by not unreasonably reducing privacy, shade, soil stability, and so forth. It is not the intent of the City to encourage clear-cutting or substantial denuding of any property of its trees by overzealous application of provisions of this chapter. The goal is to provide equity between view-seekers with established views and property rights of tree/vegetation owners.
d) Assure that remediation of impairments of established views are to the greatest degree possible compliant with tree maintenance and pruning standards of the International Society of Arboriculture (ISA).

17.26.020 Preservation of Views Defined.

This section includes the language of Ord. No. 333 (Measure B) which mandates the provisions set out herein, which was adopted March 18, 2013, as a vote of the electorate. It cannot be changed except by another vote. The section numbers cited are adjusted to fit the revised ordinance numbering format.

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Notwithstanding any other provision of Chapter 17.26.010 to 17.26.210, the following provision shall apply and supersede in priority any other provision.

1. A view is defined as that view existing from the time any current owner of a property in the City of Rolling Hills actually acquired the property.
2. Chapter 17.26.010 provides that the intent of the Ordinance is to protect views from "maturing vegetation." As such, in addition to the limitations otherwise set forth in Chapter 26, including but not limited to this Section 17.26.020, 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 predominately 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 weighed in the following order of priority:

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

4. This Sections 17.26.020 shall be effective retroactively to the date Chapter 17.26 *was* first made an Ordinance to the City of Rolling Hills.

17.26.030 Criteria for determining unreasonable view impairment.

The following factors are to be considered (but are not exclusive) in determining whether unreasonable impairment of an established view has occurred:

1. The date the view seeker purchased their property; and
2. The date the tree/vegetation owner purchased their property,
3. The viewing point from which the established view is claimed,
4. The quality of the established view, including the existence of landmarks, vistas, or other unique features of the established view;
5. The extent to which maturing tree(s) and/or vegetation on the tree/vegetation owner's property obscure the established view from the viewing point on the view seeker's property,
6. The extent to which tree(s) and/or vegetation on the view-seeker's property obscure the established view,
7. The extent to which the established view has been or is diminished by factors other than maturing tree(s) and/or vegetation , such as structures,
8. Legal building structures consistent with city regulations, and vegetation within the silhouette of such structures are not within the definition of view impairment. Vegetation may grow up to the height of the roof ridge for a privacy shield and/or to shield the view into a pool or patio and certain other private areas within a property. An established view to be preserved or restored is generally of a distant vista above or around the structure silhouette.

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17.26.040 Criteria for determining appropriate preservation/restoration action.

If it has been determined that unreasonable impairment of an established view has occurred, then the following un-weighted factors shall be considered in determining appropriate preservation or restorative action:

(1) The extent to which the maturing tree(s) and/or vegetation provide:

(a) Screening or privacy,

(b) Energy conservation and/or climate control,

(c) Soil stability, as measured by soil composition, degree of slope and extent of the tree's root system when a tree is proposed to be removed,

(d) Aesthetics of the trees/vegetation,

(e) Community/neighborhood quality, value or significance,

(f) Shade,

(g) Historical context due to the age of the tree/vegetation,

(h) Rare and interesting botanical species,

(i) Habitat value for wildlife,

(j) Blending, buffering or reduction in the scale and mass of architecture and buffering between properties provided by trees/vegetation

(2) Any hazards posed by the tree(s) or vegetation including, but not limited to, fire danger or the danger of falling limbs or trees;

(3) The species, age, projected rate of growth, and maintenance requirements of the tree(s) or vegetation;

17.26.050 Hierarchy of view preservation/restoration actions.

Actions to preserve or restore an established view must be consistent with all other provisions of this chapter. The intent in effecting preservation or restoration of established views is to comply as much as is reasonably possible with tree maintenance and pruning standards of the International Society of Arboriculture (ISA).

Preservation and restoration actions may include, but are not limited to the following, in order of preference, assuming no countervailing health or safety interest(s)exist:

1. Lacing. Lacing is the most preferable pruning technique that removes excess foliage and can improve the structure of the tree. View corridors can be provided through laced trees.
2. Crown Raising. Crown raising to provide a view under the canopy of a tree may be utilized, if it does not in the opinion of a certified arborist adversely affect the tree's growth pattern or health.
3. Crown Reduction. Crown reduction is preferable to tree removal, if it is determined by a certified arborist that the impact of crown reduction would not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise damage the tree(s) in question.
4. Stand Thinning. The removal of some of the total number of trees from a grove of trees, to thin out the grove in order to establish view corridors through the grove.

5. Heading Back or Topping. Heading back or topping is considered severe pruning and is only permitted for trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form, if restoration actions (1) through (4) of this section will not accomplish the determined preservation action, and in the opinion of a certified arborist the subsequent growth characteristics will not create a future impairment or burdensome maintenance problem.
6. Tree/Vegetation Removal. Removal of maturing trees and/or vegetation may be considered when the above-mentioned preservation actions are judged to be ineffective, and which may be accompanied by required replacement plantings of appropriate vegetation to mitigate the level of benefits lost due to tree removal. View seeker shall bear the cost of replacement planting, unless otherwise agreed or ordered by a decision making body.

17.26.060 Committee on Trees and Views.

A Committee on Trees and Views ("Committee") is established for the purpose of advising view-seekers and tree-owners about the provisions of this chapter, providing research and evaluation, facilitating discussions among the parties to arrive at an equitable agreement among the parties, and documenting findings and non-binding recommendations. The role of the Committee shall be advisory in nature and shall not be binding in establishing the preservation or restoration of an established view.

The Committee shall be composed of no less than three members, selected from among property owners in the city. One member may be a professional member, such as a certified arborist or landscape architect/designer. The Committee shall be 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 certified arborists as required, but shall not incur any expense on behalf of the city. (Ord. 292 §4, 2003: Ord. 239 §11(part), 1993). All such related costs to establish and pursue a view claim will be borne by the view seeker, unless otherwise agreed between the view seeker and the tree vegetation owner or as specified herein.

17.26.070 Desirable and undesirable trees.

The Committee is authorized and directed to prepare a list of desirable and undesirable trees for planting within the city. The list shall be based upon ability of the tree to flourish in Rolling Hills, tree size and shape, rate of growth, depth of roots, fire resistance/hazard, 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 view claims, and other proceedings authorized by this chapter. (Ord. 239 §11(part), 1993).

17.26.080 View and tree/vegetation equity process.

The view seeker shall follow the process established by this chapter in seeking preservation or restoration of an established view:

1. The view seeker must complete the "initial discussion" process described in Section 17.26.090. The initial discussions may proceed informally, however, the view-seeker and tree/vegetation owner may at their discretion appoint authorized agents, and retain legal counsel, arborists and other professionals.
2. If that initial discussion process does not yield a result mutually equitable to the view seeker and the tree/vegetation owner, then the view seeker may file a view claim with the city and request mediation, as described in Sections 17.26.100 and 17.26.110.
3. If the tree/vegetation owner does not participate in mediation or if mediation is unsuccessful in resolving the claim, the view seeker may next pursue resolution by requesting assistance from the Committee on Trees and Views as described in Sec. 17.26.120.
4. If the recommendation of the Committee on Trees and Views is not accepted by the view seeker and the tree/vegetation owner, the view-seeker may nextpursue resolution by arbitration, as set forth in Section 17.26.130.
5. If arbitration is not accepted by the tree/vegetation owner, the view seeker may then initiate litigation as described in Section 17.26.140.
6. The prevailing party in any civil action brought pursuant to this chapter shall be entitled to recover its reasonable costs and attorneys' fees incurred in the litigation, subject to the following exception: a tree/vegetation owner who prevails in litigation shall not be entitled to recover attorneys' fees and costs if the tree/vegetation owner has declined to participate viewand tree/vegetation equity processes set forth in Sections 17.26.090, 17.26.110, 17.26.120, and 17.26.130. The notice of the view claim and request for mediation provided by the city in accordance with Section 17.26.100 shall inform the tree/vegetation owner of this provision and the consequences of non-participation in the initial discussion, mediation, assistance from the Committee on Trees and Views, and/or arbitration process.

17.26.090 Initial discussion.

A view seeker, who believes that one or more trees or vegetation on another person's property in the city has caused unreasonable impairment of an established view from the view seeker's property, shall first notify the tree/vegetation owner of suchconcerns. The notification shall request personal discussions to enable the view seeker and tree/vegetation owner to attempt to reach a mutually agreeable solution, and shallbe followed-up in writing. The notification shall include a copy of the view preservation ordinance (chapter 17.26 of this code), available from the city.

The view seeker shall invite the tree/vegetation owner to examine the alleged view impairment from the viewing point on the view seeker's property. Criteria to be considered are contained in Section 17.27.030. The view seeker shall provide proof of the alleged established view and a description of the nature and extent of the alleged impairment, including pertinent and corroborating evidence.

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Evidence may include, but is not limited to

- Dated photographic prints, negatives, or slides;
- Expert testimony, and lastly
- Other evidence

Such evidence must show the extent to which the alleged established view has been allegedly impaired by maturing trees and/or vegetation.

Failure of the tree/vegetation owner to respond to the written request for initial discussion within forty-five days from the date of delivery shall be deemed formal refusalby the tree/vegetation owner to participate in the initial discussion.

The tree/vegetation owner is urged to invite the view seeker to examine the situation from his/her property. Criteria to be considered are contained in Section 17.26.040. Hierarchy of view preservation/restoration actions are contained in Section 17.26.50.

After discussions, view-seeker shall document and provide to the tree/vegetation owner the specifics of a view remediation proposal:

1. Which specific trees or vegetation shall be remedied,
2. What specific remediation is requested for each tree/vegetation, including diagrams or marked-up photographs,
3. What replacement plantings are required?
4. Who pays for what remediation and replacement?
5. Who pays for future maintenance, and how administered?
6. Other pertinent details of the remediation.

If the initial discussion is refused by the tree/vegetation owner, or if the parties do not agree as to the existence and nature of the view-seeker's v i e w impairment by maturing trees/vegetation and the equitable view preservation/restoration actions required to mitigate the view impairment, the view seeker may proceed with the subsequent claim procedure outlined in Section 17.26.100.

17.26.100 View claim procedure.

If the initial discussion outlined in Section 17.26.090 does not result in an agreement between the tree/vegetation owner and the view seeker, the view seeker mayfile a written view claim with the city requesting mediation. Any person in the city who owns or has lawful possession of a residence from which a view is allegedly 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 view seeker shall submit a complete application for abatement of impairment of an established view (view claim) on a form provided by the city. The application shall be accompanied by a fee as shall be set from time to time by the City Council.

B. Financial Responsibility and Indemnification Agreement. The view-seeker applicant shall execute a financial responsibility and indemnification agreement with the city and post a payment bond at the time a view claim is submitted. The applicant must agree to pay the entire cost of the view claim process and view reservation/remediation, except as otherwise may be agreed between view seeker and the tree/vegetation owner or as specified herein. View seeker shall agree to indemnify

city of any liability and to reimburse the city for costs of administering and defending the view claim (Section 17.26.190).

C. View claim procedure. A view claim to preserve or restore view shall consist of all of the following:

(1) The address of the view-seeker's property, and evidence confirming the ownership and the date of acquisition of the view seeker's property.

(2) The address of the property upon which the trees and/or vegetation are located, the present tree/vegetation owner's name and address, and evidence confirming the ownership and the date of acquisition of the tree/vegetation owner's property.

(3) View points from which established views are claimed. "Established view" is the view that was in existence on the date the view-seeker purchased their real property,

(4) A description of the nature and extent of the alleged impairment of an established view, including pertinent and corroborating evidence. Evidence may include, but is not limited to:

1. Dated photographic prints, negatives, or slides;
2. Expert testimony, and lastly
3. Other evidence

(5) The location of all specific trees and/or vegetation alleged to cause the view impairment Such evidence must show the extent to which the alleged established view has been allegedly impaired by maturing trees and/or vegetation,;

(6) Specific actions to preserve/restore the alleged established view proposed by the view seeker to resolve the allegedly unreasonable impairment;

(7) Evidence that initial discussion as described in Section 17.26.090 has been made and has failed. A view claim shall not be accepted for filing unless the view seeker can demonstrate that the owner of the view-impairing vegetation (tree/vegetation owner) has been given notice of the impairment and a reasonable opportunity to abate it, but has refused to do so. Evidence may include, but is not limited to, copies of mail correspondence and receipts for certified or registered mailings;

(8) During the course of a view action, an applicant may be required to amend an application or provide supplemental materials.

17.26.110 Mediation.

Upon receiving the written view claim, financial responsibility and indemnification agreement, payment bond, and processing fee in the amount established by resolution of the city council, city staff shall prepare and send by certified mail to the tree/vegetation owner, a copy of the written view claim and a notice requesting that the tree/vegetation owner agree to participate in a mediation process to attempt to resolve the view claim.

The notice of the view claim and request for mediation provided by the city in accordance with Section 17.26.100 shall inform the tree/vegetation owner of the provision in Sec. 17.26.140 that a tree/vegetation owner who prevails in litigation shall not be entitled to recover attorneys' fees and costs if the tree/vegetation owner has declined to participate in the view and tree/vegetation equity processes set forth in Sections 17.26.090, 17.26.100, 17.26.110,17.26.120, or 17.26.130.

In addition, city staff shall notify all property owners within 500 feet of the tree/vegetation owner's property of the pending view claim, their right to file a view claim on their own behalves within 45 days of city staffs mailing of notice of the original view claim, and the fact that their view claim will be subject to a two-year time limit if it is not filed within 45 days of staffs' mailing of notice of the original claim. Any view claim(s) submitted by surrounding property owners after being advised by staff of the pending view claim shall, to the extent possible, be combined with the subject view claim for purposes of mediation and arbitration.

The tree/vegetation owner shall have 45 days from delivery of the request for mediation to either accept or decline mediation. The notice sent to the tree/vegetation owner shall inform the tree/vegetation owner that a failure to respond to the request for mediation within forty-five days from the date of delivery of the notice shall be deemed formal refusal of the mediation process by the tree/vegetation owner.

If the tree/vegetation owner agrees to participate in a mediation process, the view seeker shall then pay the fee established by resolution of the city council for the mediation process, including review by the city's certified arborist. The mediator shall be chosen by the parties from the list of professional mediators maintained by the city of qualified and professionally trained mediators, including but not limited to, members of the American Arbitration Association. In the event the parties are unable to choose a mediator from the approved list, city staff shall randomly select a mediator from the list. City staff, in consultation with the mediator, shall establish a date for mediation, and a written notice of the mediation hearing date shall be sent to each party by certified mail.

The mediator shall be guided by the provisions of this chapter, including the evaluation criteria set forth in Sections 17.26.030 and 17.26.040, and the hierarchy of preservation actions set forth in Section 17.26.050, respectively, in attempting to resolve the view claim. The mediator shall also solicit recommendations of a certified arborist regarding landscape techniques and/or maintenance procedures.

The role of the mediator shall be advisory in nature and shall not be binding in establishing the preservation or restoration of an established view. Any agreement reached between the two parties as a result of the mediation process described herein shall be reduced to writing and signed by the mediator and all of the parties, and two copies shall be submitted to the city clerk. The cost of mediation, including review by a certified arborist, shall be paid initially by the view seeker, provided, however, that the ultimate responsibility for

such cost may subsequently be modified by mutual agreement of the parties. The mediator is encouraged to suggest a just and reasonable allocation of responsibility for the cost of mediation as partof the mediation process.

If agreement is reached through mediation, it shall be implemented in accordance with Section 17.26.160.

17.26.120 Assistance of Committee on Trees and Views.

If the initial discussion outlined in Section 17.26.090 or mediation outlined in Sections 17.26.110 does not result in an agreement between the tree/vegetation owner and the view seeker, the view seeker may request assistance from the Committee on Trees and Views. The role of the Committee shall be advisory in nature and shall not be binding in establishing the preservation or restoration of an established view. Any agreement reached between the two parties as a result of the process described herein shall be reduced to writing and signed by all of the parties, and two copies shall be submitted to thecity clerk. The following process shall apply:

1) **Public Hearing.** The matter shall be returned to the City Manager, who shallschedule the matter for a public hearing before the Committee on Trees and Views. (Ord. 292 §5, 2003;Ord. 239 §11(part), 1993. 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:
   a) Notice shall be given by certified mail, return receipt requested, to the owner of the property on which the tree or vegetation allegedly impairing an established view are located , and to the complainant;
   b) Notice shall be given by first class mail to all property owners within five hundred feet of the exterior boundary of the property on which the tree or vegetation allegedly impairing an established view are located , and to other persons who, in the Committee's judgment, might be affected.
2) **Content of Notice**. The notice shall state the name of the complaining party (view seeker), the name of the property owner against whom the complaint is filed (tree/vegetation owner), 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.
   a) Where there is more than one property with trees/vegetation that impairs a view of view seeker, the Committee will deal with all of those properties in a consolidated manner to arrive at a comprehensive recommendation.
3) **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.
   a) The Committee shall be guided by the provisions of this chapter, including the evaluation criteria set forth in Sections 17.26.030 and 17.26.040, and the hierarchy of preservation actions set forth in Section 17.26.050, respectively, in attempting to resolve the view claim.
   b) The view-seeker and tree/vegetation owner may at their discretion appoint authorized agents, and retain legal counsel, arborists and other professionals. The City Attorney may attend hearings only to assure the legality of the proceedings, but shall not in any way represent the interests of either the view-seeker or the tree-owner.

4) **Findings.** Based on the evidence received and factors contained in Sec. 17.26.030, 040, and 050, the Committee may find :
   a) That there is no established view within the meaning of this chapter;
   b) That there is an established view within the meaning of this chapter, but that the established view is not significantly impaired; or
   c) That there is an established view within the meaning of this chapter and that the established view is significantly impaired.
   d) The Committee shall make specific written findings in support of the foregoing determinations.
5) **Action.** If the Committee determines that there is a substantial view impairment, it shall provide :
   a) Non-binding recommendations as is necessary to abate the view impairment and to restore the applicant's established view, including, but not limited to lacing, crown reduction, crown lifting, stand thinning, heading back or topping in limited cases as defined in Sec.. 17.26.050 No. 5), or removal of specific vegetation.
   b) The Committee will not recommend creation of an unobstructed or panoramic view for applicants. The objective is to restore an established view by creating a view corridor.
   c) In order to minimize the number of trees/vegetation recommended to be trimmed or removed, the Committee may recommend abatement of view impairments in increments to determine the effect of each increment.
   d) The Committee may recommend conditions as are necessary to prevent future view impairments.
   e) 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 objected to vegetation is located, as defined in Sec. 17.26.50.

(7) **Finality of Decision.** In the event that the recommendation of the Committee is accepted by the tree/vegetation owner and the view seeker, 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 (Ex. B (part)), 2004; Ord. 239 §11(part), 1993)
   a) If written agreement between the view seeker and the tree/vegetation owner is reached through acceptance of the recommendations of the Committee, it shall be implemented in accordance with Section 17.26.160.
   b) It is the intention of this section that the advisory recommendations of the Committee be admissible as evidence in any civil action brought pursuant to Section 17.26.140 of this chapter.

17.26.120 Arbitration.

If the initial discussions under Sections 17.26.90, 17.26.100,17.26.110, 17.26.120 fail to achieve agreement between the tree/vegetation owner and the view seeker, the view seeker may send to the tree/vegetation owner a request to participate in a binding arbitration process.

The tree/vegetation owner shall have forty-five days from delivery of the request for arbitration to either accept or decline arbitration. Failure to respond within forty-five days shall be deemed formal refusal of arbitration.

If arbitration is accepted, within thirty days of such acceptance the parties shall agree in writing to the selection of an arbitrator, who shall be chosen from a list of provided by the city of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association. If the parties are unable to agree on a specific arbitrator within thirty days, they may jointly request that city staff randomly select an arbitrator from the list maintained by the city. In addition, either party may petition a court of competent jurisdiction to appoint an arbitrator.

The arbitrator shall be guided by the provisions of this chapter, including the evaluation criteria set forth in Sections 17.26.030 and 17.26.040, and the hierarchy of preservation/restoration actions set forth in Section 17.26.050, respectively, in attempting to resolve the view claim, and shall submit a complete written decision to the view seeker and the tree/vegetation owner. Any decision of the arbitrator shall be enforceable pursuant to the provisions of California Code of Civil Procedure Section 1285 et seq., and two copies of the decision shall be submitted to the city clerk.

The costs of arbitration shall be paid initially by the view seeker, provided, however, that the ultimate responsibility for such costs may subsequently be modified either by mutual agreement of the parties or by a determination of the arbitrator as to a just and reasonable allocation of responsibility. The decision of the arbitrator shall be implemented in accordance with Section 17.26.160.

17.26.140 Litigation.

If a view seeker has attempted to obtain but has been unsuccessful in attaining agreement or resolution under Sections 17.26.90, 17.26.110, 17.26.120, and 17.26.130 of this chapter, the view seeker may initiate civil action in a court of competent jurisdiction for resolution of his/her view claim under the provisions of this chapter. It is the intent of this chapter that the evaluation criteria set forth herein be utilized in adjudicating view claims in civil litigation. In the event of civil litigation, the view seeker shall provide two copies of the filed complaint to the city clerk.

The prevailing party in any civil action brought pursuant to this chapter shall be entitled to recover its reasonable costs and attorneys' fees incurred in the litigation, subject to the following exception: a tree/vegetation owner who prevails in litigation shall not be entitled to recover attorneys' fees and costs if the tree/vegetation owner has declined to participate view and tree/vegetation equity processes set forth in Sections 17.26.090, 17.26.110, 17.26.120, and 17.26.130. The notice of the view claim and request for mediation provided by the city in accordance with Section 17.26.100 shall inform the tree/vegetation owner of this provision and the consequences of non-participation in the initial discussion, mediation, assistance from the Committee on Trees and Views, and/or arbitration process.

The decision established by litigation shall be implemented in accordance with Section 17.26.160.

17.26.150 Preservation/restorative action limitations.

Except as otherwise authorized by law, no tree and/or vegetation on real property owned or controlled by another person may be removed, destroyed or altered unless the view seeker either enters into a written agreement with the tree/vegetation owner or obtains an arbitration award or judicial decision specifying, in detail, the nature and timing of the preservation or restorative actions and the parties responsible for performing such action.

17.26.160 Implementation of preservation/restorative action.

Restorative action may be determined by agreement among the view seeker and the tree/vegetation owner, through mediation, by agreement to accept recommendations of the Committee on Trees and Views, through arbitration, or through litigation.

(1) Within thirty days of a final decision ordering restorative action, the view seeker 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 view seeker from damages attributable to negligent or wrongful performance of the work. Any such insurance shall be subject to the approval of the city.

(2) The owner of the obstructing vegetation may elect any licensed and qualified contractor to perform the restorative action (as long as the insurance requirements of subsection A of this section are satisfied), at a cost up to the lowest bid obtained by the view seeker for the same work, 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.

(3) 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 deciding body may allocate the cost of restorative action as follows, unless there is an agreement among the parties to the contrary:

(a) If the deciding body finds that the tree or other vegetation constitutes a safety hazard to the view seeker 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

(b) If the tree/vegetation owner is maintaining a hedge fifteen feet or more in height, the deciding body may allocate the cost of remediation of the hedge to the tree/vegetation owner. The tree/vegetation owner shall be required to maintain at his/her expense the hedge at the height determined by the deciding body. If the tree/vegetation owner agrees to remove the hedge, the view seeker shall pay for replacement plantings. (Ord. 239 §11(part), 1993).

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17.26.170 Enforcement.

Failure or refusal of any person to comply with an agreement or 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.

A final decision rendered under this chapter may be enforced judicially 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.

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(part), 1993).

17.26.180 Responsibility for view preservation/restorative action and subsequent maintenance.

The view seeker shall be responsible for paying the cost of any and all view claim processes and determined preservation/ restoration actions unless the parties agree to share the costs in some other manner or it is otherwise determined by mediation, arbitration, or court order. Subsequent maintenance of trees and vegetation shall be the responsibility of the tree/vegetation owner, unless otherwise agreed to by the parties or required pursuant to any final arbitration decision or court order. If tree/vegetation owner agrees to remove a tree/ vegetation in lieu of required pruning, the cost of any replacement plantings and their maintenance shall be borne by the view seeker, unless otherwise stipulated.

17.26.190 Notification of subsequent owners.

It is not the intent or purpose of this chapter for the city to create either a covenant running with the land or an equitable servitude (for example, easement or license). However, the city will keep a record of agreements and decisions reached pursuant to Sections 17.26.110, 17.26.120, 17.26.130 and 17.26.140 of which it is notified, and will provide those agreements and/or decisions as part of the pre-purchase inspection report to prospective purchasers of property in the city who request such a report.

This section does not preclude recording of the agreements or decisions if that is agreed to by the parties or mandated by a decision-making body.

17.26.200 Liability and Indemnification.

(1) The city shall not be liable for any damages, injuries, costs or expenses which are the result of an advisory opinion issued by the Committee on Trees and Views, a city employee or official or any agreements or determinations resulting from mediation, arbitration or litigation concerning view claims or a view seeker's assertions pertaining to views granted or conferred herein.

(2) The applicant shall execute a financial responsibility agreement with the city and post a payment bond at the time a view claim is submitted as described in Section 17.26.100. The applicant must agree to pay the entire cost of the view claim process and view preservation/remediation, except as otherwise may be agreed between view seeker and the tree/vegetation owner or described herein. View seeker shall agree to indemnify city of any liability.

(3) Under no circumstances shall the city have any responsibility or liability to enforce or seek any legal redress, civil or criminal, for any decision that any other person or entity makes concerning a view claim.

(4) A failure to comply with the provisions of this chapter is not a misdemeanor, and the enforcement of this chapter shall be only by the affected and interested private parties.

17.26.210 Severability.

1. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

The city council hereby declares that it would have adopted this and each section, subsection, phrase or clause of this chapter irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared invalid or unconstitutional on their face or as applied.

2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any persons or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declaresthat it would have adopted this ordinance, and each any every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

3. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in accordance with law.

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RECEIVED

APR 2 7 2015

City of Rolling Hills

By _____

31 Chuckwagon Road
Rolling Hills, California 90274

April 27, 2015

RE: View Ordinance

Dear Honorable City Councilpersons and Planning Commissioners:

At the public hearing regarding amendments to the Rolling Hills View Ordinance on April 21, 2015 the commission raised the question, "Should Rolling Hills revise or repeal its view ordinance?" I believe that Rolling Hills needs a view ordinance to protect property rights of its citizens, and to provide an orderly process to minimize inherent conflict between view rights and property rights of tree/vegetation owners. As a city, Rolling Hills has powers to enforce its ordinances not possessed by the Rolling Hills Community Association. Language that would enable RHCA to come onto property for the purpose of preserving or restoring a view exists in only about half of all RH properties.

Do we need both a city and RHCA view ordinance? In my opinion, "no, we don't need two ordinances" but there are clear advantages of having a well-drafted city ordinance.

The current city ordinance was adopted in 1988. It was modified in 2013 by the passage of Measure B by the electorate. While the 1988 ordinance was pioneering 30 years ago, in the interim cities have gained experience in balancing the property rights of view seekers and tree owners—examples for Beverly Hills, Laguna Beach, Rancho Palos Verdes, Rolling Hills Estates, Sausalito, and Tiburon are included in *Agenda Item No: 4-A.* They all include similar features that are not included in the outmoded Rolling Hills view ordinance.

Rather than try to patch up Rolling Hill's inadequate view ordinance which is likely to result in a less than adequate result, I propose the Rolling Hills adopt a modern view ordinance. I have drafted such a proposed view ordinance (attached) in the belief that having something to discuss is preferable to starting with a blank sheet of paper. I request that the Ad-hoc Committee review the draft, and if they believe it has merit, refer it to the Planning Commission for further discussion, refinements, and public hearings.

Rolling Hills Estates recently adopted a new view ordinance after exhaustive stakeholder discussions, public hearings, and extensive legal analysis. I had several discussions at the USC Faculty Club with Frank V. Zerunyan, JD who is a USC colleague. He is on the RHE City Council. Frank told me that the major success attribute of the RHE ordinance is that the citizens believe it is fair and balanced. Because the RHE ordinance is recent, well-developed, and for an adjoining city with values similar to Rolling Hills, I utilized

much of the language of the RHE ordinance, while modifying to fit the Rolling Hills way of doing business.

The proposed draft:

- Incorporates the *Ad Hoc Committee's Consensus Items* listed on 3 and 4
- Incorporates the language and provisions of *Measure B* that establishes a right of real property owners in Rolling Hills to preserve and/or restore an established view that existed when they purchased their property
- Provides extensive definitions of terms, words, and phrases used in the view ordinance
- Includes numerous illustrations to assist non-arborists to envision tree maintenance and pruning actions used in preserving or maintaining views
- Incorporates best-practice among California cities of advising and facilitating view claim processes but not becoming a party to the dispute, which reduces the city's legal costs and litigation risk.
- Provides a clear and detailed process, criteria, and factors to enable view-seekers and tree-owners, the Committee on Trees and Views, and decision-making bodies to arrive at equitable resolution of inherent view and tree conflicts
- Will be acceptable to the folks who regularly show up at view hearings, as it mitigates negative effects on trees and vegetation by minimizing severe pruning and unreasonable removal of vegetation. It is fair and balanced.

Since I borrowed liberally from the RHE ordinance and language of the current Rolling Hills ordinance, I have no pride of authorship. The hours I have devoted to this are my gift the community.

Best regards,

Lynn

from Lynn Gill

TREE CARE MANUAL

City of Los Angeles Department of Recreation and Parks

RECEIVED
APR 21 2015
City of Rolling Hills
By P.C. meeting

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Lateral - A branch or twig growing from a parent branch or stem.

Leader - A dominant upright stem, usually the main trunk. There can be several leaders in one tree.

Limb - Same as branch, but usually larger and more prominent.

Mature Trees - Trees that have reached at least 75 percent of their typical final height and spread.

Mycorrhizae treatment - Soil injection with mycorrhizae spores to increase symbiotic relationship of tree roots and beneficial fungi.

Mulching - Any material such as sawdust, woodchips, leaves, plastic film, gravel, and loose soil that is spread on the surface of the soil to protect the soil and roots from the effects of raindrops, soil crusting, freezing, and evaporation. May aid in reducing soil compaction.

Parent Branch or Stem - The tree trunk; or, the larger limb from which lateral branches grow.

Permanent Branches (Permanent Limbs) - Branches that will remain on a tree for many years, perhaps until maturity.

Phloem - The food conducting tissue of trees. Formed by the division of the outside layer of the vascular cambium. New phloem is produced yearly; older cells are crushed and compacted.

Protected Trees - Trees protected by the R&P Tree Preservation Policy.

Pruning - Systematic removal of branches of a plant, usually a woody perennial.

Root Buffer - A temporary layer of material to protect the soil texture and roots. See section 4.20.5-B for details.

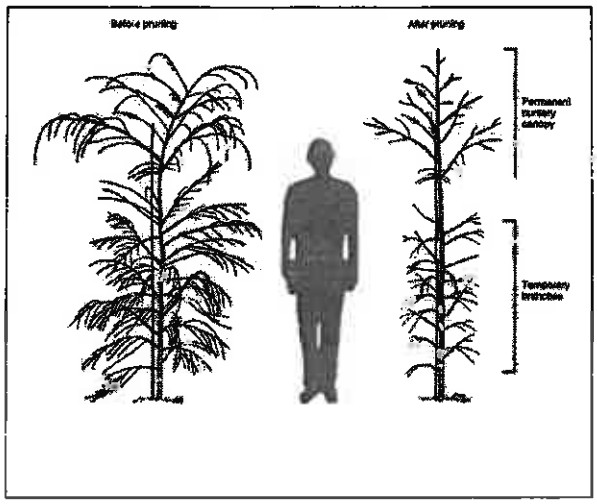
Root Collar - The junction between the root of a plant and its stem, often indicated by the trunk flare.

Sapwood - Functional, conductive and youngest layer of secondary xylem positioned next to the bark tissues; transports and stores water, mineral elements, and carbohydrates.

Scaffold - In decurrent trees a large limb that is or will be part of the permanent branch structure of a tree.

Soil Compaction - Compression of soil particles that may result from the movement of heavy machinery and trucks, storage of construction materials, structures, paving, etc. within the tree dripline.

Species (Tree Species) - Group of plants that resemble each other closely and that interbreed freely.



Gilman, E.F. 2002. *An Illustrated Guide to Pruning*

Temporary branches on the lower part of the trunk are to remain for 3-5 years after planting. These branches will nourish the trunk, build caliper, and prevent over extension of the leader. Be sure to shorten any temporary branches growing into the permanent canopy.

Temporary branches are crucial in the development of young trees. They allow for flow of photosynthates, nutrients and water between the trunk and temporary branches and leaves. Temporary branches aid in the development of a robust tapered trunk, and can result in a tree that withstands greater stress from wind, stands erect, and is better equipped to support a crown mass at maturity. These branches should be shortened to about 12-18 inches and remain for at least 3-5 years after planting. When they are permanently removed they should be pruned according to established guidelines. Do not "flush cut" or leave stubs, which are invitations to disease.

3.30 Prohibited Acts

Any damaging acts or alterations to protected trees are prohibited. We discuss a few of the most common harmful practices below.

3.30.1 Excessive pruning

The most common offense in urban areas is excessive pruning. People often see different tree pruning styles and assume that these practices are good for trees. Forestry staff is cautious to trim only as much as necessary to achieve these results: a healthy and beautiful tree, increased public awareness, and the greatest ecological benefit.

3.30.2 Topping and Heading.

Topping is the indiscriminate cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role.

"Topping is perhaps the most harmful tree pruning practice known. Yet despite more that 25 years of literature and seminars explaining its harmful effects, topping remains a common practice" ISA, *Why Topping Hurts Trees.*

Other names for topping include "heading", "tipping", "hat-racking", and "rounding over". A common misconception is that a tall tree poses a hazard and its height should be reduced to make it safer. Topping may reduce the hazard in the short term, but is not a viable method for height reduction.

Topping stresses trees -- Topping often removes 50-100% of the leaf-bearing crown of a tree. Since the leaves are the "food factories" of a tree, topping can temporarily "starve" a tree. The severity of the pruning triggers a kind of survival mechanism. The tree activates latent buds, forcing rapid growth of multiple shoots below each cut. The tree needs to form a new crop of leaves as soon as possible, and if it doesn't have the stored energy to do this, it is seriously weakened and may die.

A stressed tree is more vulnerable to insect and disease infestations. Large, open pruning wounds expose the sapwood and heartwood to attack. The tree may lack sufficient energy to chemically "defend" the wounds against invasion. Some insects are actually attracted by chemical signals to stressed trees.

Topping causes decay -- Cuts made along a limb between lateral branches create stubs. The tree may not be able to close these wounds and the exposed tissues are subject to decay. Normally a tree will compartmentalize these decaying tissues, but few trees can defend against multiple, severe wounds caused by topping.

Topping can lead to sunburn -- When leaves are removed the remaining branches and trunk are suddenly exposed to high levels of light and heat. The result may be sunburn of the tissues beneath the bark. This can lead to cankers, wood decay, bark splitting and death of some branches.

Topping may create hazards -- Stubs left from topping usually decay. Shoots that are produced below the cut are often weakly attached and may be at risk of failure. Unlike normal branches that develop normally, the outermost layer of the parent branches only connects these new shoots. The new shoots grow quickly and may become heavy and prone to breakage.

Topping makes trees ugly -- The natural branching structure of a tree is a biological wonder. Topping removes the ends of the branches, often leaving ugly stubs. Topping destroys the natural form of a tree.

3.30.3 Other prohibited actions

- "Lions tailing". This practice removes all or most secondary and tertiary branches from the interior portion of the crown, leaving most live foliage at the perimeter of the canopy.
- Excessive root pruning that damages more then 25% of the root zone.
- Excessive tree raising.
- Compacting soil within the dripline because of unnecessary driving or parking.
- Recreation activities that will damage trees.

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job, work procedures involved, special precautions, electrical hazards, job assignments, and personal protective equipment.

2.31 **interior foliage** – Typically small-diameter (less than 3 inches) branches with foliage on the interior or inner portion of the crown.

2.32 **kerf** – Slit or cut made by a saw in a log. Space created by a saw cut.

2.33 **lateral** – A branch arising from a large stem or branch.

2.34 **leader** – Primary terminal shoot or trunk of a tree. Large, usually upright stem. A stem that dominates a portion of the crown by suppressing lateral branches.

2.35 **lion tailing** – Poor pruning practice in which an excessive number of live branches are thinned from the inside and lower part of specific limbs or a tree crown, leaving mostly terminal foliage. Results in poor branch taper, poor wind load distribution, and a high risk of branch failure.

2.36 **live crown ratio** – The ratio of the height of crown containing live foliage to the over all height of the tree.

2.37 **mature tree** – Trees that have reached at least 75 percent of their typical final height and spread.

2.38 **method** – A procedure or process for achieving an objective.

2.39 **off-site tree** – A tree located on property other than where work is authorized to occur.

2.40 **parent branch or stem** – A tree trunk or branch from which other branches or shoots grow.

2.41 **parts to be removed** – The location in the crown of a tree where pruning work will be performed. This can be specified as all of the crown or just the section(s) of the crown to be pruned.

2.42 **petiole** – Stalk or support axis of a leaf.

2.43 **permanent branches (permanent limbs)** – In structural pruning of young trees, branches that will be left in place, often forming the initial scaffold framework of a tree.

2.44 **photosynthesis** – Process in green plants (and in algae and some bacteria) by which light energy is used to form glucose (chemical energy) from water and carbon dioxide.

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Terms and Definitions

Click on any bold underlined term to return to the top of this page.

Aeration & Decompaction-Creating natural pockets in the soil for air and water to promote tree health and root growth.

AirKnife-A specialized tool used to move soil safely around any root zone, without worry of harm to the trees, plants or buried utilities.

Aerial Root-a root originating from a branch or trunk that eventually touches the ground and takes root in the soil.

Aggressive branches (limbs)-fast growing stems.

Amenity Value-The environmental and landscape benefits of trees as opposed to their commercial value for timber.

ANSI A300-The American National Standards Institute standard for pruning trees and shrubs in landscapes.

ANSI Z60.1-The American National Standards Institute standard for nursery stock.

ANSI Z133.1-The American National Standards Institute standard for safe working practices in and near trees.

Anvil Pruner-A tool designed to cut by passing a sharpened blade through a twig against a metal anvil.

Apoplast-Network of open, dead conducting elements in xylem.

Appraisal-Estimates the defined value of personal property, including plants. The tree appraisal process is used to develop a supported estimate of current value. The purpose of an appraisal is defined by the clients' needs. These needs may include tort claims, insurance claims, tax deductions, real estate assessment and proactive planning.

Arborist-A person with technical knowledge of tree care practices gained through experience and training. They are professionals who possess the technical competence gained through experience and related training to proved for or supervise the management of trees and other woody plants I residential, commercial and public landscapes.

Arboriculture-Management of individual trees or groups of trees primarily for their amenity value.

Architectural pruning-Shapes and maintains trees to a specific form and size with regular pruning.

At Risk-see hazardous condition.

Auxin-A plant growth regulator that inhibits shoot formation in high concentrations and initiates roots.

Balancing-removes branches to redistribute weight.

Balled and Burlapped (B&B)-A tree or other plant prepared for transplanting by allowing the roots to remain covered by a ball of soil around which canvas or burlap is tied.

Bare root-A tree or other planted prepared for transplanting by having all or most of the soil removed from about its roots.

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Bark inclusion-see included bark.

6 to 18 inches back inside the outer edge of the hedge.

Large caliper trees-Nursery trees greater than about 4 inches trunk diameter.

Large-maturing trees-Trees that grow to a height or spread greater than about 40 feet.

Large wound-A wound that can lead to defects.

Latent bud-A suppressed bud lying just beneath bark, capable of forming a shoot, which grows enough each year to stay even with the bark.

Lateral branch-A stem arising from a larger stem.

Lateral pruning (cut)-See reduction.

Leader-A stem that dominates a portion of the canopy by suppressing lateral branches.

Leader training process-The technique that leads to development of one leader.

Limb-A large branch that is among the biggest on a tree.

Liners-Young seedlings planted in a container or field nursery for growing on to landscape sized trees.

Lions-tailing-The improper practice of removing all or most secondary and tertiary branches from the interior portion of the canopy leaving most live foliage at the edge of the canopy.

Live Crown Ratio-The ratio of the top portion of the tree baring live foliage to the cleared lower portion that includes the trunk, without live foliage.

Lopper-A tool best suited for cutting branches once they have been removed from a tree; a tool with two long handles used to cut stems on shrubs up to an inch diameter.

Lopping-A term used to describe topping.

Lowest permanent limb-The lowest large branch or scaffold limb that will remain on the tree for a long time.

Main branches-Those that are the largest several on the tree. See also scaffold limbs.

Major limbs-See scaffold limbs.

Matching trees-A set of trees of the same species or cultivar with like sizes and shapes.

Maturity-The trees have attained full size.

Mature trees-Trees that have reached at least 75 percent of their final height and spread.

Maximum critical diameter-The largest diameter pruning cut you are willing to make on a certain species.

Medium-aged shade trees-Trees more than about 15 to 20 years old that are not yet mature.

Modified central leader-A system of training small maturing trees to a single, short trunk with five to eight scaffold limbs.

Mop top-Trees that will grow as a ground cover or sprawling or mounded shrub if not pruned initially to an upright trunk; plants trained with many weeping branches on top of one straight trunk.

Multiple leaders (trunks)-A group of two or more leaders or trunks with a similar diameter.

Natural tree form-The form that develops in the tree's native habitat without disturbance from human activities.

Neglected tree-A poorly formed tree that has not been pruned for some time, or that has never been structurally pruned.

Node-The point on a stem where a leaf and bud emerge. Branches emerge from nodes.

Open-center system (open-vase)-A training technique used on fruit trees that allows sunlight to reach developing fruit from above.

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E. Cheren
Silver Dollar Tree

Height

Low = L = 20 ft
High = H = 55 ft

$$\frac{L + H}{2} \times .75 = \text{statute height "mature"}$$

$$\frac{20 + 55}{2} \times .75 =$$

$$38 \times .75 = 28 \text{ ft}$$

mature height = 28 ft.

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