

View Blockage by Trees and Vegetation

A series of informational meetings have been held for members of the community residing in the Hillside Overlay Zone. Notification was sent by mail to every registered property owner in the Hillside Overlay Zone, a mailing of just under 6,000. These notices listed all six outreach meetings. The meetings were also announced at the Council meeting prior to the meeting. At each meeting, the Power Point “Potential Strategies for addressing View Impairment from Trees and Vegetation” was presented, after which feedback was received from attendees. A synopsis of comments from these meetings follows:

February 11, 2015, Riviera Homeowners Association Meeting

This was the first of the Community outreach meetings and over 100 residents were in attendance. The HOA presented before and after photos showing views that had been lost to vegetation or tree growth, after which City staff presented the Power Point and took questions and comments. Feedback included a number of questions and comments regarding City Trees, property values and the overall process of a potential ordinance. Comments included:

- How are “spite trees” defined and what is involved in civil litigation?
- Will City trees be included? Private property owners should not be required to cut trees if City does not. Tree trimming schedule is not sufficient, but budget to implement trimming of City trees is going to be staggering.
- There was discussion of the current process for trimming City trees outside of the scheduled trimming, but it was felt to be cumbersome and expensive.
- Stated that Rolling Hills sends out their Planning Director to look at the view impairment, makes a judgment and the issue is generally resolved at that point.
- Suggested that volunteers could go out and take pictures of view impairments.
- Felt that having an ordinance gave weight to discussions and would encourage cooperation.
- Concern was expressed about preserving “old growth” trees
- Questions were asked about determining whether a tree is privately owned or a City tree
- One resident felt that we needed something more like RPV ordinance with greater staff involvement because we are a bigger city. Also felt that definitions were dangerous and that more discretion was needed rather than strict definitions.
- Felt that the regulations and process for building height should be applied to trees and vegetation
- Coastal Commission has regulations for trees- can’t be higher than the highest point of the home.
- Health of trees needs to be taken into account
- Consideration needs to be given to elderly residents who would not be able to afford the cost of tree trimming
- Perhaps the City could utilize “Survey Monkey”
- How much does a view impact property value? As much as 20- 50%. View restoration will result in higher property values and more property tax dollars for the City

- Families have to go through a rigorous process to retain views for additions, but then others can block views with trees
- No one wants to get rid of trees, but can't have a huge tree to the detriment of others
- Riviera residents worked hard to get this issue raised and considered. The only model we will get is a low cost model. We are only a small part of the City and need to be reasonable in what we are asking for
- The majority of attendees at the meeting indicated support for a view preservation ordinance

February 19, 2015, General Meeting at Torrance Airport

The second meeting was sponsored by the City and approximately 80 people were in attendance. Staff formulated a very brief survey asking if residents to indicate whether or not they were in favor of some type of vegetation ordinance in the Hillside Overlay Zone, with an area for any comments they would like to make. The survey was designed to create a "safe space" for those who were not in favor of an ordinance to express their feelings, as some residents expressed discomfort talking against such an ordinance when the majority seemed to be strongly in favor. At this meeting 62 residents filled out surveys, with 43 in favor of an ordinance and 19 against.

The same Power Point was presented, with questions and comments following. Again there was a great deal of interest in whether City trees would be included, with the consensus being that City trees needed to be part of the process. There was also discussion of acquired versus existing views, and how those issues would be addressed. Comments included:

- What things are considered when defining "spite trees"?
- City must consider benefits that trees provide such as improving air quality, providing shade and a home for birds
- Must look at both view and privacy and develop a process for competing interests
- Can this issue be considered as an initiative and put on the ballot?
- Why is this being considered only for the Hillside and not for the entire City?
- Does an acquired view have less weight than an existing or original view? How will views gained as a result of remodel be considered?
- Will the City be responsible for trimming city-owned trees, or will the City be exempt?
- Concern was expressed over trees in parks as well as street trees, specifically those in DePortola Park
- There should be something to ensure that poisonous spite trees such as oleander cannot be planted and fines should be implemented if they are
- Questions were asked regarding the direction the City is heading with these meetings, how long the process would take and whether the public would be able to review any draft ordinance
- How do/can residents learn about Hillside regulations and restrictions?
- There should be geological concerns if trees/vegetation are removed from a hillside area weakening the soil underneath and potentially causing landslides
- One resident stated that there is an existing tree ordinance created in 1998 in the Riviera, but it needs to be enforced. Property rights need to be respected, and those who vandalize trees should be punished

- The City needs to look at public trees on city properties and parks
- Concerns were expressed about the potential cost of trimming trees, how that cost would be apportioned and what would happen with those on fixed incomes who could not afford to trim or maintain vegetation
- The size and shape of a tree as seen from one home can be different than what is seen from another home. Trimming may solve one problem but cause another
- Does the City have an arborist? Who will look at trees and determine how they can be trimmed without causing damage or killing the tree?
- Are there or will there be height limits for trees?
- Perhaps if residents could have higher fences, they may not need to have trees
- Trees and landscaping add as much if not more value to a home than a view
- One resident had three points he felt were important: tree ordinance will help reduce the amount of complaints; California Coastal Law Section 841.4 is already on the books but the City does not enforce; and, mediation does not work since not everyone will participate
- Downhill residents with trees need to have their privacy considered and protected, The view of trees is prized, a beautifully landscaped yard is good for the environment as well as residents well-being. There needs to be compromise
- The City should research and act on enforcing all existing civil codes and encourage dispute resolution to solve the problem for the few and not hurt the many who are not affected by this
- Trees provide shade and help with air pollution; we should not be getting rid of any trees
- A neighbor was allowed to build a new deck that took away privacy. When bamboo was planted to regain privacy, the neighbor complained about it.
- Tree ordinance will help keep peace in neighborhoods
- The City should be more careful in deciding which trees can be planted in hillside areas

February 23, 2015, General Meeting at Katy Geissert Library

This was the third outreach meeting and approximately 30 people were in attendance. The survey was filled out by 17 residents, with 14 in favor and 3 opposed to a vegetation ordinance. As with previous meetings, there was concern that City trees needed to be included in any ordinance. Comments from the meeting included:

- Residents outside the Hillside Overlay should not be involved in this
- Will City trees be included?
- Will a view seeker have to pay for trimming of City trees? And would an ordinance place restrictions on height of city and park trees?
- If the City decides to adopt an ordinance, the City needs to follow the same rules
- The City should not pay for trimming or removal of private trees
- There should be an arborist on contract to be called out and paid for by fees charged to the view seeker
- Resident noted that a group of neighbors got together to have 15-20 City trees trimmed following all the City protocols to have it legally done
- By doing nothing the City is doing something

- The view seekers should not have all the responsibility and bear the cost. Tree growers have a head start and can “blackmail” view seekers
- Rolling Hills Estates has a “View Equity” ordinance that looks at what is an unreasonable obstruction versus a reasonable obstruction and tries to balance the interests of view seekers and vegetation owners
- Guidelines rather than hard laws might be better, with an arborist only giving opinions on trees and approving actions to be sure that the health of the tree is considered
- A lot of trees would be fine if they were just thinned out
- Some of the City trees cause damage to plumbing and sidewalks
- Resident stated that he can see both sides as a person with tall trees and a view seeker. Wants to know what the timeline for compliance will be, will there be fines and when will it take effect
- Is there a possibility that there will be no ordinance?
- Believe that there is a legal right to a view and restoration should be compulsory
- Sounds like the City wants to empower the residents to deal with it and facilitate but not enforce
- It would be great to have guidelines for working out a legal view easement
- There should be height limits for trees. They should be no higher than the house or roof height
- With different topographies taller may be a problem for one resident while shorter obstructs view for another. It is better to have subjectivity
- Edison power poles have been replaced with taller poles that are now obstructing views
- Need to define right to a view versus right to privacy
- Believes that we need an ordinance similar to RHE
- Any new ordinance should be stand alone and not an “add-on” to the Hillside ordinance
- Landscape plans should be part of Hillside approval process

March 2, 2015 General Meeting at Torrance Airport

Approximately 45 residents attended this meeting and 23 completed the survey. Of the completed surveys, 23 were in favor of an ordinance, 2 were opposed and 2 were undecided. As with other meetings, street trees were a concern. Comments from this meeting included:

- How does the ordinance apply to City trees?
- Rolling Hills Estates ordinance is a good model
- Street tree roots cause sewer problems
- Seems to be a reluctance on the part of Council to take action
- Property taxes will increase as views are restored
- Interested in data from other cities regarding resolution of issue through process versus taking the issue to court
- Riviera trees give the area character, add aesthetic value
- Topping trees is not a good idea
- Property owner bears the cost for maintenance of trees and landscape
- What about trees that don’t interfere with a view but are unsafe?
- Need to look at pre-existing conditions—right of privacy versus view

- How do you establish what the view consists of?
- There is bias in mediation, and it will encourage people to grow trees to profit off the process
- Perhaps there should be a silhouette process for trees as there is for additions
- Need for an ordinance to resolve neighbor disputes with penalties and citations
- Why can't trees be regulated like additions and construction?
- Should have an ordinance that applies to new vegetation
- Need a tree height limitation
- Need a way to address old growth and existing trees
- Ordinance needs to be clear and not convoluted

March 16, 2015 Hillside Homeowners Association, Alta Loma Park

This meeting was sponsored by the Hillside HOA. There were approximately 50 residents in attendance and survey results included 7 responses in favor of an ordinance, 9 opposed and one who favored only if City trees were part of the ordinance. As with previous meetings, City owned trees were a concern and several residents mentioned surveying residents for interest. Comments included:

- When is a view established?
- What is the process for getting a City tree trimmed, and why do residents have to pay for trimming?
- Residents are tired of the City writing ordinances that don't apply to them (the City) and that the City doesn't have to pay for
- The City puts trees in our parkway without asking if we want them and then the resident has to pay for trimming it?
- Has any consideration been given to the loss of value due to trees being removed? Bought the house in part for the large tree and shade
- Will there be a third party who will come in, assess the situation, and give an opinion that will be admissible in court?
- How would you deal with views obstructed by multiple houses and multiple trees?
- How will the ordinance look at acquired view versus original view?
- Is privacy and loss of privacy more or less important than view?
- Ordinance has the potential to spiral out of control. There are already multiple issues with views through other properties
- How will the City ensure that photo-shopped or fraudulent photos aren't used to gain a view?
- Will the ordinance apply to overlay or all of City?
- How would view easements work?
- Suggested sending a survey to residents
- Is the City looking at revisiting the Hillside ordinance?
- The cost of reduced property value for tree loss is much less than loss due to view impairment
- Trimming trees, especially topping them can cause death of tree. Pines are especially susceptible
- Will this be put to a vote of the City?

- Resident bought house with intention of building a second story but was denied due to an acquired view. Doesn't think this law will stand up in court. Privacy is a constitutional right
- Should have a survey to see what is being affected
- Ownership of views is a grey area. Really need to look at original versus acquired views
- With acquired view, younger generation is penalized
- How many people are in the Overlay? How do we explain to the rest of the people in Torrance that they need to pay for this? Wouldn't pass
- People need to be considerate
- Rolling Hills Estate View Equity Ordinance stood up in Court and is cost neutral
- What is the difference between where we are now and where we will be if an ordinance is passed? It will increase costs for additions in the Hillside, and possible lead to silhouetting of trees
- What view will be considered? From the yard or the house? Living room, patio, den?
- Hillside lots are small. Planted a tree for privacy and if this passes will have no rights to protect that privacy
- Are there case studies as to whether view trumpsw privacy or privacy trumps view?
- Ordinance needs to be written strictly with regards to permit requirements
- Where does the City take accountability? Just in steeing the rules?
- Concerned that this will be rammed through whether residents want it or not
- What happens to a view agreement when a property changes hands?
- Has the City looked at unintended consewquences of this type of regulation?
- Send a postcard to everyone in the overlay and let them mark "yes" or "no" and bring it back to City Hall.
- Was there any discussion of only including the Riviera HOA in this since they are the ones who seem to want it? Can we be left out of it?
- Can pocket areas in the Hillside but not in the overlay zone be included?
- It's not fair to make this ordinance that only affects a small section of the City
- Is it possible to strengthen spite tree legislation and use that?

March 31, 2015, Katy Geissert Library Meeting Room

Approximately 70 residents attended this meeting and 49 completed the survey. Of those, 43 were in favor of an ordinance, 5 were not in favor and 1 was undecided. As in previous meetings, City owned trees were a major concern, and there was discussion regarding the cost of an ordinance, with the consensus seeming to be that even if it cost as much as Laguna Beach estimates of \$360,000 per year, the return in property tax due to increased home values would more than make up for it. Comments included:

- The \$360,00 cost is for heavier staff involvement, but the trade off with revenue lost to the City due to decreased property values would counterbalance even that amount
- Biggest problems are the City trees.
- Can we have the City trees removed?
- Trees around the water tanks need to be trimmed more often

- Decisions should be weighted towards the families who have owned their properties the longest as opposed to families who just bought
- Maximum roof height should be maximum tree height
- How do you balance privacy versus view? Don't want neighbors to be able to look into their yard.
- Would view easements be part of the ordinance?
- Is there a heritage tree rule?
- The cost of \$360,000 would be much less than the cost of lost property values. Values would be in the millions for lost views
- Will there be examples of other City's ordinances when the web page is up?
- 10 years before the passage of the ordinance is not enough time. Should be at least 20 years to establish view.
- There are many benefits to having trees, benefits to the environment and the air quality. There needs to be compromise and a consideration of the health of the community
- There has been discussion of this issue since at least the 1980s
- The first minutes of the Riviera HOA in the 1950s talks about a tree ordinance
- Doesn't think the person who lost their view should have to pay to get it restored. Person with trees should have to pay for trimming and maintenance
- Can you ask that City trees not be replaced when they are removed?
- There are places in the Hillside that trees can be planted and not affect views. Plant there and not in areas where they can block views.
- It's very important to have a good relationship with your neighbors—then these issues can be worked out
- Park trees are a problem as well as street trees.
- School trees, as well
- Will original view versus acquired view be considered?
- Landscaping plans should be submitted with remodels or new construction