

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 in order to assure uniformity in the application of Measure B to future view complaint cases. 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 14<sup>TH</sup> DAY OF MARCH, 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.

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

I certify that the foregoing Resolution No. 1182 entitled:

A 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 March 14, 2016 by the following roll call vote:

AYES: Councilmembers Mirsch, Wilson and Mayor Pieper.

NOES: Councilmembers Black and Dieringer.

ABSENT: None.

ABSTAIN: None.

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

Administrative Offices.

  
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HEIDI LUCE, CITY CLERK

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. 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**

For purposes of RHMC Section 17.26.090 (2) a tree will be considered mature if at the time the party claiming view impairment acquired the property the tree had achieved 75% of its maximum canopy height and width (spread). Maximum canopy height and width will be as set forth in the latest edition of the Sunset Western Garden Book that contains the tree species under consideration. The Sunset Western Garden Book is a trusted reference guide on trees, plants and other vegetation present in the region and displays a plant species’ height ranges and other characteristics.

Should the Rolling Hills Committee on Trees and Views, City Council or any of the parties involved in a view complaint case require or wish to obtain an expert opinion on maturity of trees, such opinion shall be provided by a certified consulting arborist who is a member of the American Society of Consulting Arborists (ASCA).

For the purpose of measuring the height of a tree, the height shall be measured between the base of the tree and the tip of the highest branch on the tree. The base of the tree is the point of the tree where the pith (center) of the tree intersects the ground surface. The width (spread) of a tree canopy shall be measured across the canopy from the tip of the outermost branch at one end of the tree to the tip of the outermost branch at the opposite side of the tree (from dripline to dripline).

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

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

**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.