



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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

**Agenda Item No.: 6-A**  
**Mtg. Date: 02/22/16**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR** *ip*

**THRU: RAYMOND R. CRUZ, CITY MANAGER** *me*

**SUBJECT: CONSIDERATION OF RESOLUTION NO. 1182 TO ADOPT ADMINISTRATIVE REGULATIONS INTERPRETING MEASURE B RELATING TO VIEW PRESERVATION**

**DATE: FEBRUARY 22, 2016**

**ATTACHMENTS:**

- A. Chapter 17.26 View Preservation Ordinance, including Measure B language (underlined/bold/italics)
- B. Resolution No. 1182 of the City Council adopting administrative regulations interpreting Measure B, recommended by the Planning Commission, as amended by the City Council at the 2/8/16 meeting (pertaining to acquisition of property only)
- C. Correspondence received since February 8, 2016

**BACKGROUND**

1. It is recommended that the City Council continue deliberations on the proposed Administrative Regulations Interpreting Measure B.
2. The City Council held a public hearing in the matter of administrative regulations interpreting Measure B at its January 11, 2016 and February 8, 2016 meetings, and continued deliberation on the matter.
3. All of the documents and information provided to the City Council for the January 11, and February 8 meetings continue to be relevant and are available at City Hall. Please refer to your previous packets.

4. Included with this staff report is correspondence received since the Council's meeting on February 8, 2016.

- Mr. Lynn Gill recommends that "maturity" of trees should be defined as "A tree that has reached at least 75% of its typical height and spread at a particular site" and provided a list of agencies that use that definition. He states that it is inappropriate to use the maximum height of a tree as the interpretation for a mature tree.
- Mr. Gill also submitted that using the Sunset Western Garden Book, as a source for finding out the height of trees is reasonable and appropriate.
- Mr. and Mrs. Kirt Behera would like the City Council to add another item to the interpretation of Measure B, and that is to define and interpret "View Corridors and a View Through Trees".

A definition of a view corridor was added to the zoning ordinance as follows:

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

Further, the language from Measure B incorporated into the Ordinance states:

"Such order is not intended to create an unobstructed view for applicants. Instead it is intended to create view corridors and a view through trees". (Such order refers to when the CTV or City Council find that there is a view and a restorative action is called for).

The Beheras feel that the zoning ordinance definition of view corridor is too vague and allows for too much discretion in interpretation. They suggest that the obstruction with trees within a view should be no more than 20% of each view length and that one should be able to have as many views as the house allows for, if it was purchased with those views. They also suggest that the owner of the trees causing the obstruction of view(s) should be responsible for the cost of the restorative action.

5. At the February 8, 2016 meeting, the City Council rejected the Planning Commission's recommendation, and came to an agreement on how to interpret the provision in Measure B on what constitutes "acquisition of property". Measure B states that "A view is defined in Chapter [Section] 17.12.220 and only applies to that view existing from the date any current owner of a property in the City of Rolling actually acquired the property".

Based on the discussion and direction to staff, the City Attorney prepared the following:

#### **Section 1001. Interpretation of the Date of Acquisition of Property.**

Measure B provides that a person may only apply to restore the view existing from the date that the current owner of the property actually acquired the property. The City interprets this provision to mean that the protectable view under the ordinance is the view possessed by the property on the date it was most recently purchased for fair market value. Hence, in determining the date on or after which the protectable view is established, the acquisition date shall be the most recent date title to the property was conveyed for fair market value (as evidenced by a deed) through an arms-length purchase and sale.

6. Regarding interpretation of what constitutes "mature" trees, which is the next topic the City Council will discuss at tonight's meeting, Measure B states: "Chapter [Section] 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 17.26, including but limited to this Section 17.26.090, any vegetation which is already mature at the time any party claiming a view impairment actually acquired the property shall be exempt from Chapter 17.26. "Mature" versus "Maturing" shall be defined by industry standards predominantly accepted by arborists".

City Council discussed this matter at length and took public testimony but has not come to a conclusion. Mayor Pro-Tem Dieringer previously recommended that the interpretation the City applies to mature trees must adhere to that defined "by industry standards predominantly accepted by arborists". She suggested that should the CTV or City Council require an expert opinion to aid in their decision making, an arborist who is a member of American Society of Consulting Arborists (ASCA) and who is a Registered Consulting Arborist (RCA) be consulted. According to staffs' research ASCA is considered by the arboriculture industry to be a more esteemed organization than the International Society of Arboriculture (ISA). Members of ASCA must also be members of ISA (but not vice versa) and require more training and more continuing education hours than members of ISA. Members of ASCA focus on honing skills as consultants, legalities and serving as expert witnesses in legal cases. ISA certified arborist must have at least 3 years experience in tree care or a 2-year degree in arboriculture and 2 years experience or similar combination; whereas ASCA member has to have five years of industry experience and 4-year degree in arboriculture or a related field and 240 or more approved continuing education units or have BCMA (ISA Board Certified Master Arborist status). A Registered Consulting Arborist is an individual who has an ASCA membership, graduated from ASCA Consulting Academy and has 420 of approved continuing education units. As shown, a Consulting Arborist and Registered Consulting Arborist require more education and experience than a Certified Arborist.

Therefore, per Mayor Pro-Tem recommendation, once an interpretation of "mature" trees is finalized by the City Council, language could be added to Resolution No. 1182 that whenever the City (CTV or City Council) would like to engage an expert in the arboriculture field, that person must be a member of ASCA.

7. Another item subject to interpretation from Measure B is whether the cases decided on by the City prior to passage of Measure B are exempt from Measure B.

Measure B states: "This Section 17.26.090 shall be effective retroactively to the date Chapter 17.26 was first made an Ordinance to the City of Rolling Hills."

The City Attorney opined that, based on this provision, any case reviewed and ruled on by the City prior to the passage of Measure B is void and not enforceable by the City. If the parties subject to pre-Measure B ruling wish to restore their view, they need to submit an application to the City based on the new requirements. The Planning Commission concurred with this interpretation and recommended that the City Council adopt it, (Chapter 3 of Resolution No. 1182).

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## ATTACHMENT "A"

Chapter 17.26 View Preservation Ordinance, including Measure B language (underlined/bold/italics).

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## **Chapter 17.26 VIEW PRESERVATION (WITH MEASURE B LANGUAGE IN BOLD, ITALICS AND UNDERLINED)**

### Sections:

17.26.010 Intent and purpose.

17.26.020 Committee on trees and views.

17.26.030 Desirable and undesirable trees.

17.26.040 Abatement of view impairment—Procedure.

17.26.050 Hearing procedure and findings.

17.26.060 Implementation of restorative action.

17.26.070 Enforcement.

17.26.080 Notification of subsequent owners.

17.26.090 Preservation of views defined.

### **17.26.010 Intent and purpose.**

The City recognizes the contribution of views to the overall character and beauty of the City. Panoramic views of the Pacific Ocean, Catalina Island, City lights and Los Angeles Harbor are a special quality of property ownership for many residential lots in the City. These views have the potential to be diminished or eliminated by maturing landscaping located on private property. The purpose of this chapter is to protect this important community asset by establishing procedures for the protection and abatement of view obstructions created by landscaping, while at the same time protecting natural vegetation from indiscriminate removal.

(Ord. 239 §11(part), 1993).

### **17.26.020 Committee on trees and views.**

A Committee on Trees and Views is established for the purpose of administering the provisions of this chapter. The Committee shall be composed of three members of the Planning Commission appointed by the Commission annually at the same time as the Commission selects its officers, or whenever a vacancy occurs. Committee meetings shall be scheduled as adjourned or special meetings of the Commission. The Committee is authorized to consult with City officials and with specialists such as landscape architects and arborists as required, but shall not incur any expense on behalf of the City without prior approval of the City Council.

(Ord. 292 §4, 2003; Ord. 239 §11(part), 1993).

### **17.26.030 Desirable and undesirable trees.**

The Committee is authorized and directed to prepare lists of types of desirable and undesirable trees for planting within the City. The list shall be based upon tree size and shape, rate of growth, depth of roots, fall rate of leaves or bark or fruit or branches, and other factors related to safety, maintenance and appearance. The purpose of this provision is to make

information available to property owners which may serve to avoid future occasion for permits, complaints, and other proceedings authorized by this chapter.

(Ord. 239 §11(part), 1993).

#### **17.26.040 Abatement of view impairment—Procedure.**

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

- A. **Application Required.** The complainant shall submit a complete application for abatement of view impairment on a form provided by the City. The application shall be accompanied by a fee as provided for in Section 17.30.030 of this title. The complainant shall describe in the application what efforts have been made by the complainant to resolve the view impairment prior to filing the complaint. A complaint shall not be accepted for filing unless the complainant can demonstrate that the owner of the view-impairing vegetation has been given notice of the impairment and a reasonable opportunity to abate it, but has refused to do so.
- B. **Mediation.** Upon receipt and acceptance of an application as complete, the City Manager shall refer the matter to a mediator for conduct of a mediation session to abate the view impairment. The mediator shall be responsible for notifying the property owner of the view-impairing vegetation of the application and for scheduling and managing the mediation process. If agreement is reached through mediation, it shall be implemented in accordance with Section 17.26.060.
- C. **Public Hearing.** In the event mediation fails to achieve agreement, the matter shall be returned to the City Manager, who shall schedule the matter for a public hearing before the Committee on Trees and Views.

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

#### **17.26.050 Hearing procedure and findings.**

- A. **Notice Required.** Public notice of the hearing shall be given a minimum of fifteen days prior to the hearing. The hearing shall not proceed unless proof is shown that the owner of the tree or other obstructing vegetation received notice of the hearing as provided herein:
  1. Notice shall be given by certified mail, return receipt requested, to the owner of the tree or other obstructing vegetation and to the complainant;
  2. Notice shall be given by first class mail to all property owners within one thousand feet of the exterior boundary of the property on which the tree or other obstructing vegetation are located and to other persons who, in the Committee's judgment, might be affected.
- B. **Content of Notice.** The notice shall state the name of the complaining party, the name of the property owner against whom the complaint is filed, the location of the tree or other vegetation, and the time and place of hearing. The notice shall invite written comments to be submitted prior to or at the hearing.
- C. **Conduct of Hearing.** The Committee shall adopt rules for the conduct of required hearings. At the hearing, the Committee shall consider all written and oral testimony and evidence presented in connection with the application. In the event the Committee requires expert advice in consideration of the matter, the cost of obtaining such evidence shall be borne by the complainant, pursuant to written agreement with the City.

D. Findings. Based on the evidence received and considered, the Committee may find any of the following:

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

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

E. Action. If the Committee makes finding subsection (D)(3) of this section, it shall order such restorative action as is necessary to abate the view impairment and to restore the complainant's view, including, but not limited to, removal, pruning, topping, thinning or similar alteration of the vegetation. **Such order is not intended to create an unobstructed view for applicants. Instead it is intended to create view corridors and a view through trees.** The Committee may impose conditions as are necessary to prevent future view impairments. In no event shall restorative action be required if such action would adversely affect the environment or would unreasonably detract from the privacy or enjoyment of the property on which the objectionable vegetation is located.

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

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993)

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

#### **17.26.060 Implementation of restorative action.**

- A. Within thirty days of a final decision ordering restorative action, the complainant shall obtain and present to the owner of the obstructing vegetation three bids from licensed and qualified contractors for performance of the work, as well as a cash deposit in the amount of the lowest bid. In order to qualify, the contractors must provide insurance which protects and indemnifies the City and the complainant from damages attributable to negligent or wrongful performance of the work. Any such insurance shall be subject to the approval of the City.
- B. The owner of the obstructing vegetation may select any licensed and qualified contractor to perform the restorative action (as long as the insurance requirements of subsection A of this section are satisfied), but shall be responsible for any cost above the amount of the cash deposit. The work shall be completed no more than thirty days from receipt of the cash deposit.
- C. Subsequent maintenance of the vegetation in question shall be performed as prescribed by the Committee's final decision at the cost and expense of the owner of the property on which the vegetation is growing. The vegetation shall be maintained in accordance with the final decision so as not to allow for future view impairments. A notice of the decision shall be recorded against the title of the property and shall run with the land, thereby giving notice of this obligation to all future owners.
- D. The implementation method provided for in this section may be modified by the parties or in any final decision if grounds exist to justify such a modification. In particular, the Committee may allocate the cost of restorative action as follows:
  1. If the Committee finds that the tree or other vegetation constitutes a safety hazard to the complainant or his property, and is being maintained by the owner in disregard of

the safety of others, the owner may be required to pay one hundred percent of the cost of correction; or

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

(Ord. 239 §11(part), 1993).

#### **17.26.070 Enforcement.**

- A. Failure or refusal of any person to comply with a final decision under this chapter or to comply with any provision of this chapter shall constitute a misdemeanor and shall be punishable by a fine of one thousand dollars or six months in County Jail, or both. Failure or refusal of any person to comply with a final decision under this chapter shall further constitute a public nuisance which may be abated in accordance with the procedure contained in Chapter 8.24.
- B. A final decision rendered under this chapter may be enforced civilly by way of action for injunctive or other appropriate relief, in which event the prevailing party may be awarded attorney's fees and costs as determined by the court.
- C. Nothing in this chapter shall preclude the prosecution of any civil cause of action under the law by any person with respect to the matters covered herein.

(Ord. 239 §11(part), 1993).

#### **17.26.080 Notification of subsequent owners.**

The owner on whose property the offending vegetation exists shall notify all successor owners of the final decision in any proceeding under this chapter, and such decision shall be binding upon all such successors in interest. Within thirty days of the final decision, an informational covenant shall be recorded against the title of the property on a form provided by the City.

(Ord. 239 §11(part), 1993).

#### **17.26.090 Preservation of views defined.**

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

- 1. A view is defined in Chapter [Section] 17.12.220 and only applies to that view existing from the date any current owner of a property in the City of Rolling actually acquired the property.**
- 2. Chapter [Section] 17.26.010 provides that the intent of the Ordinance is to protect views from "maturing" vegetation. As such, in addition to the limitations otherwise set forth in Chapter 17.26, including but limited to this Section 17.26.090, any vegetation which is already mature at the time any party claiming a view impairment actually acquired the property shall be exempt from Chapter 17.26. "Mature" versus "Maturing" shall be defined by industry standards predominantly accepted by arborists.**

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

**a. Photographs;**

**b. Expert testimony; and lastly**

**c. Other evidence.**

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

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

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## ATTACHMENT "B"

Resolution No. 1182 of the City Council adopting administrative regulations interpreting Measure B, recommended by the Planning Commission, as amended by the City Council at the 2/8/16 meeting (pertaining to acquisition of property only).

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## RESOLUTION NO. 1182

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADOPTING ADMINISTRATIVE REGULATIONS INTERPRETING MEASURE B RELATING TO VIEW PRESERVATION.

The City Council of the City of Rolling Hills does hereby resolve and order as follows:

Section 1. In June 1988, the City adopted a View Preservation Ordinance. The ordinance established preservation of views as a primary value of the community and created a process by which a property owner could seek to abate an obstructed view. In November 2003, the ordinance was modified relative to the composition of the Committee on Views and Trees, the body designated to consider view applications.

Section 2. In March 2013, the residents of Rolling Hills passed Measure B to amend the View Preservation Ordinance. The principal effect of Measure B was to shift the protection of the ordinance from views that are *capable* of being enjoyed from a property to views that were *actually* enjoyed from a property when the property owner acquired the property. In particular, the initiative amended the ordinance as follows:

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

Section 3. Measure B contains various ambiguities that have resulted in uncertainty in its application in view obstruction cases submitted to the City’s Committee on Trees and View for consideration. Measure B can only be amended by the voters; however, the City may adopt administrative regulations providing guidance and interpreting ambiguities in voter initiatives. Based on this authority and recommendation by the Planning Commission, the City Council reviewed, discussed and developed a policy interpreting Measure B.

Section 4. The City Council finds that Attachment A titled City of Rolling Hills Administrative Regulations Interpreting Measure B Relating to View Preservation clarify the initiative and is hereby adopted:

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2016.

\_\_\_\_\_  
JEFF PIEPER, MAYOR

ATTEST:

\_\_\_\_\_  
HEIDI LUCE, CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in section 17.54.070 of the Rolling Hills Municipal Code and Code of Civil Procedure Section 1094.6.

## Attachment A

### City of Rolling Hills Administrative Regulations Interpreting Measure B Relating to View Preservation

Chapter 1	Date of Property Acquisition
Chapter 2	“Mature” versus “Maturing” Trees
Chapter 3	Retroactivity of Measure B

#### Chapter 1 DATE OF PROPERTY ACQUISITION

##### Section 1001. Interpretation of the Date of Acquisition of Property.

~~Measure B provides that a person may only apply to restore the view existing from the date that the current owner of the property actually acquired the property. In determining whether a transfer of property has resulted in an acquisition affecting the view that a person may apply to have restored, the City shall generally apply the rules applicable to reassessment of property taxes in the County of Los Angeles.~~

~~The impacts of common transfers of property are illustrated below:~~

- ~~A. The acquisition date of property acquired through inheritance shall be the date that the previous owner acquired the property, not the date of the transfer by inheritance.~~
- ~~B. The acquisition date of property acquired from a third party through an arms-length purchase and sale shall be the date of the sale as evidenced by a deed.~~
- ~~C. When property is placed into a revocable trust, the acquisition date of property shall not change. When property is placed into an irrevocable trust, or a revocable trust becomes irrevocable, the acquisition date shall be the date that the property was placed into the irrevocable trust or the revocable trust became irrevocable.~~

##### **Section 1001. Interpretation of the Date of Acquisition of Property.**

Measure B provides that a person may only apply to restore the view existing from the date that the current owner of the property actually acquired the property. The City interprets this provision to mean that the protectable view under the ordinance is the view possessed by the property on the date it was most recently purchased for fair market value. Hence, in determining the date on or after which the protectable view is established, the acquisition date shall be

the most recent date title to the property was conveyed for fair market value (as evidenced by a deed) through an arms-length purchase and sale.

## **Chapter 2**

### **“MATURE” VERSUS “MATURING” TREES**

#### **Section 2001. Definition of “Mature” Trees**

The International Society of Arboriculture defines maturity by “mature height,” which means the “maximum height that a plant is likely to reach if the conditions of the planting site are favorable.” The Sunset Western Garden Book is a trusted reference guide on trees, plants and other vegetation present in the region and defines a plant species’ “maturity” as the time at which a plant achieves a certain height range and displays other characteristics. The Sunset Western Garden Book provides maximum height ranges for species of plants typically involved in View Preservation cases in the City.

For purposes of the View Preservation Ordinance and Measure B, a plant is “mature” when it reaches the maximum height for the species specified in the Sunset Western Garden Book. However, arborists agree that plants that have been regularly cut may never reach their maximum potential height, and several alternative methodologies are recognized to determine the age of such trees. However, the alternative methodologies are complex and require reliance on a professional arborist. Further, the proponents of Measure B testified before the Planning Commission that the intent of Measure B was to exempt trees that have reached their full species height prior to acquisition of a complainant’s property. Therefore, 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 exempt from restorative action.

#### **Section 2002. Definition of “Maturing” Trees**

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

#### **Section 2003. Presumption that Trees were not “Mature”**

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

**Chapter 3**  
**RETROACTIVITY OF MEASURE B**

**Section 3001. Retroactive Application.**

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

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

I certify that the foregoing Resolution No. 1182 entitled:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS  
ADOPTING ADMINISTRATIVE REGULATIONS INTERPRETING MEASURE B  
RELATING TO VIEW PRESERVATION.**

was approved and adopted at a regular meeting of the City Council on \_\_\_\_\_,  
2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

\_\_\_\_\_  
CITY CLERK

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## ATTACHMENT "C"

Correspondence received since February 8, 2016

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**From:** Lynn Gill <[lynn.gill@cox.net](mailto:lynn.gill@cox.net)>  
**Date:** Friday, February 12, 2016 11:50 AM  
**To:** Yolanta Schwartz <[ys@cityofrh.net](mailto:ys@cityofrh.net)>  
**Subject:** Testimony for next view hearing

**RECEIVED**

FEB 12 2016

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

Hello Yolanta,

Please include the attached in the next packet for the City Council view hearing.

Best regards,  
Lynn

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RECEIVED

FEB 12 2016

City of Rolling Hills

By \_\_\_\_\_

**SHOULD THE 75% RULE OR SOME OTHER PERCENTAGE BE APPLIED?****Mature Tree- A tree that has reached at least 75% of its typical height and spread at a particular site****INCIDENCES OF THE 75% RULE**Gilman, *Illustrated Guide to Pruning*[https://books.google.com/books/about/An Illustrated Guide to Pruning.html?id=gXg-oWDB8dgC](https://books.google.com/books/about/An_Illustrated_Guide_to_Pruning.html?id=gXg-oWDB8dgC)City of Los Angeles <http://www.laparks.org/dos/forest/pdf/Definition.pdf>County of Los Angeles [http://file.lacounty.gov/dpr/cms1\\_184720.pdf](http://file.lacounty.gov/dpr/cms1_184720.pdf)Colorado State University <http://www.ext.colostate.edu/mg/Gardennotes/615.html>

City of Vancouver, WA

[http://www.cityofvancouver.us/sites/default/files/fileattachments/public\\_works/page/1341/street tree\\_manual.pdf](http://www.cityofvancouver.us/sites/default/files/fileattachments/public_works/page/1341/street_tree_manual.pdf)City of Fort Collins, CO <http://www.fcgov.com/forestry/pdf/tree-standards-3-31-10.pdf>Idaho Tree Preservation <http://idahotreepreservation.com/terms-and-definitions/>**INCIDENCES OF SOME OTHER PERCENTAGE (LIKE 80%) - ZERO****IS USING THE TOP OF THE RANGE HEIGHT FOR A SPECIES REASONABLE?****Declaration of Reuben M. Green (circle 39)-** Using this definition for a "mature tree," only 353 trees in California would qualify as mature trees (Official Registry of California Big Trees). There would be no mature trees in Rolling Hills.**Gill Letter dated December 28, 2015 (circle 52)-** Using this definition, no trees in Rolling Hills would be considered mature. Using the top of the range for defining a "mature tree" is an inappropriate measure.

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**CAN THE SUNSET WESTERN GARDEN BOOK BE CITED AS AUTHORITATIVE?**

**GOVERNMENT AGENCIES AND SOCIETES THAT REFERENCE THE SUNSET WESTERN GARDEN BOOK (Cursory half hour search):**

Alameda County, CA  
Alliance for Community Trees  
City of Bandon, OR  
City of Bonney Lake, WA  
City of Folsom, CA  
City of Los Angeles, CA  
City of Hayward, CA  
City of Pasadena, CA  
City of Portland, OR  
City of San Francisco, CA  
City of San Juan Capistrano, CA  
City of Tiburon, CA  
County of Riverside, CA  
County of Snohomish, WA  
Friends of the Urban Forest  
Journal of Arboriculture  
Tree People  
University of California  
University of Oregon

**Subject: Requesting A DEFINITION of VIEW CORRIDOR in more SPECIFIC TERMS in Measure B interpretation**  
**Date: Wednesday, February 17, 2016 11:53 AM**  
**From: Kirt Behera <Kbehera@aol.com>**  
**To: <mayor\_citycouncil@cityofrh.net>**  
**Cc: "hluce@cityofrh.net" <hluce@cityofrh.net>, Kirt Behera <Kbehera@aol.com>**

**From**  
**Kirt and Mamata Behera**  
**12 Ringbit Road East**  
**City of Rolling Hills**

**RECEIVED**

**FEB 17 2016**

**To**  
**Honorable Mayor and City Council**  
**City of Rolling Hills**

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

**Dear Honorable Mayor and City Council:**

We would like to express our concern on the current Definition of the View Corridor and the Action to achieve it. It is flawed in that it leaves to different interpretations and hence different actions by different group of View Committees and members. Measure B requires "Create View Corridors and a View Through Trees" in a combination to create a View not by View Corridors alone. View corridors implies clear openings between trees and view through trees means view through a given tree(s) after restore-active actions like crowning, lacing etc.

1. My proposed DEFINITION within the scope of Measure B:  
"View Corridors and a View Through Trees" means a View(s) from a designated viewing area(s) broken into segments by Maturing vegetations within each View such that the View continues through the vegetations with minimum obstructions. The Maturing vegetations will be no more than 20% of each view length excluding the Matured vegetations as acquired at the time of purchase. The designated viewing areas and the number of views will be as deemed by the View Owner. The number of views will be as many as based upon the configuration of a house and without overlaps.

**2. ACTIONS:**

The goal of any actions will be to provide for as much view as possible since the View owner has paid for it but the limitations of the Measure B provisions - Exemption of Matured trees and Obstructed views by Maturing trees etc.

**Proposed Process:**

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a. The View Owner will determine - the viewing areas, number of Views with From.. and To and without overlaps. Each view will be observed using a ruler at arms length and view coverage. This will provide the View Length of each view and length of clear and obstructed view as adjusted for the the matured trees at the time of purchase and after restoration.

b. Within Each View length , **the Restored View Length = View Length less Matured Trees - Restored Maturing Trees such that the Maturing Trees do not exceed 20% of the View Length less the Matured Trees.**

c. All maturing trees beside other actions will be laced to allow for the view continuation like city lights, ocean water etc., through these trees.

3.Conclusions: This approach clearly defines how to achieve Measure B provisions with a simple and measurable tool and at the same time provide as much view as possible to the view owner. This will eliminate various arguments regarding how much to restore, how many corridors etc.

4. The initial costs should be borne by the owner who let his trees grow into the views that the View Owner has paid for. It is not fair to penalize the View Owner for loosing part of the view he paid for.

If view ordinances are not designed to maintain the views in as much as possible within Measure B limitations - Rolling Hills will loose its most critical assets - the Great Views and hence Billions of Dollars of property values!

Thank you

Sincerely

Kirt and Mamata Behera

310-529-2022 Cell