

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Consider a Draft Ordinance modifying the Torrance Municipal Code to regulate trees and vegetation within the Hillside Overlay District of the City. Expenditure: None.

RECOMMENDATION

Recommendation of the Community Development Director that City Council review the draft View Equity Ordinance and direct staff to return with a final ordinance for adoption.

LUS16-00002: View Equity

Funding

Not applicable

BACKGROUND

On June 28, 2016, the Council reviewed the draft View Equity Ordinance and an item which contained decision points for claim limitations, criteria for determining unreasonable obstruction, the process for resolving disputes, mediation, arbitration and apportionment of costs. The Council provided staff with direction in each category and requested additional revisions to the draft ordinance. Staff was directed to return in the fall to provide a greater opportunity for residents to also review the item. In preparation of this meeting, staff sent an email reminder to those residents who provided their email addresses on August 25, 2016. Additionally, notices were mailed to the registered property owners (5,721) in the Hillside Overlay district on September 15, 2016. A timeline (Attachment E) is included, summarizing the evolution of this item beginning with the Council's first Oral Communication on this matter and ending with tonight's meeting.

ANALYSIS

At the meeting of June 28, 2016, the City Council requested that the minimum height of six feet for qualifying vegetation be removed, that claims be limited to one view and that the notification process be handled by the City. The Council's requested revisions are reflected in the attached draft ordinance. Staff has also revised the Process for Resolution of Obstruction Disputes to include two new sections: Neighbor to Neighbor Contact and Advisory Opinion. The first is a requirement for neighbor to neighbor contact before initiating the City process. The second is the addition of an advisory opinion section to address the Council's request for more staff involvement early in the claim process. Staff has also clarified the Apportionment of Costs section per the Council's request. The draft ordinance continues to emulate the Rolling Hills Estates ordinance at the Council and community's request, which sets forth a process by which citizens may resolve view matters privately, without appeal rights to the Planning Commission or City Council. The following list briefly describes the modifications to the last draft of the View Equity ordinance and will be discussed in detail below:

- Section 92.41.010: Intent and Purpose - *Revised*
- Section 92.41.020: Definitions - *Revised*

- Section 92.41.030: View Equity Claim Limitations - *Revised*
- Section 92.41.070: Process for Resolution of Obstruction Disputes - *Revised*
- Section 92.41.080: Neighbor to Neighbor Contact - *New*
- Section 92.41.100: Advisory Opinion - *New*
- Section 92.41.110: Mediation - *Revised*
- Section 92.41.140: Apportionment of Costs - *Revised*

The following analysis will briefly discuss each section in more detail.

SECTION 92.41.010: Intent and Purpose

The Council asked staff about the applicability of the Permit Streamlining Act which, if applicable, would impose strict timelines on the processing of View Equity claim applications. Staff has researched the Permit Streamlining Act further and found that it does not apply to the View Equity Ordinance. A more detailed discussion is included in the Phasing In section of the item, below. In accordance with this new information, staff has added the following clause to the Intent and Purpose section: "It is not the intent of this ordinance to create a permit that would be governed by the Permit Streamlining Act."

SECTION 92.41.020: Definitions

During the last meeting, the Council requested to strike the requirement that vegetation shall be a minimum of six feet high. Upon further review, staff has revised the definition of "vegetation" to include trees in an effort to simplify the draft ordinance. Any reference to trees or tree(s)/vegetation has been encompassed within "vegetation" throughout the ordinance.

- **Vegetation** means plants or grasses with the potential to obstruct views. "Vegetation" includes without limitation, trees, shrubs, grasses, hedges, and bushes. "Vegetation" shall not include any type of plants or trees maintained by the City in the public right-of-way, nor any planted in movable pots, planters, or hanging containers, on private property.

SECTION 92.41.030: View Equity Claim Limitations

This section was revised to be more specific on the applicability of claims. Notable changes include the removal of the minimum height of six feet for qualifying vegetation, as discussed above. Additionally, subsection "a" has been revised to specify that eligible property for a claim must be residentially zoned, and both the claimant and the vegetation owner's properties must be located within the Hillside Overlay district of the City of Torrance.

- a) Regarding any vegetation located on real property, either zoned or developed with solely residential uses, which is within five hundred (500) feet from the view seeker's real property boundary located within the Hillside Overlay District in the City of Torrance.

SECTION 92.41.070: Process for Resolution of Obstruction Disputes

This section has been revised to include Neighbor to Neighbor Contact as the first step and Advisory Opinion as the third step, after Initial Reconciliation.

SECTION 92.41.080: Neighbor to Neighbor Contact

This section was added to ensure neighbors attempt communicating with each other in an effort to resolve view matters privately. Any agreement reached will be a private matter; there will be no need to submit a record of it to the city. If no agreement is reached, the view seeker would continue on to Initial Reconciliation and begin the view claim process. It should be noted that this

step does not require an official notification of the View Equity Ordinance and is therefore not subject to the consequences of nonparticipation clause in Section 92.41.130.

SECTION 92.41.100: Advisory Opinion

The Advisory Opinion section was added at the Council's request to include more staff involvement early on in the process. This section allows a view seeker to file a View Equity claim during this step of the resolution process. Subsection "d" has been added to include the fees required at the time a claim is submitted. At the direction of the Council, staff has also modified the notification process by making staff responsible for mailing out a notice to the vegetation owner and neighbors within a 500 foot radius, instead of the view seeker. Staff notes that the notice sent to all interested parties will inform the vegetation owner of the consequences of non-participation by including the following language: "a vegetation owner who prevails in litigation shall not be entitled to recover attorney's fees and costs if the vegetation owner has declined to participate in the initial reconciliation, advisory opinion, mediation, and/or arbitration processes set forth in Sections 92.41.090, 92.41.100, 92.41.110, and 92.41.120." A link to the View Equity ordinance will also be included in the notice. Additionally, any joint claims filed by neighbors will be required to pay a multiple application fee, typically set at half of the base application fee.

The advisory opinion of staff will require site visits to all properties involved in the claim and documentation of the current vegetation and any ordinance-designated view obstruction area at each residence. During field visits, staff may acquire the assistance of a certified arborist who may advise on appropriate restorative actions. If needed, a deposit for the arborist will be required. The purpose of the advisory opinion letter is to state which properties were visited, whether a view obstruction appears to exist, and any recommended restorative actions. There are several guidelines listed which will serve in the development of the advisory opinion letter, which will ultimately be signed by the Community Development Director. It is not the intent of the advisory opinion letter to serve as a permit or to be enforced by the City in any way. As such, it is not a formal decision that is subject to appeal. Rather, the advisory opinion letter may serve to guide the parties to an agreement which must be filed with the City within 30 days from the date of the advisory opinion letter. Any costs associated with any restorative action or maintenance will be subject to agreement between the parties. The view seeker(s) or vegetation owner may also request mediation if they disagree with the recommendations of the Community Development Director.

SECTION 92.41.110: Mediation

Due to the introduction of the Advisory Opinion section, the Mediation section has been considerably shortened. Notable changes include the option for a view seeker to request Mediation to begin the claim process, instead of at the Advisory Opinion step. In the event that the requesting party decides to forego the advisory opinion and begin the process at mediation, the fees would include the cost for mediation, the deposit for the arborist, and the notification fee. Additionally, the view seeker or vegetation owner may also request an Advisory Opinion after a claim has been initiated at Mediation. As in the advisory opinion step, a notice of the request to participate in mediation shall inform the vegetation owner of the following consequences of non-participation: "a vegetation owner who prevails in litigation shall not be entitled to recover attorney's fees and costs if the vegetation owner has declined to participate in the initial reconciliation, advisory opinion, mediation, and/or arbitration processes set forth in Sections 92.41.090, 92.41.100, 92.41.110, and 92.41.120."

SECTION 92.41.140: Apportionment of Costs

The previous draft of the Ordinance stated the cost of application, mediation, arbitration and restorative action is borne by the view seeker while the subsequent cost of maintaining vegetation is the responsibility of the vegetation owner. Staff previously recommended that the view seeker also pay for the maintenance of the vegetation due to the benefit gained by the view seeker from restoring their view. The Council requested that staff find an equitable way to share the costs between the view seeker and the vegetation owner. Therefore, this section has been revised to allow costs to be shared by the view seeker(s) and vegetation owner according to mutual agreement or by decision of the mediator, arbitrator, or court order. The revised section language follows and may be revised according to the Council's decision:

The cost of any determined restorative action and/or maintenance shall be determined by mutual agreement or pursuant to any final decision through mediation, arbitration, court order, or settlement. It is the intent of this chapter that a tree/vegetation owner who sells his or her property shall notify the purchase of any agreement, decision, or court order requiring subsequent maintenance of trees or vegetation.

Additionally, each section of the ordinance, from Advisory Opinion through Arbitration, clarifies that the costs of each step in the resolution process, including review by a certified arborist when applicable, are paid initially by the requesting party, however, in Mediation and Arbitration, the ultimate responsibility for such costs may subsequently be modified either by mutual agreement of the parties or by a determination of the mediator or arbitrator.

Fees

Staff has examined the existing fees in the department and believes that the View Equity process will fit into an existing category, negating the need for a fee study.

Current fees established by fee study and tied to a Consumer Price Index annual adjustment include:

- Notification fee: \$82
Because the View Equity process would include only the 500 foot mailing and not the \$270 cost of a display ad, the notification fee would be reduced from \$352 to \$82.
- Minor Development Permit: \$680
This fee includes review of the proposed development, document review, site visits, a written report for the Director's signature and routing of plans for review and comparable retention requirements.
- Minor Hillside Exemption: \$215
This fee does not include a written report unless there is no neighbor sign-off, in which case a report must be prepared for the Director's approval.

Based on experience with other Hillside matters, in the judgment of staff, the City issued notification and a new fee comparable to the fee for Minor Development Permit would be most reflective of the actual costs for the Neighbor notifications and Advisory Opinion. The Advisory Opinion would include assessment visits to the view-seeker and vegetation owner properties in order to assess the effects of the vegetation on the view and the potential effects of vegetation removal on the privacy of the vegetation owner and the preparation of a report. This is similar to the process used for reports written for Hillside additions, in that the impacts must be assessed from both viewpoints. As noted in the mediation section discussed above, a claim would not include the fee for the advisory opinion of staff, if bypassed and the claim is initiated at the mediation step.

The Council has previously approved funds in the amount of \$167,610 to be set aside for a Staff Assistant and Planning Associate for the View Equity ordinance. Assuming the Council agrees to assess a fee comparable to the Minor Development Permit fee of \$680 and the City processes 20 View Equity Claims (all requesting the Advisory Opinion), the revenue to the City would be \$13,600. If the Council chooses to apply a fee comparable to the Minor Hillside Exemption fee of \$215, the expected revenue for 20 View Equity Claims would be \$4,300. In either case, the projected revenue will not cover the staffing cost to the City.

The additional proposed deposit of \$1,000 for an arborist to consult would cover the advice of an arborist regarding the best solution for restoring the view and maintaining the health of the vegetation. The arborist would need to accompany the planner on the site visits and provide their input to the final report. As in the Rolling Hills Estates model, the \$1,000 arborist fee would be a deposit that would be used as needed to pay for the arborist's time, with any remaining dollars returned to the view seeker.

At the discretion of the Council, the recommended fees may be reduced however, based on the assessment of the work hours required to perform the tasks, they could not be increased without a fee study.

Phasing in of View Equity Ordinance

The attendance at outreach meetings held to discuss a potential view equity ordinance dealing with trees and vegetation demonstrated a large demand for such a process. Initially, there was concern that once the ordinance became effective, there would be a large surge of demand for the process and that existing staffing levels would not be adequate to deal with the initial demand while still maintaining the timelines required by the Permit Streamlining Act. Therefore, it was suggested that staff explore a way to phase in the ordinance.

However, upon further research in conjunction with the City Attorney's Office, it was determined that the Permit Streamlining Act does not apply to the View Equity ordinance. It applies only to "development projects" which involve the issuance of a land use or construction permit. The View Equity ordinance will not involve the issuance of any permits and will not intersect with any construction or development projects because the Council has already decided that the existing Hillside Overlay ordinance shall govern those activities.

There are still concerns regarding when the ordinance itself is actually adopted. Once there is a final draft, staff can begin preparing the forms, a permit system record, updating web site information and all other infrastructure that will be necessary once the ordinance goes into effect. The Planning position will not be funded until January 1, 2017, and it will likely take at least until the beginning of the year to prepare for implementation. Staff looks for the Council's direction so that a final ordinance can be returned to the Council yet allow for all administrative processes to be completed in sufficient time before the ordinance takes effect.

CEQA-Initial Study

At the last Council meeting, the Council had questions regarding whether or not an initial study would have to be conducted per CEQA before adopting the View Equity ordinance. Staff consulted with outside environmental council and Staff researched the matter and concluded that the View Equity ordinance would be exempt from the provisions of CEQA because the activity is not defined as a project (Section 15060 (c) (3)) and because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (15061(b) (3)). As the City has included language which would ensure the ordinance's compliance with the Migratory Bird Treaty Act, staff has determined that the ordinance would not result in a significant environmental impact.

The Migratory Bird Treaty Act (MBTA) establishes regulations for the protection of migratory birds or any part, nest, or egg from such bird. In order to comply with the MBTA and avoid potential harm to active nests during the breeding period of March 1 through August 31, staff has inserted language into the preamble section of the View Equity ordinance. If an applicant intends to remove or alter vegetation during March 1 through August 31 (breeding season), the applicant shall have a U.S. Fish and Wildlife Service/California Department of Fish and Wildlife approved biologist conduct a bird survey to determine if there are protected native birds in the habitat to be removed or altered, with the survey being conducted no more than three days prior to the alteration of any vegetation. If an active nest is located, removal or alteration of any vegetation holding such nest(s) must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Language regarding the applicable CEQA exemption is also included in the preamble of the attached draft View Equity Ordinance.

CONCLUSION

At this point, the City Council can consider several options for regulating trees and vegetation within the City:

- Direct staff to return with a final ordinance for adoption;
- Accept and file the information that has been presented;
- Direct staff to conduct further research;
- Make changes to other sections of the draft ordinance and direct staff to return with a revised draft ordinance;
- Pursue another option and direct staff to bring back the item.

Respectfully submitted,

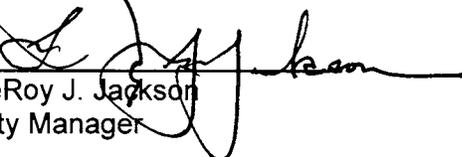
JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By 
Linda Cessna
Deputy Community Development Director

CONCUR:



Jeffery W. Gibson
Community Development Director



LeRoy J. Jackson
City Manager

Attachments

- A. Draft View Equity Ordinance
- B. City Council Minutes Excerpt of June 28, 2016
- C. City Council Item of June 28, 2016 (Limited Distribution)
- D. Correspondence
- E. Timeline of Development of Draft View Equity Ordinance
- F. View Equity Claim Process Flowchart

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADDING ARTICLE 41 TO DIVISION 9 OF THE TORRANCE MUNICIPAL CODE, TO ESTABLISH A PROCESS FOR THE RESTORE VIEWS OBSTRUCTED BY VEGETATION IN THE HILLSIDE OVERLAY DISTRICT OF THE CITY OF TORRANCE.

WHEREAS, within the Hillside (and Local Coastal Overlay Zone) (herein “Hillside Overlay”), views, whether of the Pacific Ocean, the surrounding hillsides and city lights or other natural and manmade landmarks produce a variety of significant and tangible benefits for both residents and visitors. Views contribute to the aesthetic visual environment of the community by providing scenic vistas and inspiring distinctive architectural design. Views contribute to property values; and

WHEREAS, residents and property owners cherish their views of the South Bay Region. Such views contribute greatly to the quality of life in the city and promote the general welfare of the entire community; and

WHEREAS, trees and vegetation produce a wide variety of significant psychological and tangible benefits for both residents and visitors to within the Hillside and Local Coastal Overlay Zone. Trees and vegetation provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Trees and vegetation contribute to the visual environment and aesthetics by blending, buffering and reducing the scale and mass of architecture. Trees and vegetation within the city provide botanical variety and a sense of history. Trees and vegetation also create shade and visual screens and provide a buffer between different land uses. Trees contribute to property values. Absent an unreasonable obstruction of the view of properties within the Hillside and Local Coastal Overlay Zone, the city encourages and supports the growth and maintenance of trees and vegetation; and

WHEREAS, owners and residents within the Hillside and Local Coastal Overlay Zone should maintain trees on their property in a healthy condition for both safety reasons and for preservation of outward views. Before planting trees, owners and residents should consider view blockage potential, both currently and at tree maturity, and should not plant, maintain or permit to grow any tree or vegetation which unreasonably obstructs the view from a neighboring property; and

WHEREAS, the benefits derived from views and trees/vegetation may come into conflict. The planting 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 within the Hillside and Local Coastal Overlay Zone; and

WHEREAS, within the Hillside and Local Coastal Overlay Zone it is in the interest of the public health, safety and welfare to:

- (a) Establish the right of real property owners in the Hillside and Local Coastal Overlay Zone to preserve and/or restore views which exist from unreasonable obstruction by the growth of trees and other vegetation. Such a right shall accrue, and shall protect views that existed, on the date the property was acquired or fifteen years prior to the effective date of the ordinance codified in the this chapter, whichever is later;
- (b) Recognize that every real property owner in the Hillside and Local Coastal Overlay Zone is entitled to a process to resolve conflicts that negatively impact view equity, in order to preserve a reasonable amount of the view benefitting such real property;
- (c) Establish a process and evaluation criteria by which property owners within the Hillside and Local Coastal Overlay Zone may seek restoration of views when unreasonably obstructed by the growth of trees or other vegetation; and

WHEREAS, the alteration or removal of vegetation shall be in compliance with the Federal Migratory Bird Treaty Act; and

WHEREAS, the City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3: i) Section 15031 (b)(3) (CEQA only applies to activities which have the potential for having a significant effect on the environment), ii) 15060(c)(3) (the activity is not a project as defined in Section 15378), and iii) 15175 (the Master Environmental Impact Report for the city's General Plan certified on April 6, 2010, State Clearing House #2008/11046, has addressed mitigating environmental measures for all proposed amendments to be made to the Municipal Code); and

WHEREAS, the City Council finds that this ordinance is not subject to the Permit Streamlining Act as the City is providing only an advisory opinion and is not enforcing such an opinion; and

WHEREAS, the City Council, upon giving the required Notice did on the 28th day of June, and the 4th day of October 2016, conduct Public Hearings, at which time all interested parties were given full opportunity to be heard and present evidence.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1

Article 41, entitled View Equity, is hereby added to Chapter 2 of Division 9 of the City of Torrance Municipal Code.

92.41.010 INTENT AND PURPOSE

The intent and purpose of this chapter is to:

- a) Recognize and establish a process by which real property owners may restore or preserve view equity within the immediate vicinity of their property;
- b) Establish procedures and evaluation criteria by which real property owners may seek resolution of view equity disputes;
- c) Discourage duplicative, repetitive or serial claims for view equity; and

- d) Discourage ill-considered damage to trees/vegetation and promote proper landscaping establishment and maintenance.

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. It is not the intent of this ordinance to create a permit that would be governed by the Permit Streamlining Act. Nor is it the intent or purpose of this article for the City to create either a covenant running with the land (for example, CC&Rs or deed restriction) or an equitable servitude (for example, easement or license). However, the City will keep a record of agreements and decisions reached pursuant to Sections 92.41.090, 92.41.010, and 92.41.110) of which it is notified, and provide those agreements and/or decisions to those who request such a report.

92.41.020 DEFINITIONS

Alter means to take action that changes the tree or vegetation, including but not limited to, extensive pruning of the canopy area, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the feeder root zone of the vegetation.

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. The arbitrator of a view equity dispute shall be chosen from a resource available from the City of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

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 equity claim as outlined in this chapter.

Binding 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.

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 Torrance.

City trees means trees on City property or in the public right-of-way.

City property means any real property of which the City is the fee simple owner of record.

Claim, view equity means documentation, as set forth in Section 92.41.100, that outlines the basis of view equity diminishment and the specific preservation action that is being sought.

Crown means the rounded top of the tree.

Crown reduction/shaping means a method of comprehensive pruning that reduces the height and/or spread of vegetation. 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 large enough to assume the terminal.

Destroy means to kill or take action that endangers the health or vigor of vegetation, including, but not limited to, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the base of the trunk or main stem.

Heading back means the overall reduction of the mass of a tree by modification to major limbs.

Lacing means a comprehensive method of pruning that systematically and sensitively removes excess foliage and improves the structure of the tree.

Maintenance pruning means pruning with the primary objective of maintaining or improving tree health and structure; includes “crown reduction/shaping” or “lacing” but not ordinarily “heading back.”

Mediator means a neutral, objective third party professional negotiator/facilitator to help disputing parties reach a mutually satisfactory solution regarding a view equity claim. The mediator shall be chosen from a resource of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

Obstruction means the blocking or diminishment of a view attributable to growth, improper maintenance, or location of vegetation.

Person means any individual, individuals, corporation, partnership, firm or other legal entity.

Pruning means the removal of plant material from vegetation.

Restorative action means any specific steps taken affecting vegetation that would result in the preservation or restoration of view equity across property lines.

Severe pruning means the cutting of branches and/or trunk of a tree in a manner which substantially reduces the oval size of the tree or destroys the existing symmetrical appearance or natural shape of the tree and which results in the removal of main lateral branches leaving the trunk and branches of the tree in a stub appearance. “Heading back” as defined herein is considered to be severe pruning.

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

Street means the portion of a right-of-way easement used for public purposes, such as roadway improvements, curbs, gutters and sidewalks, dedicated to the city, and formally accepted by the city into the city public street system for maintenance purposes.

Sunlight means the availability or access to light from the sun across property lines.

Vegetation owner means any person who owns real property in the city on which vegetation is located.

Vegetation means plants or grasses with the potential to obstruct views. “Vegetation” includes, without limitation, trees, shrubs, grasses, hedges and bushes. “Vegetation” shall not include any type of plants or trees maintained by the City in the public right-of-way, nor any planted in movable pots, planters, or hanging containers on private property.

View means a vista of features, of, bodies of water, beaches, coastline, islands, skylines, mountains, city lights, ridges, hillside terrain, canyons, geologic features and landmarks. The term “view” does not mean an unobstructed panorama of these features. A “view” shall be limited to one common interior or developed exterior space used by the view seeker, including but not limited to the living, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to take advantage of views.

View equity means achievement of a fair, reasonable, and balanced accommodation of views and competing obstructions (such as structures and/or vegetation), privacy and the use and

enjoyment of property. No person shall plant, maintain, or permit to grow any trees or vegetation which unreasonably obstructs the view from a neighboring property.

Viewing area means a common interior or developed exterior space used by the view seeker, including but not limited to the living area, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to take advantage of views. In structures, the finished floor elevation of any viewing area must be at or above the existing grade adjacent to the exterior wall of the part of the building nearest to said viewing area. Hallways, closets, mechanical rooms, bathrooms, garages, driveways and interior side yards shall not be considered or used as selected viewing locations or areas.

View seeker means any real property owner in the city or authorized agent of such property owner who alleges that vegetation located within the immediate vicinity of the property as set forth in Section 92.41.030 is causing obstruction of the view benefitting such real property.

Vista pruning means the selective thinning of framework limbs or specific areas of the crown of a tree to allow a view from a specific point.

92.41.030 VIEW EQUITY CLAIM LIMITATIONS

Subject to other provisions of this chapter, a real property owner within the Hillside Overlay of the city may initiate the claim resolution process as outlined in Section 92.41.70. However, a claim for preserving or restoring view equity may only be made:

- a) Regarding any vegetation located on real property, either zoned or developed with solely residential uses, which is within five hundred (500) feet from the view seeker's real property boundary located within the Hillside Overlay District in the City of Torrance, and;
- b) Only if there has not been an active View Equity claim against that real property by the view seeker or any other real property owner in the city within the last two years, unless the subsequent claim is made within 30 days of notice of the original claim as provided in Section 92.41.090 of this chapter. In addition, a view seeker may only seek to preserve or restore a view from one common interior or exterior space used by the view seeker, including but not limited to the living, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to best enjoy views.

92.41.040 CRITERIA FOR DETERMINING UNREASONABLE OBSTRUCTION

The following criteria are to be considered (but are not exclusive) in determining whether unreasonable obstruction of a view has occurred:

- a) The vantage point(s) from which the view is observed
- b) The extent of obstruction of views, both currently and at vegetation maturity
- c) The quality of views being obstructed, including the existence of landmarks, vistas, or other unique view features
- d) The extent to which vegetation has grown to obscure the enjoyment of the view from the view seeker's property since the view seeker's acquisition of his or her property or 15 years prior to the ordinance's adoption, whichever is more recent.

92.41.050 CRITERIA FOR DETERMINING APPROPRIATE VIEW EQUITY CLAIM ACTION

When it has been determined that unreasonable obstruction has occurred, then the following un-weighted factors shall be considered in determining appropriate preservation action:

- a) The amount of vegetation in the area and the current effects of the vegetation and its removal on the neighboring vegetation,
- b) The extent to which the vegetation provides:
 - 1) Wind screening or privacy (visual or auditory),
 - 2) Energy conservation and/or climate control,
 - 3) Soil stability, as measured by soil structure, degree of slope and extent of the vegetation's root system when the vegetation proposed to be removed,
 - 4) Aesthetics, including but not limited to species characteristics, size, growth, and form
 - 5) Community/neighborhood quality, value or significance
 - 6) Shade
 - 7) Rare and interesting botanical species
 - 8) Habitat value for wildlife
 - 9) Blending, buffering or reduction in the scale and mass of architecture
- c) Any hazards posed by the vegetation to persons or structures on the property of the complaining party including, but not limited to, fire danger or the danger of falling limbs or trees,
- d) The variety, age, projected rate of growth, and maintenance requirements of the vegetation,
- e) The state of documented view obstruction by the subject vegetation since the view seeker's purchase of his/her property, or within the last 15 years, whichever is most recent,
- f) The profile state of the subject vegetation since the vegetation owner purchased his/her property, or within the last 15 years, whichever is most recent.

92.41.060 HIERARCHY OF RESTORATIVE ACTION

View equity actions must be consistent with all other provisions of this title. Severe pruning should be avoided due to the damage such practice causes to the vegetation's form and health. Restoration actions may include, but are not limited to the following, in order of preference, assuming no countervailing health or safety interest(s) exist:

- a) **Lacing.** Lacing is the most preferable pruning technique that removes excess foliage and can improve the structure of the tree.
- b) **Vista Pruning.** Vista pruning of branches may be utilized where possible, if it does not adversely affect the tree's growth pattern or health.
- c) **Crown Reduction.** Crown reduction is preferable to tree removal, if it is determined that the impact of crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.
- d) **Stand Thinning.** The removal of a portion of the total number of trees from a grove of trees, without any replacement plantings.
- e) **Heading Back.** Eliminating the outer extent of the major branches throughout the tree. Heading back is only to be permitted for trees specifically planted and maintained as a hedge, espalier, bonsai, or in pollard form and if restoration actions "a" through "d" of this section will not accomplish the determined preservation action and the subsequent growth characteristics will not create a future obstruction of greater proportions.
- f) **Vegetation Removal.** Vegetation removal may be considered when the above-mentioned restoration actions are judged to be ineffective and may be accompanied by

replacement plantings or appropriate plant materials to restore the maximum level of benefits lost due to vegetation removal.

92.41.070 PROCESS FOR RESOLUTION OF OBSTRUCTION DISPUTES

The view seeker shall follow the process established by this chapter in seeking view equity.

1. Neighbor to neighbor contact. The view seeker and vegetation owner contact each other to resolve the view dispute.
2. Initial Reconciliation. The view seeker must complete the Initial Reconciliation process described in Section 92.41.090.
3. Advisory Opinion. If the Initial Reconciliation does not yield a result mutually satisfactory to the view seeker and vegetation owner, the view seeker may file a view equity claim requesting the Advisory Opinion of staff. Staff will make recommendations to correct adverse view impacts identified and follow the guidelines as set forth in Section 92.41.100.
4. Mediation. If either the view seeker or vegetation owner does not agree with the Advisory Opinion, or if the view seeker wishes to forego the Advisory Opinion step, the disagreeing party or the view seeker may request Mediation as described in Section 92.41.110.
5. Arbitration. If the vegetation owner does not participate in mediation or if mediation is unsuccessful in resolving the claim, either party may next pursue resolution by arbitration, as set forth in Section 92.41.120.
6. Litigation. If steps "1" through "5" are taken and processes are exhausted by the requesting party but no resolution is reached, the disagreeing party may then initiate litigation as described in Section 92.41.130.

92.41.080 NEIGHBOR TO NEIGHBOR CONTACT

The view seeker and vegetation owner shall contact each other to find a resolution and establish an agreement regarding the restoration of view. If an agreement is reached, there is no need to contact the City. If no agreement is reached, the view seeker may proceed with Initial Reconciliation.

92.41.090 INITIAL RECONCILIATION

A view seeker who believes that vegetation which has grown on another person's property within the Hillside Overlay in the city has caused unreasonable obstruction of view equity from the view seeker's property, shall first request that the City notify the vegetation owner of such concerns. The notification shall request personal discussions to enable the view seeker and vegetation owner to attempt to reach a mutually agreeable solution, and shall be followed-up in writing. The notification must invite the vegetation owner to view the alleged obstruction from the view seeker's property, and the vegetation owner is requested to invite the view seeker to view the situation from his/her property. The notification must include a copy of the View Equity Ordinance, available from the City, and the following verbiage: "Failure of the vegetation owner to respond to the written request for initial reconciliation within thirty (30) days from the date of delivery shall be deemed formal refusal by the vegetation owner to participate in the initial reconciliation." The notification shall also reference the consequences of non-participation by the vegetation owner as described in Section 92.41.130.

During the Initial Reconciliation, the view seeker and vegetation owner may request assistance from a Certified Arborist. The City may provide a link to the International Society of Arboriculture to allow residents to search for a certified arborist. If the view seeker and vegetation owner reach an agreement, there is no need to file anything with the City. If initial reconciliation is refused, or if the parties do not agree as to the existence and nature of the view seeker's

obstruction and the appropriate view equity action, the view seeker may proceed with subsequent View Equity claim resolution process outlined in Section 92.41.100.

92.41.100 ADVISORY OPINION

If Neighbor to Neighbor contact and Initial Reconciliation (Sections 92.41.080 and 92.41.090, respectively) do not produce a mutually agreeable solution, the view seeker may file a View Equity Claim application to request an Advisory Opinion. A View Equity Claim shall consist of all of the following:

- a) A description of the nature and extent of the alleged obstruction, including pertinent and corroborating physical evidence. Evidence may include but is not limited to dated photographic prints, negatives or slides. Such evidence must show absence of the obstruction at any documentable time during the tenure of the complaining party, or 15 years prior to the adoption of the View Equity Ordinance, whichever is most recent. Evidence to show the date of property acquisition or occupancy by the complaining party must be included.
- b) The location of all vegetation alleged to cause obstruction, the address of the property upon which the obstructing vegetation is located, and the present owner's name and address.
- c) Evidence of the failure of Initial Reconciliation, as described in Section 92.41.090, to resolve the dispute. The complaining party must provide physical evidence that written attempts at reconciliation have been made and have failed. Evidence may include, but is not limited to, copies of sent letters and corresponding receipts for certified or registered mail.
- d) The View Equity Claim fee in the amount established by resolution of the City Council as well as a deposit to retain the services of a certified arborist. Additional funds may be required as the process continues. Any money remaining at the end of the process will be refunded to the applicant.

Staff will review the application and deem it complete or incomplete. If the application is deemed incomplete, staff will mail a letter to the applicant stating what is needed to complete the application with a deadline of 30 days from the date of the letter. If the application is deemed complete, staff will process the application and prepare a notice, notification map and mailing labels of Hillside Overlay residential properties located within a 500 foot radius of the vegetation owner's property lines. The notification map shall indicate the view seeker and vegetation owner's properties. City staff shall mail the notice to the vegetation owner and surrounding property owners. The notice shall serve to inform neighbors that the view seeker has filed a View Equity Claim against the vegetation owner and will provide the neighbors 30 days from the date of the notice to file a joint claim with the Community Development Department against the same vegetation owner. The notice will also include a link to the View Equity Ordinance and inform the vegetation owner of the consequences of non-participation in the Initial Reconciliation, Advisory Opinion, Mediation and/or Arbitration processes as described in Section 92.41.130. Any joint claims will require completion of items A through C above and a multiple application fee. To the extent possible, neighboring claims will be combined with the existing claim for purposes of the Advisory Opinion, Mediation, and Arbitration. Failure to file a joint claim within 30 days of the notice date shall result in a 2 year waiting period to file a new claim against the same Vegetation Owner as described in Section 92.41.030.

Staff will set a date to conduct site visits to all properties participating in the view equity claim and document obstructions at each residence from only one ordinance-designated viewing area. Staff may acquire the assistance of a Certified Arborist during field visits. If a vegetation

owner does not cooperate in the establishment of a site visit, the Advisory Opinion will be written without benefit of the perspective from the vegetation owner's property. The Advisory Opinion Letter will be signed by the Community Development Director and a copy will be mailed to all involved parties. The Advisory Opinion Letter will state which properties were visited, if a view blockage appears to exist and any recommended corrective measures that can resolve the view impacts identified. The following criteria will guide in the development of the Advisory Opinion:

- a) The vantage point(s) from which the view is observed is adversely impacting the value and enjoyment of the view-seeking residence(s);
- b) The extent to which the view obstruction, has detracted from the viewing area's utilization;
- c) The quality of the view being obstructed, including the existence of landmarks, vistas, or other unique view features has been adversely impacted by the overgrown vegetation;
- d) The extent to which the vegetation has grown to obscure the enjoyment of the view from the view seeker's property since the view seeker's acquisition of his or her property or 15 years prior to the ordinance's adoption;
- e) The extent to which the view has been or is diminished by factors other than vegetation
- f) The recommended view impact corrective measures will not unreasonably result in an adverse privacy, energy consumption, soil stability or aesthetics impact and may include the following un-weighted factors:
 1. Wind screening or privacy (visual or auditory)
 2. Energy conservation and/or climate control
 3. Soil stability, as assessed by commonly known soil conditions, degree of slope and extent of the tree's root system when a tree is proposed to be removed
 4. Aesthetics, including but not limited to species characteristics, size, growth, and form
 5. Community/neighborhood quality, value or significance
 6. Shade
 7. Rare and interesting botanical species
 8. Habitat value for wildlife
 9. Blending, buffering or reduction in the scale and mass of profile
- g) The recommended view impact corrective measures will not unreasonably affect the health of remaining vegetation

If the view seeker(s) and vegetation owner agree with the Community Development Director's Advisory Opinion, they must file that agreement with the City within 30 days. As described in Section 92.41.140, the cost of any restorative action and/or maintenance shall be determined by mutual agreement. City staff shall not be responsible for enforcement of any agreement(s) made through the Advisory Opinion. If either or both parties disagree with the Advisory Opinion, the disagreeing party must notify the City in writing that they wish to proceed with Mediation within 30 days of the date of the Advisory Opinion Letter.

92.41.110 MEDIATION

If Neighbor to Neighbor Contact, Initial Reconciliation and Advisory Opinion do not result in an agreement between the vegetation owner and the view seeker(s), the disagreeing party may request Mediation. A view seeker may also forego the Advisory Opinion step and begin the claim process during Mediation. In the event a claim is filed at Mediation, the fees paid to the City would be the notification fee. If a request for mediation is made, staff will mail a notice requesting to proceed with mediation to all interested parties, or to all neighbors within a 500 foot radius of the vegetation owner, if the claim was begun during mediation. Any joint claims received shall follow the provisions set forth in section 92.41.100. The notice will include a link

to the View Equity Ordinance and inform the vegetation owner of the consequences of non-participation in the Initial Reconciliation, Advisory Opinion, Mediation and/or Arbitration processes as described in Section 92.41.130. All interested parties shall have thirty (30) days from the date of the request for mediation to respond in writing of their intent to continue with mediation. Failure to respond within 30 days will be deemed a formal refusal of mediation and the view seeker(s) must proceed to Arbitration. The notice shall also provide information regarding selecting a mediator. If, at any point, the view seeker does not participate in the process, their claim will be considered closed.

The view seeker and vegetation owner shall have 30 days from the date of the filing of acceptance of mediation to select a mediator. If one is not selected or neither party can agree on a mediator by the end of the timeframe, they may jointly request that City staff randomly select a mediator.

The mediator shall contact the City to request a copy of the Advisory Opinion (if available), mailing list for the View Equity case, and a link to a copy of the View Equity Ordinance. The mediator shall establish a date for mediation and will send a written notice of the mediation hearing date to each party by certified mail. The role of the mediator shall be advisory in nature and shall not be binding in establishing the preservation or restoration of view equity. Any agreement reached between the two parties as a result of the mediation process described herein shall be reduced to writing and shall include steps for maintenance measures and allocations of any associated costs. The agreement shall be signed by the mediator and all of the parties, and a copy shall be submitted to the Community Development Department. The cost of mediation, including review by a certified arborist, shall be paid initially by the requesting party, provided, however, that the ultimate responsibility for such cost may subsequently be modified either by mutual agreement of the parties or by a determination of the mediator as to a just and reasonable allocation of responsibility.

92.41.120 BINDING ARBITRATION

If Neighbor to Neighbor Contact, Initial Reconciliation, Advisory Opinion and/or Mediation fail to achieve agreement between the vegetation owner and the view seeker(s), the disagreeing party(ies) may request Binding Arbitration. If a request for binding arbitration is made, the City shall mail a notice requesting to proceed in a Binding Arbitration process to all interested parties. The notice will include a link to the View Equity Ordinance and inform the vegetation owner of the consequences of non-participation in the Initial Reconciliation, Advisory Opinion, Mediation and/or Arbitration processes as described in Section 92.41.130. All interested parties shall have thirty (30) days from the date of the request for arbitration to respond in writing of their intent to continue with arbitration. Failure to respond in writing within thirty (30) days shall be deemed formal refusal of arbitration. The notice shall also provide information regarding selecting an arbitrator.

The view seeker(s) and vegetation owner shall have thirty (30) days from the date of filing acceptance of arbitration, to select an individual arbitrator. If one is not selected or neither party can agree on an arbitrator by the end of the timeframe, they may jointly request that City staff randomly select an arbitrator or either party may petition a court of competent jurisdiction to appoint an arbitrator. If the vegetation owner requests arbitration but view seeker refuses to participate in the arbitration process, the case will be considered closed.

The arbitrator will contact the City to request a copy of the Advisory Opinion (if available), mailing list for the View Equity case, Mediator's Report, and a link to a copy of the View Equity Ordinance. The arbitrator shall establish a date for arbitration and will send a written notice of the arbitration hearing to each party by certified mail. The arbitrator shall be guided by the

provisions of this chapter, including the evaluation criteria set forth in Sections 92.41.040, and 92.41.050 and the hierarchy of restorative actions set forth in Section 92.41.060, respectively, in attempting to resolve the view equity claim, and shall submit a complete written decision to the view seeker(s) and the 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 a copy of the decision shall be submitted to the Community Development Department. City staff shall not be responsible for enforcement of any agreement(s) made through binding arbitration.

The costs of arbitration shall be paid initially by the requesting party, 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.

92.41.130 LITIGATION

If the view seeker(s) and vegetation owner have attempted to obtain but have been unsuccessful in attaining agreement or resolution through Neighbor to Neighbor Contact (Section 92.41.080), Initial Reconciliation (Section 92.41.090), Advisory Opinion (Section 92.41.100), Mediation (Section 92.41.110), and/or Arbitration (Section 92.41.120), either party may initiate civil action in a court of competent jurisdiction for resolution of his/her view equity claim under the provisions of this chapter. It is the intent of this chapter that the evaluation criteria set forth in Sections 92.41.040, and 92.41.050 and the hierarchy of restorative actions set forth in Section 92.41.060, are utilized in adjudicating view equity claims in civil litigation. In the event of civil litigation, the view seeker shall provide a copy of the filed complaint to the Community Development Department.

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 vegetation owner who prevails in litigation shall not be entitled to recover attorneys' fees and costs if the vegetation owner has declined to participate in the Initial Reconciliation, Advisory Opinion, Mediation, and/or Arbitration processes set forth in Sections 92.41.090, 92.41.100, 92.41.110 and 92.41.120, respectively. All notices sent out during Initial Reconciliation, Advisory Opinion, Mediation and/or Arbitration shall inform the vegetation owner of this provision and the consequences of non-participation in the Initial Reconciliation, Advisory Opinion, Mediation and/or Arbitration processes. City staff shall not be responsible for enforcement of any adjudication made through litigation.

92.41.140 APPORTIONMENT OF COSTS

The cost of any determined restorative action and/or maintenance shall be determined by mutual agreement or pursuant to any final decision through mediation, arbitration, court order, or settlement. It is the intent of this chapter that a vegetation owner who sells his or her property shall notify the purchaser of any established agreement, binding arbitration decision, or court order requiring subsequent maintenance of vegetation.

92.41.150 LIABILITY

- a) The City shall not be liable for any damages, injuries, costs or expenses which are the result of any advisory opinion issued by a City employee or official or any agreements or determinations resulting from mediation, arbitration or litigation concerning view equity claims or a view seeker's assertions pertaining to views granted or conferred herein.
- b) 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 equity claim.

- c) 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.

92.41.160 SEVERABILITY

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, phase 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.

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 declares that it would have adopted this ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

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

EXCERPT OF MINUTES

Minutes Approved
 Minutes Subject to Approval

June 28, 2016

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:30 p.m. on Tuesday, June 28, 2016 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Goodrich, Griffiths, Rizzo, Weideman and Mayor Furey.

Absent: None.

Present: City Manager Jackson, Assistant City Manager Giordano, Deputy City Attorney Strader, City Clerk Poirier and other staff representatives.

9. ADMINISTRATIVE MATTERS

9C. DRAFT ORDINANCE REGULATING VEGETATION IN THE HILLSIDE OVERLAY DISTRICT

Recommendation of the Community Development Director that City Council provide direction on decision points regarding the Draft View Equity Ordinance and direct staff to return with a revised Ordinance.

With the aid of slides, Deputy Community Development Director Cessna provided an overview of the Draft View Equity Ordinance to regulate vegetation in the Hillside Overlay District, which was based on the Rolling Hills Estates ordinance. She reviewed supplemental material clarifying certain aspects of the ordinance.

Mayor Furey noted that he has been advocating for an ordinance regulating view-blocking vegetation for the past four years and was pleased that it has progressed to this point. He commended staff and the Community Planning and Design Committee for their efforts in drafting the ordinance. With regard to the ordinance, he recommended that staff be responsible for mailing notices to neighbors instead of the view seeker to ensure that it's done properly.

Councilmember Griffiths, chair of the Community Planning and Design Committee, noted that the committee had requested information about fees and a phased implementation process, but this was not included in the staff report.

Deputy Community Development Director Cessna reported that it was not possible to conduct a fee study until the ordinance becomes more defined.

Councilmember Griffiths indicated that he was not in favor of combining the fee study with the fee study for the Historic Preservation Program as staff has proposed because it could cause undue delay. He recommended that there be some financial penalty if the vegetation owner refuses to participate in the process, noting that as proposed, all the financial burden is on the view seeker.

Councilmember Goodrich, Community Planning and Design Committee member, expressed concerns that a neighbor may plant "spite trees" after an agreement has been reached thereby adding to the cost for the view seeker, who must pay for all trimming and maintenance, and recommended that a provision be included so that the vegetation owner would bear some of this cost. He also expressed concerns that there was nothing to prevent the vegetation owner from selecting the most expensive contractor to do the trimming, which could make it cost prohibitive for the view seeker.

In response to Councilmember Goodrich's inquiry, Deputy Community Development Director Cessna explained that staff omitted the provision in the Rolling Hills Estates ordinance whereby staff makes a site visit and offers an advisory opinion because of the demand on staff time, however, if the Council decides to include this provision, additional staff probably would not be needed beyond the additional staffing requested as part of this item.

City Manager Jackson cautioned that staff could be called as a witness if the matter goes to litigation, which would involve additional staff time, and Councilmember Goodrich suggested the possibility of requiring that the City be reimbursed if this occurs.

Deputy City Attorney Strader advised that there also might be the added expense of a certified arborist to act as a consultant for staff.

Councilmember Ashcraft, Community Planning and Design Committee member, related her belief that that the vegetation owner should bear some of the financial responsibility rather than placing all of the burden on the view seeker. She noted her agreement with staff's recommendation that the view seeker be allowed to make a view claim from only one area of their property.

In response to Councilmember Ashcraft's inquiry, Deputy Community Development Director Cessna explained that as proposed, the date the view would be established is the date the property is acquired or 15 years prior to the adoption of the ordinance, whatever is more recent, but there was some discussion about leaving the date open.

Deputy City Attorney Strader advised that the ordinance should include a definition of the date when the view is established.

Councilmember Ashcraft asked about vegetation growing in pots, and Community Development Director Gibson advised against including vegetation in pots because they can be moved and could create enforcement issues.

Councilmember Weideman noted that efforts to address view blocking vegetation go back to the 1970s; reported that he observed many instances of the deliberate blocking of views by vegetation during his 7 years on the Planning Commission; and voiced his opinion that the time has come to finally address this issue.

Referring to the requirement that vegetation be a minimum of 6 feet tall for a view claim to be filed, Councilmember Rizzo recommended that this be reconsidered since vegetation well below this height could block views in terraced areas.

The City Council recessed from 9:09 p.m. to 9:22 p.m.

Judy English voiced support for the proposed ordinance, but recommended that staff meet with the parties involved as soon as possible after a claim has been filed and offer an advisory opinion because many times that's all it takes to resolve the matter according to city staff in Rolling Hills Estates.

Patricia McKaig stressed the need for a clearly defined process; agreed that staff should become involved early in the process in an advisory capacity; and recommended that the vegetation owner share in the cost of the trimming.

Jeanette Parker requested clarification as to whether City trees are included in the ordinance, and Community Development Director Gibson explained that the ordinance deals only with trees on private property as the committee felt that City trees should be addressed separately.

Shirley McNair expressed concerns that view-blocking eucalyptus trees planted by the City are not covered by the proposed ordinance.

Judy Brunetti, Riviera Homeowners Association, voiced concerns that the proposed ordinance omits a key component of the Rolling Hills Estates ordinance, which provides that a staff member visit the view site and issue an advisory opinion. She reported that only three view equity cases have gone as far as mediation and none have gone to litigation since the Rolling Hills Estates Ordinance went into effect in 2010.

Cindy Constantino recommended that the requirement that vegetation be at least 6-feet tall for a view claim to be filed be eliminated and that staff be involved in the resolution process.

Amy Josefek voiced her opinion that it was unrealistic to expect people to be able to resolve their differences without involving someone in authority and urged that City staff be included in the process.

Jindra Wallner read a letter submitted for the record about how her property has been impacted by view blocking trees.

Leonor Vander Pluym recommended that the ordinance contain detailed guidelines that clearly spell out what is and is not allowed so people don't have to go to arbitration.

Larry Bailey expressed concerns that neighbors cut down trees next to his property but did not remove the trimmings thereby creating a fire hazard.

Jerry Zamora recommended that the privacy aspect of vegetation also be considered so that both views and privacy are maintained.

Robert Amador suggested that one way to "put teeth" in the ordinance and encourage cooperation would be to require that the losing party pay the cost of arbitration, mediation and staff time.

Jing Strobile urged that standards for vegetation be included in the ordinance with consequences for non-compliance in order to avoid the time-consuming process of mediation and arbitration.

Jehan Mir asserted that the provision regarding the date the view is established is unconstitutional because of a U.S. Supreme Court decision, which prohibits ordinances with retroactive application, and that shifting the burden of the cost of mediation to the vegetation owner is also unconstitutional because it does not provide for due process.

Greg Diете voiced support for the ordinance, relating his experience as a realtor that views can add hundreds of thousands of dollars to a property's value.

Steven Kasakitas recommended that the Council consider limiting the height of trees to the height of the house on that particular property and eliminating the 6-foot minimum height requirement for filing a view equity claim since on a terraced property like his, a six-foot hedge would create significant view blockage.

David Henseler voiced his opinion that the ordinance should apply to everyone.

Monica Bhatt recommended that the ordinance be revised so that the City bears some of the responsibility for enforcement once an agreement has been reached.

Luan-Ping Wu voiced her opinion that the date the view is established should be date when the property was purchased even if it was 30 years ago or the date a view seeker can document the view with photographic evidence. She called for the elimination of the six-foot minimum requirement for a view equity claim.

Hope Witkowsky recommended that vegetation be regulated in the same manner as new construction in the Hillside Overlay District. She related her belief that it will make it easier to gain neighbors' cooperation just by having the ordinance in place.

Bob Hoffman voiced support for the proposed ordinance and reviewed recommended revisions per a letter previously submitted (supplemental material). He urged that view seekers not be limited to a view claim from only one area of their property since many residents have views from multiple vantage points.

Debbie Reed emphasized that she did not want her homeowners' association to be able to act on her behalf with regard to vegetation issues.

Peter Verenokoff expressed appreciation for all the work done on the proposed ordinance, but indicated that his primary concern was 80-foot tall City trees that are blocking his view and urged that something be done about this issue.

Julian Chasen recommended that a preamble be added to the ordinance emphasizing the aesthetic and monetary value of views for homeowners so the motivation for the ordinance will be clear. He suggested that educational material about trees be posted on the City's website so homeowners will know what trees are appropriate and also suggested that the 500-foot notification area could be cut in half by eliminating downhill neighbors.

Jean Adelsman urged that the ordinance be revised to follow the Rolling Hills model, which includes the involvement of city staff in an advisory capacity, relating her belief that this is the reason they have been able to resolve vegetation issues without resorting to litigation.

Thomas Fallo asserted that the reason the Hillside Overlay process has been so effective is because staff's opinion carries a lot of weight and recommended that a similar process be used to regulate vegetation.

Mari Arroyo urged that residents' right to privacy also be considered, explaining that she has had problems with an uphill neighbor who spies on her and her family.

Jim Delurgio contended that the Hillside Ordinance is vague, poorly understood and arbitrarily enforced and expressed concerns that the City was now considering imposing an equally vague ordinance, while exempting itself from all liability, responsibility and costs. He suggested that the ordinance be put to a vote of property owners who would be affected by it.

Igor Nastaskin voiced support for the ordinance, but related his belief that staff needs to be involved in the resolution process.

As no one else wished to be heard, discussion continued among the Council.

Councilmember Weideman offered his opinion that Planning staff should make an assessment of view blockage and offer an advisory opinion; that claims should not be limited to only one viewing area; that the 6-foot minimum vegetation height for view claims should be eliminated; that view seekers should not have to bear all of the cost; and that the City should handle the mailing of notification to neighbors. He proposed adding a preamble clarifying the purpose of the ordinance as a speaker had suggested.

Councilmember Ashcraft agreed that staff needs to be involved in the process and indicated that she favored limiting claims to one viewing area; eliminating the 6-foot minimum height-requirement; and having the City handle notification process. She requested that staff find an equitable way to share the costs between the view seeker and the vegetation owner, with the view seeker paying the majority. She noted that the fact that some vegetation owners cannot afford to trim their trees will also have to be considered.

In response to Councilmember Griffiths' inquiry, Community Development Director Gibson confirmed that the CEQA (California Environmental Quality Act) review process must be completed before the ordinance can be adopted and estimated that the process would take 2-3 months.

After staff clarified that as proposed, view seekers would be able to file a claim for each property with vegetation blocking their view, Councilmember Griffiths indicated that he was inclined to support the limitation of one viewing area per claim. He suggested that staff provide the public with an estimate of the cost range for mediation, arbitration and litigation so they will have a better understanding of the potential costs, and Community Development Director Gibson agreed to include this information in a handout to be prepared about the ordinance.

Councilmember Griffiths recommended that penalties for non-participation in the process be emphasized so that vegetation owners will clearly understand the consequences and be encouraged to cooperate. He called for a phased implementation process so the City can avoid

hiring additional staff until it is known if they will be needed. He recommended that the fee study be conducted as soon as possible and that it not be tied to historic preservation issues.

Councilmember Barnett agreed that City staff should be involved in the process and related his understanding that the City employs a certified arborist, who might be able to assist.

Councilmember Goodrich emphasized the importance of having some kind of cost-sharing arrangement so people do not intentionally plant view-blocking vegetation to punish their neighbors and to avoid the perception that the arbitrator/mediator's decision was influenced by the fact that the view seeker was paying for their services. He voiced support for having staff provide an advisory opinion, a phased-in approach, and eliminating the 6-foot height minimum for view claims.

Councilmember Rizzo recommended that staff become involved early in the process to try to avoid mediation, arbitration and litigation. He called for the fee structure to be designed so that the City can recover some of the costs since the ordinance benefits only a certain area of the city. He noted that there are many long-time residents in the Hillside area who may not be able to afford to trim their trees, which is something that needs to be considered when figuring out how to apportion the costs. He indicated that he supports allowing a claim from only one viewing area and a phased-in approach, possibly starting in the upper Riviera.

Mayor Furey voiced his opinion that it was important that City staff be involved in the resolution process, as well as handle the notification of neighbors. With regard to cost-sharing, he suggested that the cost of mediation be shared, that the arbitrator be allowed to award fees and costs, and that the losing party pay for the cost of litigation.

The City Council recessed from 10:44 p.m. to 10:47 p.m. for technical reasons.

The Council took no action and directed staff to make revisions based on the Council's comments and bring the item back in September/October after the CEQA review has been completed.

End of Excerpt

Council Meeting of
June 28, 2016

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Consider a Draft Ordinance modifying the Torrance Municipal Code to regulate trees and vegetation within the Hillside Overlay District of the City. Expenditure: None.

RECOMMENDATION

Recommendation of the Community Development Director that City Council provide direction on decision points regarding the draft View Equity Ordinance and direct staff to return with a revised ordinance.

LUS16-00002: View Equity

Funding

Not applicable

BACKGROUND

At the direction of Council, Community Development staff prepared an analysis and possible courses of action regarding view impairment due to trees and vegetation in the Hillside Overlay District. This was presented to Council on October 21, 2014, and as a result of that meeting staff was directed to set up a series of public outreach meetings working with the Homeowner Associations within the Hillside Overlay District to hear resident input regarding the possibility of enacting an ordinance that would protect views from impairment by trees and vegetation. Six public outreach meetings were held early in 2015. Staff returned to Council on May 19, 2015 and was directed to bring the results of the outreach meetings and consideration of a view impairment ordinance to the Council Committee on Community Planning and Design.

On January 14, 2016 the Community Planning and Design Committee (Committee) reviewed staff's findings from community outreach meetings, surveys and research of established view ordinances from other cities. Approximately 300 residents were in attendance and there were 49 speakers, most of which spoke in favor of adopting a new vegetation ordinance. After hearing the matter, the Committee directed staff to conduct more research regarding processing view matters, definitions of the term "view," how City-owned trees are and should be addressed, cost and staff level projections, and more information on the Rolling Hills Estates view preservation process.

On March 24, 2016, the Committee reviewed an item in which staff presented the requested information regarding the process and cost of applying for view restoration, definitions of views and viewing areas, City tree maintenance, cost and staff level projections, and more details on the Rolling Hills Estates View Preservation Ordinance. After addressing the Committee's questions, staff was directed to present a draft ordinance to City Council. Staff has included a timeline (Attachment E) summarizing the evolution of this item from the Council's Oral Communication to tonight's meeting.

ANALYSIS

The Hillside Overlay District, established in 1977, includes regulations on proposed development and protections for view, light, air and privacy. The ordinance was written to exclude definitions for those protections as well as any regulations regarding vegetation. Although the Torrance Municipal Code does have provisions to enforce vegetation, it is limited to that which may lead to hazardous conditions to life or property.

At the meeting on March 24, 2016, the Committee expressed that a draft View Equity ordinance should be separate and apart from the existing Hillside Overlay Ordinance. The attached draft ordinance includes its own process and will not intersect with the development ordinance of the Hillside Overlay. For example, development projects will not require landscape review under the View Equity ordinance. The Committee and public favored the Rolling Hills Estates View Preservation Ordinance due to its minimal level of staff involvement and implied reduced costs. The Committee requested the following items in the preparation of the draft ordinance:

- Include phased implementation;
- Include definitions of “view” and “viewing area”;
- Include time limits for multiple applications;
- Exclude landscape plan requirement;
- Exclude limitations on type and height of vegetation;
- Exclude City trees;
- Exclude enforcement by the City;

With the exception of a phased implementation, the Rolling Hills Estates Ordinance includes language on all of the above and has similar exclusions. Should the Council decide to implement the ordinance in phases, staff can return with options for doing so while the View Equity ordinance is being finalized. Additionally, if the Council wishes to pursue the Ordinance, an initial study will need to be conducted per CEQA requirements. The Committee also requested a fee study for the implementation for such an ordinance. The fee study would include staff time, software and materials involved with processing applications, notification map and mailing label preparation and record management. Staff is currently working with the Finance Department to determine the cost of the fee study when combined with the Historic Preservation Program and other fee studies to increase efficiency. Staff notes that the Council recently directed the City Manager to set aside funds should they be needed for the View Equity ordinance in the amount of \$167,610 for a full year. Staff has attached a Draft View Equity Ordinance (Attachment A) which includes a process for residents to resolve view disputes due to vegetation or trees, a list of definitions including terms such as “view” and “viewing area” and discusses the minimum requirements for a claim to be filed. Staff has also included a flow chart (Attachment F) as a visual representation of the View Equity claim process for the view seeker. The draft ordinance reflects the Committee’s requests but also includes decision points for the Council in the following sections:

- Section 92.41.030: View equity claim limitations
- Section 92.41.040: Criteria for determining unreasonable obstruction
- Section 92.41.070: Process for resolution of obstruction disputes
- Section 92.41.090: Mediation
- Section 92.41.100: Binding arbitration
- Section 92.41.120: Apportionment of costs

SECTION 92.41.030: View equity claim limitations

This section sets parameters on view equity claims by limiting their applicable radius, timelines and number of views to be claimed. Subsection “c” explains that a new claim may be filed against a vegetation owner’s property once within two years. The purpose of the limitation is to avoid repeated claims against a single property, which addresses one of the Committee’s concerns regarding duplicative applications. The decision points within this section relate to the number of views that can be claimed for view equity, the date which the view is established, and the minimum height of vegetation to qualify for a claim.

Although the Rolling Hills Estates ordinance allows properties which have more than one unique view to apply for preservation or restoration of one additional view, the Town of Tiburon, like other cities, does not contain language limiting the number of views to be claimed for view equity. Staff recommends limiting claims to one view from an acceptable viewing area.

- The Council may decide to keep the recommended text limiting claims to one view from an area meeting the definition of a “viewing area” or make changes to this section.

Staff also entered language in this section to establish the date which a view can be restored to which would limit view equity claims to the date the property is acquired or 15 years prior to the ordinance’s adoption, whichever is most recent.

- The Council may decide to follow staff’s recommendation or set a new timeline for claims which can date back to the date the property was purchased or occupied or remove the parameter, setting no specific date for claims.

Throughout its research of existing ordinances, staff has not encountered any language which establishes a minimum height for vegetation and trees to qualify for a view equity claim. Staff entered recommended text in this section to establish a height limit of no less than six (6) feet from the tree or vegetation’s adjacent surface in order for a view equity claim to be filed. The intent behind staff’s recommendation is to avoid claims on low shrubbery items. The standard also allows for measures of privacy similar to property perimeter fences for vegetation owners and potentially reduces the need for other foliage to be introduced to the site to achieve privacy.

- The Council may decide to change the minimum height or exclude the minimum height for qualifying claims entirely.

SECTION 92.41.040: Criteria for determining unreasonable obstruction

This section lists criteria to determine whether unreasonable obstruction has occurred. Subsection “d” considers the extent to which tree(s) and/or vegetation has grown to obscure the enjoyment of the view from the view seeker’s property *since the view seeker’s acquisition of his or her property or 15 years prior to the ordinance’s adoption, whichever is more recent.*

- The decision point for the Council for this language is dependent upon its decision regarding the date a view can be restored to in Section 92.41.030(b).

SECTION 92.41.070: Process for resolution of obstruction disputes

The steps for resolution of obstruction disputes outlined in this section are staff’s recommendation, modeled after the Rolling Hills Estates’ Ordinance. This course of action allows a view equity claim to be filed during the second step, at Mediation. During this step, an applicant will supply proof that initial reconciliation has been attempted with no response or

resolution with the vegetation owner. Staff will process the View Equity claim and prepare a notification map and the mailing labels of parcels within a 500-foot radius of a vegetation owner's property. It will be the responsibility of the claimant to mail the notices to the surrounding neighbors and vegetation owner. The neighboring property owners within that radius will have 30 days to file a claim if their views are impacted by that vegetation owner, consolidating multiple claims into one.

Following the Committee's request for minimal staff involvement, the Council may decide to modify the recommended procedure by allowing a claim to be filed only after both initial reconciliation and mediation fail to result in an agreement, which follows the example of Tiburon. The benefit of this option is that staff's direct involvement in the process comes at a later step, reducing staff time and costs. However, it delays consideration of other neighbors' views until later in the process. Although, the Council may decide to initiate claims during arbitration, staff continues to recommend incorporating the notification element to simplify claim matters.

SECTIONS 92.41.090, AND -.100: Mediation and Binding Arbitration

The mediation section (92.41.090) begins by describing what must be included within a View Equity claim application as well as the notification process. At the request of the Committee for minimal staff involvement, staff recommends requiring that staff provide the notification map and mailing labels when it processes the claim, as it currently does for planning entitlement applications. The applicant shall be responsible for mailing out the notification of the claim.

- The Council may decide to have staff create and mail out the notice on behalf of the applicant, although this would increase the cost of the application due to staff's increased involvement.

Should the view seeker(s) and vegetation owner proceed to a mediation and/or arbitration hearing, staff recommends both parties work directly with the mediator and/or arbitrator to establish the hearing date(s) and require the mediator and/or arbitrator to send notices to all interested parties. Staff recommends this option because it would limit its involvement to providing a list of resources for mediation and arbitration.

- The Council may decide to allow parties to establish a hearing date directly with the mediator and/or arbitrator but require City staff to mail out notices at each step.

SECTION 92.41.120: Apportionment of costs

The Rolling Hills Estates Ordinance states the cost of application, mediation, arbitration and restorative action is borne by the view seeker while the subsequent cost of maintaining vegetation is the responsibility of the vegetation owner. Staff recommends that the view seeker also pay for the maintenance of the vegetation due to the benefit gained by the view seeker from restoring their view.

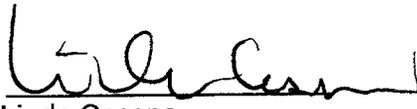
- The Council may decide to require the vegetation owner to pay for the subsequent maintenance of the vegetation or follow the Tiburon Ordinance which states the following:
 - Cost of restorative action to be determined by mutual agreement, or through mediation, arbitration, court judgment or settlement.

The City Council at this point can consider several options for regulating trees and vegetation within the City:

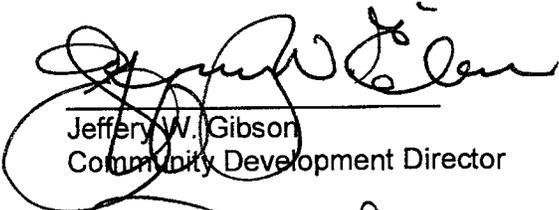
- Direct staff to return with a revised draft ordinance including the City Council's selections on the aforementioned decision points;
- Accept and file the information that has been presented;
- Direct staff to conduct further research;
- Make changes to other sections of the draft ordinance and direct staff to return with a revised draft ordinance;
- Pursue another option and direct staff to bring back the item.

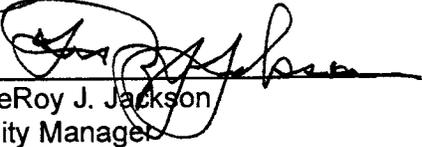
Respectfully submitted,

JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By 
Linda Cessna
Deputy Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director


LeRoy J. Jackson
City Manager

Attachments

- A. Draft View Equity Ordinance
- B. Council Committee Minutes Excerpt of March 24, 2016
- C. Council Committee Item of March 24, 2016 (Limited Distribution)
- D. Correspondence
- E. Timeline of Development of Draft View Equity Ordinance
- F. View Equity Claim Process Flowchart

ARTICLE 41 - VIEW EQUITY

92.41.010 INTENT AND PURPOSE

The intent and purpose of this chapter is to:

- a) Recognize and establish a process by which real property owners may preserve or restore view equity within the immediate vicinity of their property;
- b) Establish procedures and evaluation criteria by which real property owners may seek resolution of view equity disputes;
- c) Discourage duplicative, repetitive or serial claims for view equity; and
- d) Discourage ill-considered damage to trees/vegetation and promote proper landscaping establishment and maintenance.

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. It is also not the intent or purpose of this chapter for the City to create either a covenant running with the land (for example, CC&Rs or deed restriction) or an equitable servitude (for example, easement or license). However, the City will keep a record of agreements and decisions reached pursuant to Sections 92.41.090, 92.41.010, and 92.41.110) of which it is notified, and provide those agreements and/or decisions to those who request such a report.

92.41.020 DEFINITIONS

Alter means to take action that changes the tree or vegetation, including but not limited to, extensive pruning of the canopy area, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the feeder root zone of the tree or vegetation.

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. The arbitrator of a view equity dispute shall be chosen from a list available from the City of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

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 equity claim as outlined in this chapter.

Binding 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.

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 Torrance.

City maintained trees means trees on City property or in the public right of way.

City property means any real property of which the City is the fee simple owner of record.

Claim, view equity means documentation, as set forth in Section 92.41.090, that outlines the basis of view equity diminishment and the specific preservation action that is being sought.

Crown means the rounded top of the tree.

Crown reduction/shaping means a method of comprehensive 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 large enough to assume the terminal.

Destroy means to kill or take action that endangers the health or vigor of a tree or vegetation, including, but not limited to, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the base of the trunk.

Heading back means the overall reduction of the mass of a tree by modification to major limbs.

Lacing means a comprehensive method of pruning that systematically and sensitively removes excess foliage and improves the structure of the tree.

Maintenance pruning means pruning with the primary objective of maintaining or improving tree health and structure; includes "crown reduction/shaping" or "lacing" but not ordinarily "heading back."

Mediator means a neutral, objective third party professional negotiator/facilitator to help disputing parties reach a mutually satisfactory solution regarding a view equity claim. The mediator shall be chosen from a list available from the City of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

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

Person means any individual, individuals, corporation, partnership, firm or other legal entity.

Preservation action means any specific steps taken affecting trees or vegetation that would result in the preservation or restoration of view equity across property lines.

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

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 branches and/or trunk of a tree in a manner which substantially reduces the oval size of the tree or destroys the existing symmetrical appearance or natural shape of the tree and which results in the removal of main lateral branches leaving the trunk and branches of the tree in a stub appearance. "Heading back" as defined herein is considered to be severe pruning.

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

Street means the portion of a right-of-way easement used for public purposes, such as roadway improvements, curbs, gutters and sidewalks, dedicated to the city, and formally accepted by the city into the city public street system for maintenance purposes.

Sunlight means the availability or access to light from the sun across property lines.

Tree means any woody perennial vegetation that generally has a single trunk and reaches a height of at least eight feet at maturity.

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

Vegetation means all types of plants, bushes, hedges and shrubs, including trees over six (6) feet in height, as measured from the adjacent grade of the vegetation to the top extent of foliage and/or limbs of the vegetation.

View means a vista of features, of, bodies of water, beaches, coastline, islands, skylines, mountains, city lights, ridges, hillside terrain, canyons, geologic features and landmarks. The term "view" does not mean an unobstructed panorama of these features. A "view" shall be limited to one common interior or exterior space used by the view seeker, including but not limited to the living, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to take advantage of views.

View equity means achievement of a fair, reasonable, and balanced accommodation of views and competing obstructions (such as structures, trees and/or vegetation), privacy and the use and enjoyment of property. No person shall plant, maintain, or permit to grow any trees or vegetation which unreasonably obstructs the view from a neighboring property.

Viewing area means a common interior or exterior space used by the view seeker, including but not limited to the living area, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to take advantage of views. In structures, the finished floor elevation of any viewing area must be at or above the existing grade adjacent to the exterior wall of the part of the building nearest to said viewing area. Hallways, closets, mechanical rooms, bathrooms and garages shall not be considered or used as selected viewing locations or areas.

View seeker means any real property owner in the city or authorized agent of such property owner who alleges that tree(s)/vegetation located within the immediate vicinity of the property as set forth in Section 92.41.030 is causing obstruction of the view benefitting such real property.

Vista pruning means the selective thinning of framework limbs or specific areas of the crown of a tree to allow a view from a specific point.

92.41.030 VIEW EQUITY CLAIM LIMITATIONS

Subject to other provisions of this chapter, a real property owner in the city may initiate the claim resolution process as outlined in Section 92.41.70. However, a claim for preserving or restoring view equity may only be made:

- a) Regarding any tree/vegetation located on real property, as defined herein, which is within five hundred (500) feet from the view seeker's real property boundary located in the City of Torrance, and;
- b) Regarding any tree/vegetation located on real property, as defined herein, which is a minimum of six (6) feet in height from the tree or vegetation's adjacent surface.

- c) If a claim has not been initiated against that real property by the view seeker or any other real property owner in the city within the last two years, unless the subsequent claim is made within 30 days of notice of the original claim as provided in Section 92.41.090 of this chapter. In addition, a view seeker may only seek to preserve or restore a view from one common interior or exterior space used by the view seeker, including but not limited to the living, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to best enjoy views.

92.41.040 CRITERIA FOR DETERMINING UNREASONABLE OBSTRUCTION

The following criteria are to be considered (but are not exclusive) in determining whether unreasonable obstruction of a view has occurred:

- a) The vantage point(s) from which the view is observed
- b) The extent of obstruction of views, both currently and at tree/vegetation maturity
- c) The quality of views being obstructed, including the existence of landmarks, vistas, or other unique view features
- d) The extent to which tree(s) and/or vegetation has grown to obscure the enjoyment of the view from the view seeker's property since the view seeker's acquisition of his or her property or 15 years prior to the ordinance's adoption, whichever is more recent.

92.41.050 CRITERIA FOR DETERMINING APPROPRIATE VIEW EQUITY CLAIM ACTION

When it has been determined that unreasonable obstruction has occurred, then the following un-weighted factors shall be considered in determining appropriate preservation action:

- a) The number of existing trees or amount of vegetation in the area and the current effects of the tree(s) and their removal on the neighboring vegetation
- b) The extent to which the tree(s) and/or vegetation provide:
 - 1) Wind screening or privacy (visual or auditory),
 - 2) Energy conservation and/or climate control,
 - 3) Soil stability, as measured by soil structure, degree of slope and extent of the tree's root system when a tree is proposed to be removed,
 - 4) Aesthetics, including but not limited to species characteristics, size, growth, and form
 - 5) Community/neighborhood quality, value or significance
 - 6) Shade
 - 7) Rare and interesting botanical species
 - 8) Habitat value for wildlife
 - 9) Blending, buffering or reduction in the scale and mass of architecture
- c) Any hazards posed by the tree(s) or vegetation to persons or structures on the property of the complaining party including, but not limited to, fire danger or the danger of falling limbs or trees,
- d) The variety of tree, age, projected rate of growth, and maintenance requirements of the tree(s) or vegetation,
- e) The date the view seeker purchased his/her property
- f) The date the tree/vegetation owner purchased his/her property

92.41.060 HIERARCHY OF RESTORATIVE ACTION

View equity actions must be consistent with all other provisions of this title. Severe pruning should be avoided due to the damage such practice causes to the tree's form and health.

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

- a) Lacing. Lacing is the most preferable pruning technique that removes excess foliage and can improve the structure of the tree.
- b) Vista Pruning. Vista pruning of branches may be utilized where possible, if it does not adversely affect the tree's growth pattern or health.
- c) Crown Reduction. Crown reduction is preferable to tree removal, if it is determined that the impact of crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.
- d) Stand Thinning. The removal of a portion of the total number of trees from a grove of trees, without any replacement plantings.
- e) Heading Back. Eliminating the outer extent of the major branches throughout the tree. Heading back is only to be permitted for trees specifically planted and maintained as a hedge, espalier, bonsai, or in pollard form and if restoration actions "a" through "d" of this section will not accomplish the determined preservation action and the subsequent growth characteristics will not create a future obstruction of greater proportions.
- f) Tree/Vegetation Removal. Tree and/or vegetation removal may be considered when the above-mentioned preservation actions are judged to be ineffective and may be accompanied by replacement plantings or appropriate plant materials to restore the maximum level of benefits lost due to tree removal.

92.41.070 PROCESS FOR RESOLUTION OF OBSTRUCTION DISPUTES

The view seeker shall follow the process established by this chapter in seeking view equity.

- a) Initial Reconciliation. The view seeker must complete the Initial Reconciliation process described in Section 92.41.080.
- b) Mediation. If the Initial Reconciliation does not yield a result mutually satisfactory to the view seeker and the tree/vegetation owner, then the view seeker may file a view equity claim to the City to request mediation as described in Section 92.41.090.
- c) Arbitration. 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 arbitration, as set forth in Section 92.41.100.
- d) Litigation. If steps "a" through "c" are taken and processes are exhausted by the view seeker but no resolution is reached, the view seeker may then initiate litigation as described in Section 92.41.110.

92.41.080 INITIAL RECONCILIATION

A view seeker who believes that one or more trees or vegetation which has grown on another person's property in the city has caused unreasonable obstruction of view equity from the view seeker's property, shall first notify the tree/vegetation owner of such concerns. The notification shall request personal discussions to enable the view seeker and tree/vegetation owner to attempt to reach a mutually agreeable solution, and shall be followed-up in writing. The notification shall include a copy of the view preservation ordinance, available from the city. The view seeker shall invite the tree/vegetation owner to view the alleged obstruction from the view seeker's property, and the tree/vegetation owner is urged to invite the view seeker to view the situation from his/her property. Failure of the tree/vegetation owner to respond to the written request for initial discussion within thirty (30) days from the date of delivery shall be deemed formal refusal by the tree/vegetation owner to participate in the initial discussion.

If initial reconciliation is refused, or if the parties do not agree as to the existence and nature of the view seeker's obstruction and the appropriate view equity action, the view seeker may proceed with subsequent claim resolution process outlined in Section 92.41.090.

92.41.090 MEDIATION

If the initial reconciliation outlined in Section 92.41.080 does not result in an agreement between the tree/vegetation owner and the view seeker, the view seeker may file a written view equity claim with the City to request mediation. A view equity claim shall consist of all of the following:

- a) A description of the nature and extent of the alleged obstruction, including pertinent and corroborating physical evidence. Evidence may include but is not limited to photographic prints, negatives or slides. Such evidence must show absence of the obstruction at any documentable time during the tenure of the complaining party. Evidence to show the date of property acquisition or occupancy by the complaining party must be included.
- b) The location of all tree(s)/vegetation alleged to cause obstruction, the address of the property upon which the tree(s)/vegetation are located, and the present owner's name and address.
- c) Evidence of the failure of initial reconciliation, as described in Section 92.41.080, to resolve the dispute. The complaining party must provide physical evidence that written attempts at reconciliation have been made and have failed. Evidence may include, but is not limited to, copies of and receipts for certified or registered mail.

Upon receiving the written claim and processing fee in the amount established by resolution of the City Council, City staff shall prepare a notification map and mailing labels of residential properties located within a 500 foot radius of the vegetation owner's property lines. The view-seeker shall send by certified mail to the tree/vegetation owner, a copy of the written claim and View Equity ordinance and a notice requesting that the tree/vegetation owner agree to participate in a mediation process to attempt to resolve the view equity claim. The written claim and notice shall inform the tree/vegetation owner of the consequences of non-participation in the initial reconciliation, mediation and/or arbitration processes described in Section 92.41.110. View equity claim(s) may be submitted by surrounding property owners after being notified of the pending view equity claim and shall, to the extent possible, be combined with the existing view equity claim for purposes of mediation and arbitration.

The tree/vegetation owner shall have 30 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 30 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 contracted certified arborist. The mediator shall be chosen by the parties from the list of professional mediators provided by the City. 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 92.41.040 and 92.41.050 and the Hierarchy of Preservation Actions set forth in Section 92.41.060, respectively, in attempting to resolve the view equity claim. The mediator shall also consider recommendations of the certified arborist regarding landscape techniques and/or maintenance procedures. The mediator shall not have the power to issue binding orders for restorative action, but

shall strive to enable the parties to resolve their dispute by written agreement in order to eliminate the need for binding arbitration or litigation. City staff shall not be responsible for enforcement of any agreement(s) made through mediation.

The role of the mediator shall be advisory in nature and shall not be binding in establishing the preservation or restoration of view quality. 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 a copy shall be submitted to the Community Development Department. 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 part of the mediation process.

92.41.100 BINDING ARBITRATION

If the initial discussion under Section 92.41.080 and mediation under Section 92.41.090 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 thirty (30) days from delivery of the request for arbitration to either accept or decline arbitration. Failure to respond within thirty (30) days shall be deemed formal refusal of arbitration. If arbitration is accepted, the parties shall agree in writing to the selection of an individual arbitrator, who shall be chosen from a list of professional arbitrators available from the city within thirty days of such acceptance. 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 provided by the city. In addition, either party may petition a court of competent jurisdiction to appoint an arbitrator from the list provided by the city.

The arbitrator shall be guided by the provisions of this chapter, including the evaluation criteria set forth in Sections 92.41.040, and 92.41.050 and the hierarchy of preservation actions set forth in Section 92.41.060, respectively, in attempting to resolve the view equity 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 a copy of the decision shall be submitted to the Community Development Department. City staff shall not be responsible for enforcement of any agreement(s) made through binding arbitration.

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.

92.41.110 LITIGATION

If a view seeker has attempted to obtain but has been unsuccessful in attaining agreement or resolution through Initial Reconciliation (Section 92.41.080), Mediation (Section 92.41.090), and/or Arbitration (Section 92.41.010), the view seeker may initiate civil action in a court of competent jurisdiction for resolution of his/her view equity 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 equity claims in civil litigation. In the event of civil litigation, the view seeker shall provide a copy of the filed complaint to the Community Development Department.

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 in the initial reconciliation, mediation, and/or arbitration processes set forth in Sections 92.41.080, 92.41.090 and 92.41.100, respectively. The notice of the view equity claim and request for mediation in accordance with Section 92.41.090 (Mediation) shall inform the tree/vegetation owner of this provision and the consequences of non-participation in the initial reconciliation, mediation and/or arbitration processes. City staff shall not be responsible for enforcement of any adjudication made through litigation.

92.41.120 APPORTIONMENT OF COSTS

- a) Cost of restorative action shall be paid by the view seeker unless the parties agree to share the costs in some other manner. Subsequent maintenance shall be the responsibility of the view seeker, unless otherwise agreed by the parties pursuant to any final arbitration decision or court order.
- b) 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.
- c) Cost 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.

92.41.130 LIABILITY

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

b) 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 equity claim.

c) 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.

92.41.140 SEVERABILITY

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, phase 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.

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 declares that it would have adopted this ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

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

SUBJECT TO APPROVAL

March 24, 2016

**MINUTES OF A MEETING OF THE
COMMUNITY PLANNING AND DESIGN COMMITTEE,
TORRANCE CITY COUNCIL**

ROLL CALL

Present: Councilman Mike Griffiths, Chair,
Councilwoman Heidi Ann Ashcraft, and
Councilman Tim Goodrich.

Absent: None.

Also Present: Assistant to the City Manager Chaparyan,
Community Development (CD) Director Gibson,
Deputy Community Development (CD) Director Cessna,
Planning Assistant Fernandez, and
Deputy City Attorney Strader.

I. WELCOME AND INTRODUCTIONS

The Community Planning and Design Committee convened at 7:02 p.m. on Thursday, March 24, 2016 in City Council Chambers, Torrance City Hall. Councilman Griffiths introduced Committee members and pointed out supplemental correspondence received subsequent to publication of the item.

II. Councilwoman Ashcraft led the Pledge of Allegiance.

III. APPROVAL OF MINUTES

MOTION: Councilwoman Ashcraft moved for approval of the January 14, 2016 Community Planning and Design Committee meeting minutes as presented. Councilman Goodrich seconded the motion; a roll call vote reflected unanimous approval.

IV. COMMITTEE ITEM – VIEW IMPAIRMENT BY TREES AND VEGETATION

Deputy CD Director Cessna provided a PowerPoint presentation “Potential Strategies for Addressing View Impairment from Trees & Vegetation.” She presented background on the item as well as information requested at the January 14, 2016 Committee meeting. She introduced staff members and noted that information provided by the City Attorney’s Office and Public Works Department is part of the presentation. She requested that the Committee provide direction regarding the potential adoption of an ordinance designed to preserve views in the hillside obscured by trees and vegetation. She recommended that the Committee provide direction to staff to return to the Committee with additional information; return to the Committee with specific recommendations for implementation of a program; or forward a recommendation from the Committee to City Council for action.

Deputy CD Director Cessna detailed the legal processes involved, noting that it is likely that the proposed ordinance would be subject to the California Permit Streamlining Act, requiring applications to be processed within 30 days of receipt. She stated that a

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Recording Secretary

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Court filing fee is approximately \$400, adding that there is currently a one-year wait for a Court date. She noted that a private view easement recording cost is \$25 and that attorney fees for either scenario would likely be a minimum of \$5,000.

She presented Definitions of View contained in view equity ordinances in the cities of Laguna, Malibu, Rolling Hills Estates, Tiburon, and Rancho Palos Verdes. She noted that views are not defined in the current Hillside Overlay ordinance and would need to be considered as they move forward as there could be implications if the ordinance includes specific definitions of view and the Hillside Overlay ordinance does not. She further presented Definitions of Viewing Area from Laguna, Malibu, and Rancho Palos Verdes, noting that the term plays an important role in how a view is defined.

Deputy CD Director Cessna discussed City-owned trees. She stated that the City has a process in place allowing residents to trim, remove, and replace City trees at their own cost, adding that the application must be from the resident adjacent to the tree. She noted that current trimming schedules do not take view obstruction into account; however, it is possible to add a section to the proposed ordinance that includes City trees. She stated that, if there is consensus to include public trees, Community Development staff would work with the Public Works Department and bring back ideas.

Referring to Costs of Implementation, she stated that staff anticipates at least one additional Planning Associate and one Office Assistant at a cost of over \$200,000. She noted that additional staffing would be necessary to effectively implement an ordinance, adding that cost would be dependent on the level of staff involvement and model that they end up choosing. She added that additional funding may be required for computers, supplies, arborist, and vehicle as well as possible additional staffing needed in the City Attorney's office. She emphasized that current staffing levels are inadequate to handle the expected level of interest and that a fee study would need to be conducted to establish appropriate fees for the program.

Deputy CD Director Cessna detailed the Rolling Hills Estates View Preservation ordinance adopted in 2010 (Attachment C) and its process. She noted that the Rolling Hills Estates model provides limited staff support and sends disputes that cannot be resolved to Civil Court. She stated that the Rolling Hills Estates Planning Director advised her that eight people applied for a View Restoration Permit and that one case has gotten as far as mediation. She added that she anticipates more interest in the City than eight cases, noting that the entire city of Rolling Hills Estates is not as large as the Hillside Overlay District.

She concluded her presentation with areas for the City to consider in adopting an ordinance: definitions, what kind of process to use, appropriate restoration actions, who would be the responsible parties, and level of staff involvement. She provided Decision Points for City Council to consider: if a model similar to Rolling Hills with minimal staff involvement would be acceptable, if a model that sends disputes to Civil Court would be acceptable, whether to include City trees, and whether to regulate types and heights of trees and landscaping.

Councilman Goodrich inquired about ways to manage an initial surge of interest, and Deputy CD Director Cessna explained that the City Attorney's office has advised that State law requires applications to be processed within 30 days.

SUBJECT TO APPROVAL

Responding to an inquiry from Councilwoman Ashcraft regarding staffing needs following the initial surge, CD Director Gibson stated that recent projects adopted by City Council as well as the enforcement aspect of the proposed ordinance would require two additional staff members.

Chairman Griffiths requested that staff confirm State guidelines and raised the possibility of utilizing a lottery system, consultant, or temporary help. He expressed hope that many cases would settle on their own if an ordinance is adopted.

Councilman Goodrich inquired if other current staff members working on less time-sensitive issues could help meet the 30-day criteria during the surge if only one staff member is hired.

CD Director Gibson responded that all discretionary land use entitlements are subject to the same Streamlining Act and that he is reluctant to make a judgment which applications are more important or to shift staff members from one task to another. He noted that additional support is needed when new programs are adopted in order to function as residents expect. He explained that there is not a budget for consulting or temporary help, adding that there is a six-month time constraint on temporary positions.

V. PUBLIC COMMENTS

At 7:35 p.m. Chairman Griffiths welcomed public input and asked audience members to provide specifics regarding the crafting of an ordinance that meets the needs of the community.

Judy Brunetti, representing Riviera Homeowners Association Board, maintained that an ordinance would serve as a deterrent to create view obstruction and that the Rolling Hills Estates model would be cost neutral as staff involvement is limited. She recommended not adding another staff member until the demand is known, and to establish a waiting list and monthly limit if necessary, include only the Hillside Overlay District, address City trees separately, and increase the initial filing fee.

The following audience members also spoke in favor of a View Equity Ordinance: Hope Witkowsky, Judy Nelson, Janice Rohn, Judy English, Michael Bahe, Carlos Guerrero, Pete Dabierri, Tom Fallo, Pat Mraz, Luan Wu, Dr. Radel, and Tom Newman.

The following members of the public voiced support for a View Equity Ordinance and noted that it should also include limiting species of trees, height limitations, address vegetation between homes, and City trees: David Gorten and Steve Sutton.

Shirley McNair and Cheryl Williams voiced support for a View Equity Ordinance that includes City trees.

Terry Brennan and Jennifer Simpson spoke about privacy concerns.

Luanne Chan stated that she does not support the View Equity Ordinance. She noted that the Hillside Overlay should not be used for the basis of the ordinance, that it would have a financial impact on current and future residents as well as affect land and property values, and that it should have a "grandfather" clause for trees and vegetation existing prior to the adoption of any ordinance.

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Recording Secretary

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Teresa Gordon stated that trees remove air pollution as well as prevent deaths and respiratory problems. She expressed concern that all the trees and vegetation in the Overlay zone would be eliminated by this ordinance.

Janice Rohn suggested hiring temporary staff for the initial surge, increasing property taxes and filing fees, and to not hire outside attorneys.

Ron Campbell volunteered to help the City help its neighbors with view obstruction problems that have been going on for 35 years. CD Director Gibson explained that the Department can use volunteers but probably not associated with the proposed ordinance due to labor issues, risk, liability, and accountability.

Mario Obejas voiced support for an ordinance that spells out objective criteria and a dispute mechanism. He suggested specifying areas in the City that the ordinance addresses, phased implementation to prevent a surge, develop an interest list from residents, and hire temporary staff for six months.

Councilman Goodrich stated that he likes the idea of phased implementation, and pointed out that one person's trees might be affecting five residences.

Bhushan Bhatt stated that all that Council has to do is approve California's Spite Fence Law, Civil Code Section 841.4, to address view impairment issues. He stated that the Rolling Hills ordinance demonstrates a city trying its best to stay aloof of residents' disputes and that any City trees that impair views should be pruned in a timely fashion.

Deputy CD Director Cessna stated that the Spite Fence Law applies to vegetation and is a private action that allows one resident to sue another in Civil Court.

Deputy City Attorney Strader related her understanding that intent needs to be proven that a spite fence was erected maliciously and offered to bring back research.

Lorna Clark stated that she does not support the proposed ordinance, adding that her neighbor trims her trees at his expense.

Steve Sutton suggested that if this ordinance is not adopted there should be another ordinance requiring real estate agents to disclose potential view impairment.

Bob Hoffman stated that an ordinance should not be the basis for entitlement but encourage conversation between neighbors.

The Committee was in recess from 8:32 to 8:40 p.m.

Eunice Hargobe voiced her support for an ordinance and suggested using an intern for additional staffing needs.

Jeharr Mir submitted his e-mail and maintained that the Supreme Court has ruled that a City cannot adopt an ordinance with a retroactive effect, adding that privacy is also protected under the Constitution.

Responding to an inquiry from Councilman Goodrich regarding retroactivity, Deputy City Attorney Strader stated that she is not aware of any city with a similar

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ordinance that has been challenged. She noted that it could potentially be an issue and offered to research and bring back information.

Roger Bacon thanked the City for helping to resolve his property issues.

Charles Peterson discussed tree ordinances in other cities and stressed the importance of finding a balance between privacy rights and view restoration, defining the views to be protected, and determining what constitutes view obstruction. He recommended enacting a hybrid between the Tiburon and Rolling Hills Estates models.

Luan Wu stated that she is a realtor and expressed concern about decreased property values and disclosure requirements if an ordinance is not passed.

Jim Montgomery suggested that the ordinance include view equity, involve a certified arborist, and take heritage trees into consideration.

Jean Adelsman recommended including the viewing area from master bedrooms.

Abbes Khani discussed the importance of line of sight and stated that City trees should be trimmed when needed and not on a schedule.

Ruth Vogel expressed her opinion that views from secondary bedrooms and backyards are also important and that a certified arborist is needed. She noted that City trees are a large part of the problem, and questioned how to address people buying homes with view blockage and residents on fixed income.

Judy Emerson, Streetscape Supervisor, explained that there are several certified arborists in the Public Works Department and that they utilize an outside contractor for larger trees.

Sam Galletti suggested having a grace period before an ordinance goes into effect.

Jim Delurgio stated that subjective ordinances and restrictions hurt all property values beyond natural property rights and that he would prefer published guidelines in support of private easements. He added that definitions in the ordinance should be clear and should include City and School District trees, unprotected views, and protect property owners from serial claims.

Tom Newman stated that he is in favor of an ordinance but expressed concern about oak and eucalyptus trees that are important in the City's history.

Jerry McBride voiced support for the Rolling Hills Estates model, but added that it should be City-wide.

VI. COMMITTEE QUESTIONS / DISCUSSION / DIRECTION TO STAFF

At 9:35 p.m. Chairman Griffiths thanked audience members for their input.

Councilman Goodrich stated that defining views would be helpful and, in response to his inquiry about a chain of complaints, Deputy CD Director Cessna advised

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March 24, 2016

SUBJECT TO APPROVAL

that many ordinances have a mechanism with time limits to prevent this. He expressed concern about restricting species of trees and CD Director Gibson explained that landscape plans and control of species are not required for single-family residences.

In response to Councilman Goodrich's inquiry about community education, CD Director Gibson stated that outreach would be through homeowners associations, direct mail, and CitiCABLE. He added that the Rolling Hills model requires very little staff input but controlling height, placement, and species of trees would be more staff intensive.

Councilwoman Ashcraft stated that she supports adopting an ordinance and likes including definitions of views and viewing areas. She stated that she is in favor of initially using a temporary staff member and then evaluating further need.

CD Director Gibson stated that he is unsure that they could recruit someone with arborist expertise on a temporary basis.

Chairman Griffiths stated that the Rolling Hills Estates model provides a good balance in a fair and equitable manner. He noted that moving forward with an ordinance is not as big an obstacle as finding funding for it. He suggested phased implementation to minimize an avalanche of applications.

CD Director Gibson explained that City Council would need to approve the hiring of a consultant to conduct a fee study to review the process that is determined.

In reviewing Decision Points, Councilman Goodrich stated that he supports a model similar to Rolling Hills Estates, with disputes sent to Civil Court rather than to City Council or a Commission. He noted that he is not in favor of including City trees at this time or regulating the types and heights of trees and landscaping in the Hillside.

MOTION: Councilman Goodrich moved to direct staff to present City Council with a draft ordinance based on the Rolling Hills Estates model that includes: phased implementation; definitions of view and viewing areas with no enforcement from City staff; to reduce the cost as much as possible; to initiate a fee study; not to include landscape plans or regulation on height and species; to consider City trees separately and to continue to study options with Public Works; and how to address serial or chain complaints filed against the same property. Councilwoman Ashcraft seconded the motion; a roll call vote reflected unanimous approval.

Assistant to the City Manager Chaparyan stated that it may be premature to present a draft ordinance to City Council without the Committee reviewing it first. It was decided that staff would present the draft ordinance directly to City Council.

Chairman Griffiths thanked staff for their efforts and the public for its participation.

VII. ADJOURNMENT

MOTION: At 10:05 p.m., Councilwoman Ashcraft moved to adjourn the meeting. The motion was seconded by Councilman Goodrich and roll call vote reflected unanimous approval.

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Recording Secretary

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Torrance City Council
Community Planning and Design Committee

March 24, 2016

Committee Meeting
March 24, 2016

Honorable Chair and Members of
The Torrance City Council
Community Planning and
Design Committee
City Hall,
Torrance, California

Members of the Committee:

Subject: View Impairment in the Hillside by Trees and Vegetation

RECOMMENDATION:

Recommendation of the Community Development Director that the Community Planning and Design Committee provide direction regarding the potential adoption of an ordinance designed to preserve views in the hillside obscured by trees and vegetation as outlined in the staff report, including the following possibilities:

1. Inclusion of City-owned trees
2. Designation of specific trees/vegetation allowable in the Hillside
3. Identification of funding sources

Potential Expenditure and Funding

- \$217,360 for Planning Associate and Office Assistant
- May be offset in part by fees paid by view seekers

BACKGROUND AND ANALYSIS

On January 14, 2016, Community Development staff presented its findings from hosting six public outreach meetings and conducting brief surveys of residents and jurisdictions with existing view preservation ordinances. Approximately 300 residents were in attendance at the meeting and there were 49 speakers. Most residents spoke in favor of adopting a new vegetation ordinance. The Community Planning and Design Committee (Committee) requested additional information regarding processing view matters, definitions of "view," addressing city-owned trees, cost and staff level projections, and the Rolling Hills Estates view preservation process. Staff has compiled the requested information in order to assist the Committee in developing its recommendation.

Process

Should the City adopt a view restoration ordinance and establish a permitting process, applications would be subject to the California Permit Streamlining Act (PSA), which means the City would have 30 days to process the application. The Committee also asked staff how

long it would take for a vegetation matter to go to court, assuming the City's ordinance follows the Rolling Hills Estates model (initial discussion, mediation, arbitration, advisory opinion and litigation). Staff consulted with the City Attorney's office and found the fee to file a case would be approximately \$400 and it would take at least one year for the matter to be heard in court. Conversely, should a private view easement be preferred, the City would have no role in its establishment as the price of the easement would be privately negotiated. The cost to record the view easement is approximately \$25. Attorney fees may be applicable in both private easements as well as civil court cases.

Definitions

The Hillside Overlay ordinance was originally written without including definitions of what constitutes a view in order to allow flexibility and consideration of specific circumstances as projects moved through the process. In consideration of the view restoration ordinance being a resident-centered process, it would be helpful to provide a definition of a view and viewing area. However, the inclusion of such definitions may affect existing hillside actions. At the Committee's request, staff has included a list of definitions of "view" from other cities. Staff also included examples of "viewing area" definitions, when available, as the term plays an important role in how a view is defined. It should be noted that Rolling Hills Estates and Santa Barbara have the same definition of "view."

Laguna Beach

"View" means a sight of a visual scene from a fixed vantage point or location from a property owner's principal residential structure. The term "view" does not mean an unobstructed panorama of the features in a visual scene.

"Selected viewing locations or areas" means one or more locations or areas chosen by the property owner(s) from an owner's principal residential structure which are used to observe one or more views. Hallways, closets, mechanical rooms, bathrooms and garages shall not be considered or used as selected viewing locations or areas.

Malibu

"Main viewing area" means the ground floor of a commercial, institutional or principal residential structure unless the ground floor of a commercial structure consists of garages, parking areas and storage and unless the primary living area of a principal residential structure is not located on the ground floor. If the ground floor of a commercial structure consists of garages, parking areas and storage, the "main viewing area" means the first habitable floor. If the primary living area of a principal residence is not located on the ground floor, the main viewing area means the primary living area of the principal residence. The "main viewing area" may be an abutting outdoor deck or patio area located at relatively the same elevation as the ground floor of a commercial or institutional structure or a primary living area of a residence, whichever has the superior view corridor. Bedrooms, master bedroom retreats, offices, hallways, closets, laundry rooms, mechanical rooms, bathrooms and garages shall not be considered main viewing areas. Application of a primary view corridor requires an established "main viewing area."

“Primary view” means visually impressive scenes of the Pacific Ocean, offshore islands, the Santa Monica Mountains, canyons, valleys, or ravines, within a primary view corridor.

“Primary view corridor” means a one hundred eighty (180) degree view assessed by the planning director or designee from a single fixed location and direction within the main viewing area, at an elevation of five feet as measured from the room floor or on an abutting outdoor deck or patio at any one point within ten (10) feet of the nearest outside wall of the structure as selected by the affected property owner and the city.

Rancho Palos Verdes

“Near View” is defined as a scene located on the peninsula including, but not limited to, a valley, ravine, equestrian trail, pastoral environment or any natural setting

“Far View” is defined as a scene located off the peninsula including, but not limited to, the ocean, Los Angeles basin, city lights at night, harbor, Vincent Thomas Bridge, shoreline or off-shore islands.

“Viewing area” means that area of a structure (excluding bathrooms, hallways, garages or closets) or that area of a lot (excluding the setback areas) where the owner and City determine the best and most important view exists. In structures, the finished floor elevation of any viewing area must be at or above the existing grade adjacent to the exterior wall of the part of the building nearest to said viewing area.

Rolling Hills Estates

“View” means a vista of features, including but not limited to, bodies of water, beaches, coastline, islands, skylines, mountains, city lights, ridges, hillside terrain, canyons, geologic features and landmarks. The term “view” does not mean an unobstructed panorama of these features.

Tiburon

“View” means a scene from the primary living area of a residence or the active use areas of a nonresidential building. The term “view” includes both upslope and downslope scenes, but is generally medium or long range in nature, as opposed to short range. Views include but are not limited to skylines, bridges, landmarks, distant cities, distinctive geologic features, hillside terrains, wooded canyons, ridges and bodies of water.

City-owned Tree

During the last meeting, staff requested the Committee's guidance as to whether to include City-owned trees, due to the number of inquiries at the public outreach meetings. The Committee, in turn, requested more specific information regarding existing maintenance processes and what trees would be acceptable for future plantings.

There are existing procedures for the maintenance of park and street trees, which are overseen by the Community Services and Public Works departments, respectively. The Park Services division regularly trims trees and replaces them, if necessary. The Streetscape

division provides an application for trimming or removal, which must be applied for solely, by the property owner adjacent to the tree. Therefore, there is no recourse for neighboring residents if the owner refuses to apply for the tree trimming or removal permit. Additionally, the City does not remove and replace trees due to view obstruction. Should the resident apply for a City tree to be replaced, the Public Works department has a list of approved trees which grow up to 25 feet in height, at maturity (Attachment D).

Staff has reached out to residents requesting locations of City trees which may be obstructing views (Attachment E). It may be possible to include City trees by adding a section to the new ordinance, similar to that which would be adopted for private trees, allowing for mediation, as well as applying the criteria defining views, view obstruction and restorative actions. Because this section would be applied to City-owned trees, if mediation between the residents was unproductive, determinations could be made by staff using the established criteria, rather than moving on to arbitration.

Budget

Staff anticipates that at least one additional Planning Associate and one Office Assistant would be necessary in order to effectively implement the ordinance. Additional funding may be required for materials, supplies, equipment and vehicle to support the program. Other cities have either a dedicated planning position or have their entire planning staff process view matters. The only exception is Rolling Hills Estates; a city significantly smaller in total population than the Hillside Overlay area in Torrance. In either scenario, the additional workload could not be effectively executed by current planning staff, given the likelihood of initial interest and the need to follow a case through to completion.

At the previous Committee meeting, staff explained there are a significant amount of costs which are absorbed by the City and thus, cannot be projected. Initially, staff will need to prepare informational materials and procedural forms to be published in hard copy and on the City website. Staff will also be required to answer questions, provide guidance, and review application materials for completeness.

Currently, landscape plans are not required for any new residential development or remodeling in the Hillside. If a vegetation ordinance is adopted, staff would need to establish if and how formal landscape plans are incorporated into current development applications. Landscape plans would require additional staff time and greater expertise in regards to landscaping. Of course, this also translates into an additional cost to the property owner and a lengthier timeline for project completion. Another important procedural element to consider is the timeliness of cases processed, due to the Permit Streamlining Act. To offer some perspective, in 2015, the planning division processed 24 Hillside development applications which required a public hearing and over 90 administrative Hillside cases.

Rolling Hills Estates

Due to the interest in possibly following the Rolling Hills Estates view ordinance, staff reached out to the Planning Director, David Wahba, to gain a deeper insight on how their ordinance has affected their staff. The View Preservation ordinance (Attachment C) was adopted in 2010. Immediately following its establishment, there were approximately 8 people interested in applying for a View Restoration Permit. Mr. Wahba explained that due to the high interest

following its adoption, most of staff's time was dedicated to explaining the view preservation/restoration process, including a requirement to send a certified letter to the vegetation owner. After learning that the certified letter must be sent prior to applying for a permit, 2 people declined to proceed.

Once an applicant is ready to file, staff assists the property owner by reviewing and correcting the required site plan. When the application is accepted, an administrative staff person processes the case, creates the radius maps and prepares the notices. There have been a few instances where neighbors within the project's radius have wanted to join the initial claim. Mr. Wahba pointed out that at this point, only one case has gotten as far as mediation.

Rolling Hills Estates has two approved mediators and one contracted arborist. Should a view seeker and vegetation owner reach an agreement during the mediation process, Mr. Wahba anticipated the agreement would also establish an outside party to ensure it was carried out accordingly.

Overall, it may be possible for the City to follow the example set for by Rolling Hills Estates but staff would caution that it would not be effective with current staff levels. It is important to note that the administrative staff person at Rolling Hills Estates is the primary contact person with the public, whereas the City has all planners available to field inquiries at the public counter and over the phone. Additionally, based on input at the public outreach meetings, staff anticipates many more than 8 cases will be filed within the ordinance's adoption.

Next Steps

Should the Committee wish to recommend the Council move forward with an ordinance regulating trees and vegetation for view, the first priority will be to identify funding, as current staffing levels will not be sufficient to implement a program of this magnitude, even with minimal staff involvement. This will need to take place as part of the budget process.

In the interim, staff can be directed to work on a View Equity ordinance that can be brought forward for further review and adoption at such time as funding has been identified to provide the services that will be required for implementation of such a program.

In crafting a View Equity Ordinance, the following questions will need to be addressed:

1. Is the Council comfortable with an ordinance similar to Rolling Hills Estates that provides limited staff support and sends disputes that cannot be resolved through the ordinance process to the Civil Court?
 - The amount of funding required to implement a view ordinance will be dependent on the level of staff involvement; should the Council wish to have view issues go through the Planning and Council appeal process, additional funding beyond what has already been identified will be required.
 - Current City Attorney's Office staff may also be impacted should the new ordinance require greater City Attorney involvement.
2. Does the Council wish to include City trees?

3. Does the Council wish to regulate the types and/or heights of trees and vegetation in the Hillside Overlay?

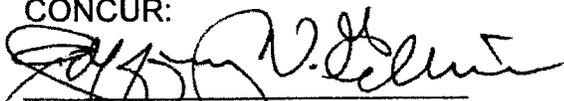
Should the Committee wish to move forward with a View Ordinance addressing trees and vegetation, staff recommends that the Committee provide a recommendation to the Council the creation of a view ordinance, as well as identification of funding sources for a tree ordinance as part of the upcoming budget process.

Respectfully Submitted,

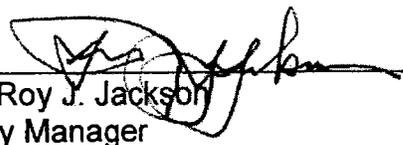
JEFFERY W GIBSON
Community Development Director

By 
Linda Cessna
Deputy Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director




LeRoy J. Jackson
City Manager

CITY MANAGER'S NOTE

The City Attorney's Office may require additional staffing to support the Community Development Department with overseeing view impairment issues.

ATTACHMENTS

- A. Council Committee Item Jan. 14, 2016
- B. Council Committee Minutes Jan. 14, 2016
- C. Rolling Hills Estates View Ordinance
- D. Hillside Overlay District Street Trees
- E. Correspondence Regarding City Trees
- F. Correspondence (Including correspondence from Jan. 14, 2016 Committee Item through present)
- G. Areas within the Hillside Overlay

AGENDA

CITY COUNCIL COMMUNITY PLANNING AND DESIGN COMMITTEE

DATE: Thursday, January 14, 2016

TIME: 7:00 P.M. to 9:00 P.M.

PLACE: Torrance City Hall
Council Chambers
3031 Torrance Boulevard, Torrance

COMMITTEE MEMBERS: Councilman Mike Griffiths, Chair
Councilwoman Heidi Ann Ashcraft
Councilman Tim Goodrich

STAFF: LeRoy J. Jackson, City Manager
Mary Giordano, Assistant City Manager
Aram Chaparyan, Assistant to the City Manager
Jeffery W. Gibson, Community Development Director
Linda Cessna, Deputy Community Development Director
Anna Fernandez, Planning Assistant

SUBJECT: View Impairment in the Hillside by Trees and Vegetation

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- | | |
|---|--------------------------------|
| I. Welcome and Introductions | Chairman Mike Griffiths |
| II. Flag Salute | All |
| III. Committee Item—View Impairment by Trees and Vegetation | Linda Cessna |

Recommendation of the Community Development Director that the Community Planning and Design Committee provide direction regarding the potential adoption of an ordinance designed to preserve views in the hillside obscured by trees and vegetation as outlined in the staff report, including the following possibilities:

1. Inclusion of City-owned trees
2. Designation of specific trees/vegetation allowable in the Hillside
3. Identification of funding sources

- | | |
|---|------------------|
| IV. Presentation by Riviera Homeowners Association | |
| V. Public Comments | |
| VI. Committee Questions/Discussion/Direction to Staff | Committee |

It is recommended that the Committee provide direction to staff to take one of the following actions:

- A. Return to the Committee with additional information;
- B. Return to the Committee with specific recommendations for implementation of a program; or
- C. Forward a recommendation from the Committee to the City Council for action.

- VII. Adjournment

Committee Meeting
January 14, 2016

Honorable Chair and Members of
The Torrance City Council
Community Planning and
Design Committee
City Hall,
Torrance, California

Members of the Committee:

Subject: View Impairment in the Hillside by Trees and Vegetation

RECOMMENDATION:

Recommendation of the Community Development Director that the Community Planning and Design Committee provide direction regarding the potential adoption of an ordinance designed to preserve views in the hillside obscured by trees and vegetation as outlined in the staff report, including the following possibilities:

1. Inclusion of City-owned trees
2. Designation of specific trees/vegetation allowable in the Hillside
3. Identification of funding sources

Potential Expenditure and Funding

\$217,360 for Planning Associate and Office Assistant
May be offset in part by fees paid by view seekers

BACKGROUND AND ANALYSIS

At the direction of Council, Community Development staff prepared an analysis and possible courses of action regarding view impairment due to trees and vegetation in the Hillside Overlay District. This was presented to Council on October 21, 2014, and as a result of that meeting staff was directed to set up a series of public outreach meetings working with the Homeowner Associations within in the Hillside Overlay District to hear resident input regarding the possibility of enacting an ordinance that would protect views from impairment by trees and vegetation. After outreach meetings, staff returned to Council on May 19, 2015 and was directed to bring the results of the outreach meetings and consideration of a view impairment ordinance to the Council Committee on Community Planning and Design.

Early 2015, Community Development Staff held a series of six public outreach meetings with residents of the Hillside Overlay District to get input regarding a possible ordinance addressing view impairment caused by trees and vegetation. Notices were sent to all registered property owners in the Hillside, and the Homeowners Associations with residents in the Hillside were asked to outreach to their members as well. Attendance at the meetings totaled approximately 375. A short survey was given to attendees at all but the

first meeting, asking if they were in support of an ordinance and asking for any comments. Of the 172 responses, 130 were in favor of an ordinance, 38 were not in favor and 4 were undecided. This survey was also included on the web page, and additional on-line responses include 18 in favor, 4 opposed and 3 undecided. A summary of results and comments is attached. (Attachment D)

At the meetings, there were several common themes, the most prominent being the need to include street trees and other City-owned trees in the ordinance. While the current procedure for trimming street trees which allows residents to request to trim City-owned trees at their expense was discussed, many felt that it was too cumbersome and too expensive. Other common themes included the need to look at trees being planted as properties are remodeled, with regulations regarding which trees are appropriate and defining maximum vegetation heights, as well as concerns with original versus acquired views and privacy issues. There were also questions as to whether such an ordinance would apply only to the Hillside or to the entire City.

Several residents referenced the Rolling Hills Estates ordinance (Attachment E) as something that they felt was workable and not too staff intensive, while others felt that even an ordinance that was more staff intensive would result in sufficient increases in property taxes to offset the increased costs of the ordinance. The need to have an arborist available or under contract to assist with assessing trees was also brought up in many of the meetings.

Several cities with either new or well-regarded ordinances dealing with view obstruction by trees (Rolling Hills Estates, Rancho Palos Verdes, Tiburon, Laguna Beach, Malibu and Santa Barbara) were contacted and asked about their experiences implementing and enforcing such an ordinance. This information has been tabulated in Attachment B. Of the six jurisdictions, four had fees ranging from \$278 for a view determination to \$5,106 for View Preservation. Neither Tiburon nor Santa Barbara had fees associated with their ordinance, however Santa Barbara did indicate that they had a member of Planning Staff dedicated to the ordinance.

The city of Tiburon, which previously had an ordinance similar to that of Rancho Palos Verdes, revised their ordinance in the early 1990's to give residents a right to a view, but places all responsibility for enforcing that right on the property owner. According to their staff, they have virtually no involvement whatsoever in the process, leaving it entirely in the hands of the affected property owner. On the other side of the spectrum, Rancho Palos Verdes and Laguna Beach have heavy staff involvement in the process, including Planning Commission and City Council hearings. In the middle are cities such as Rolling Hills Estates and Malibu with some staff involvement, but not nearly to the level of Rancho Palos Verdes.

The number of cases addressed annually range from 4 in Santa Barbara to 47 in Laguna Beach. The Laguna Beach ordinance is fairly recent, and, although they have approximately 8,500 single family residences as compared to almost 6,000 in the Hillside overlay in Torrance, they nonetheless seem to be a more likely comparison in terms of initial interest in making use of the provisions of an ordinance.

I. Basic Elements of an Ordinance

Process

Virtually all of the ordinances surveyed had a similar process for view restoration. Generally, the process begins with some form of documented contact between the "view seeker" and the "vegetation owner", referencing the ordinance and the remedy being sought. In some cases, cities assist in this, in others, the city provides the information to the view seeker, and they move forward on their own.

After initial contact, if no resolution is reached or if the vegetation owner does not respond, the next step is mediation, followed, if necessary, by arbitration. Once these steps have been undertaken and documented, the process moves either directly to civil litigation or to hearings before the Planning Commission and/or City Council.

Most cities require the view seeker to bear any expenses incurred in this process, although some require the costs to be shared.

Definitions

An effective ordinance will have important terms clearly defined. A "protected view" will need to be clearly defined, as well the area from which that view is seen. While there are views in the Hillside that are considered protected in practice, there is no actual definition in the Torrance Municipal Code (TMC), nor is there any language defining the viewing area from which the protected view is seen. In addition, the time period during which the view is protected will need to be defined. Most jurisdictions use the more recent of the date the property was purchased or a stated number of years prior to the passage of the ordinance as defining the period of protection.

Criteria will need to be developed for determining elements that constitute an unreasonable obstruction of view as well as for the vegetation obstructing the view, such as privacy, aesthetics, and value to the surrounding neighborhood. Finally, a hierarchy of appropriate restoration actions will need to be developed to ensure that the actions taken provide the best result for the view seeker while protecting the rights of the vegetation owner. This is referred to in the Rolling Hills Estates ordinance as "View Equity", and it will be an important component of any ordinance undertaken for the City of Torrance.

Landscaping Requirements

A component the Committee may wish to add to an ordinance could either define what trees are appropriate for the Hillside Overlay in terms of height and general size or specify a maximum height for vegetation in the Hillside. This would require submission of landscape plans for remodels done in the Hillside, but would also provide for better on-going control of view obstruction by vegetation.

City-owned Trees

There is currently a process in place allowing for residents to request trimming of trees at their expense to enhance views, however, it requires the approval of the residents who are directly adjacent to the trees. There is no recourse if the resident refuses to approve trimming of the trees adjacent to their homes. A section could be added to a new ordinance that would allow a procedure for street trees similar to that which would be put in place for private trees, allowing for mediation, as well as applying the criteria defining views, view obstruction and restorative actions. Because this section would be applied to City-owned trees, if mediation between the residents was unproductive, determinations could be made by staff using the established criteria rather than moving on to arbitration.

Financial Responsibility

Most ordinances place the initial financial responsibility for view restoration on the view seeker, requiring them to cover the costs of the mediation and arbitration process as well as the cost of any view restoration actions. After the initial agreement and restoration, the cost of maintaining the vegetation generally falls on the vegetation owner, unless there is an agreement between the view seeker and the vegetation owner regarding the cost of maintenance. However, several residents were concerned that this could be a hardship for residents on fixed incomes who would either be unable to afford to keep up with the maintenance costs or who would be unable to pay the costs to restore a lost view.

II. Steps Necessary to Implement an Ordinance

Budget

If the City desires to move in the direction of an ordinance protecting views from obstruction by trees and vegetation, there are several steps that will need to be addressed. The first concern will be to find funding for implementation of the ordinance. Based on current staffing levels and workload as well as other programs being considered by the Council, it is anticipated that it will require at minimum one additional Associate Planner and one Administrative Assistant, and at least during the first year of implementation, possibly an additional Planning Assistant, as well. This is because the experience of other jurisdictions has shown that during the initial implementation period, there is high demand for the program. Even with limited staff involvement, there will still be need for staff to explain the process, assist with the appropriate paperwork and keep records of any agreements as they are made. In addition, if the ordinance includes restrictions on vegetation, a new level of plan checking will be required.

If City trees are included, it is also likely that additional staffing will be required in Public Works to deal with assessment of trees and views as well as the administrative aspect of contracting and scheduling trimming. Assuming that the ordinance is structured to place the cost burden of trimming on the view seeker, additional funding should not be necessary for the actual trimming of the trees, but there may be a need for a contract arborist to assist in assessing the trees and the best method of trimming, both for public and private trees. In addition, there has been some mention of trees in City Parks blocking views. Should Park trees be included in the ordinance, Community Services may require additional help as well.

A fee study will also be required once the process has been established in order to set appropriate fees. The study will need to assess the level of staff time and involvement required to implement and maintain the program and present the actual cost to the Council for their use in assessing appropriate fees for the View protection process.

Administrative Actions

Once the provisions of an ordinance are finalized, informational brochures will need to be prepared for the public, laying out the provisions of the ordinance and the steps to be taken in order to implement the process. These will need to include instructions as well as sample forms, and will need to be available both in print and online. Staff will need to be trained in the new process in order to provide assistance both on the phone and at the counter.

In addition, informational meetings should be held with the Hillside Homeowner Associations, providing all the pertinent information and explaining the process.

The biggest concern with roll-out of an ordinance is that there will be an overwhelming interest and staff will be unable to keep up with the demand. Depending on how the ordinance is structured, we may want to set a limit on how many applicants can be in process at any one time, and keep a waiting list to bring residents into the process as others move forward.

III. Next Steps

Should the Committee wish to recommend that the Council move forward with an ordinance regulating trees and vegetation for view, the first priority will be to identify funding, as current staffing levels will not be sufficient to implement a program of this magnitude, even with minimal staff involvement. This will need to take place as part of the mid-year budget process.

In the interim, staff can be directed to work on a View Equity ordinance that can be brought forward for further review and adoption at such time as funding has been identified to provide the services that will be required for implementation of such a program.

In crafting a View Equity Ordinance, the following questions will need to be addressed:

1. Is the Council comfortable with an ordinance similar to Rolling Hills Estates that provides limited staff support and sends disputes that cannot be resolved through the ordinance process to the Civil Court?
 - The amount of funding required to implement a view ordinance will be dependent on the level of staff involvement; should the Council wish to have view issues go through the Planning and Council appeal process, additional funding beyond what has already been identified will be required.
2. Does the Council wish to include City trees?
3. Does the Council wish to regulate the types and/or heights of trees and vegetation in the Hillside Overlay?

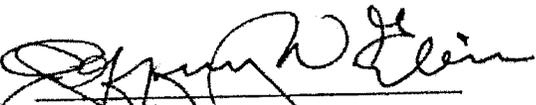
Should the Committee wish to move forward with a View Ordinance addressing trees and vegetation, staff recommends that the Committee provide a recommendation to the Council supporting the creation of a view ordinance, as well as identification of funding sources for a tree ordinance as part of the upcoming budget process.

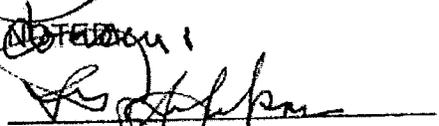
Respectfully Submitted,

JEFFERY W GIBSON
Community Development Director

By 
Linda Cessna
Deputy Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director


LeRoy J. Jackson
City Manager

Attachments:

- A. Council Item Oct. 21, 2014
- B. Council Item May 19, 2015
- C. Survey of Jurisdictions with Tree/View ordinances
- D. Outreach Meeting Notes
- E. Survey Results
- F. Rolling Hills Estates View Ordinance
- G. Correspondence (including correspondence from October 21, 2014 Council item through present) Limited Distribution

Council Meeting of
October 21, 2014

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development—Consider options for addressing potential view impairment from trees and vegetation in the Hillside Overlay District.

RECOMMENDATION

Recommendation of the Community Development Director that City Council consider options for addressing potential view impairment from trees and vegetation in the Hillside Overlay District and provide direction to staff on how to proceed.

EXECUTIVE SUMMARY

Staff was requested to present an analysis and recommendations regarding view impairment due to vegetation in the Riviera portion of the Hillside Overlay District. There are at least three options to be considered: maintain the status quo, private view easements, or a view ordinance. These options will be discussed in greater detail in the second section of the item.

The first section of the item is a broad overview of ordinances researched by staff including the following jurisdictions: Rancho Palos Verdes, Rolling Hills Estates, Tiburon, Malibu, and Laguna Beach, among others. These ordinances typically dealt with loss of view due to trees or vegetation on private property. Three main areas were noted: Scope of Ordinance, including definitions of terms; Process for View Restoration; and Potential Cost of Implementation.

The second section is an analysis of the various ordinances and their applicability to the City, a discussion of areas that will need to be defined as well as potential recommendations.

The final section will include a discussion of potential outreach methods to gauge public concerns regarding the issues inherent in the consideration or adoption of any kind of regulation of trees and vegetation.

BACKGROUND AND ANALYSIS

Overview of ordinances dealing with view impairment due to vegetation

Scope of Ordinance

Ordinances addressing view obstruction from trees or vegetation have two major areas that need to be defined. The first is the actual view that is protected and the second is the period of time when the protection begins. Other areas also require definition, such as the responsibilities of the parties involved, including the "view seekers", "vegetation owners" and the City.

Description and definition of the protected view in most ordinances includes two major components: what is included in the definition of a protected view and the area from which that view is seen. Some view definitions include enumeration of specific views available in the area, such as ocean, islands, mountains, or other natural areas as well as man-made points of interest such as city lights or bridges. Some jurisdictions specifically protect long distance views as opposed to short distance views, and some specify a maximum distance from the view seekers property that can be considered as obstructing a view. This can range from a distance of 500 feet to a distance of 1,000 feet in various jurisdictions.

View ordinances generally restrict the view protection to one or at most two major viewing areas, such as living, family or dining rooms, areas with picture windows or glass doors or common exterior areas such as patios, balconies or gazebos designed to take advantage of an available view. In addition, they take into consideration how the view is commonly visible, whether standing or sitting. In some cases, ordinances protect what they call the best or most important view.

The period of protection generally includes views available at the time the current property owner took possession of the property or some period of time prior to the adoption of a view protection ordinance. This period typically ranges from 10 to 15 years. In the case of Rancho Palos Verdes, there are two kinds of view preservation; view preservation as described above and view restoration, which attempts to restore the view that existed at the time the property was subdivided into a separate lot and developed.

View Preservation Process

Most jurisdictions with view preservation ordinances have a similar set of procedures for the process. The main difference lies in the amount of staff involvement in that process, and that varies from a virtual "hands off" on the part of some jurisdictions to extensive staff involvement throughout the process in others. In addition, those jurisdictions with moderate to no staff involvement tend to keep the process separate and apart from the decision making bodies, with any involvement strictly at a staff level.

Generally, the process begins with some form of contact between the "view seeker" and the "vegetation owner". The contact must be documented and must reference the ordinance and the remedy being sought. In some cases, cities assist in this. In others, the city provides the information to the view seeker, such as property owner information, and the view seeker proceeds on their own.

After initial contact, if no resolution is reached or if the vegetation owner does not respond, the next step is mediation. Again, the view seeker must contact the vegetation owner and attempt to set up mediation sessions. Some cities assist in setting up the mediation sessions and provide a meeting place, while others place the onus on the view seeker to arrange mediation. Most cities require the view seeker to pay for the mediation, although some require that the costs be shared and one city pays for the mediation process.

Should mediation fail, the next step is binding arbitration, which follows in much the same vein as mediation. After arbitration, or if the vegetation owner declines to participate in the process, some ordinances move directly to civil litigation by the view seeker against the vegetation owner, with the process having established a trail that can be used in the litigation. Other jurisdictions allow for the view seeker to request an advisory opinion from Planning staff regarding the view obstruction claim, which can then be admissible in civil litigation. Still others allow the matter to be heard by Planning Commission or a View Preservation Board and then appealed to City Council, with the City taking action to trim the offending foliage should the vegetation owner not comply with the decision.

Costs of Implementing a View Obstruction Ordinance

The fees charged by cities with view preservation ordinances range from no fee to \$800 to \$5,500 for a view restoration permit in Rancho Palos Verdes. Rancho Palos Verdes reported taking in \$72,000 last year, but have \$300,000 budgeted for the program. Laguna recently adopted an ordinance and their annual cost was projected to be over \$300,000. Both these jurisdictions have programs with heavy City involvement, including paying for mediation, staff involvement through all phases of the process, Commission and Council hearings and enforcement of the permit should the vegetation owner not comply. Rolling Hills Estates has a more moderate involvement and charges \$800 for their view preservation permit. Their staff assists in notification by certified mail for all phases of the process. Should the process move to mediation, an additional minimum deposit of \$1,000 is charged to cover costs of review by the City's certified arborist as well as other costs of the mediation process.

All jurisdictions agree that initially after passage of a view preservation ordinance, there is heavy demand for the program, but after the first few years, demand slows down. Generally, after the program has been in existence for several years, the largest demand is for maintenance of views that have already been established through the process.

Considerations for Torrance

There are a number of possibilities in looking at the issue of view impairment due to vegetation in the City. The first possibility is keeping the status quo and encouraging neighbors to work together to resolve their issues. In the case of "spite trees" that block views there is already existing legislation that protects homeowners and allows legal action should the parties not be able to arrive at a resolution. The existing Hillside Overlay District purposely excluded vegetation from the ordinance and focused specifically on structures requiring a Building Permit.

A second option could be view easements between neighbors. This would allow a view seeker to compensate a homeowner for the right to a view corridor and would run with the property. Such an arrangement would be between private parties and would include little if any City involvement. It may be possible for the City to create a "boilerplate" easement form that could be used by residents to lessen the potential legal drafting costs to reach such a private agreement and the City could assist in providing guidance on the recordation process with the Los Angeles County Recorder's office. Should the City Attorney determine that such a "boilerplate" could be created, this information can be provided on the City website and made available for download and modification per the specific circumstances that might be involved.

The third option would be to consider an ordinance regulating view impairment by vegetation in the Hillside Overlay District. This would be a major undertaking. In order to consider such an ordinance, the first step would need to include public outreach to all the effected Homeowners Associations, as well as outreach for those in the overlay zone who are not in an HOA. In addition, there would need to be meetings in neutral settings that would allow those not comfortable with such an ordinance a place to air their concerns. A random sample phone survey would also be an excellent method of assessing community tolerance for such an ordinance and the parameters that would be deemed appropriate for such an undertaking.

It would be important to consider all aspects of a vegetation ordinance, including the contents of the ordinance and the potential effects it will have on the community as well as the operating costs due to the increased dedication of staff time. In the case of an ordinance regulating the height of trees and vegetation on private property in order to protect or preserve views of value to homeowners, it must also be remembered that the vegetation often has real value as well. It may protect privacy, provide natural insulation thus lessening costs for heating and cooling and add esthetic value to the owner's property. In many cases, trees and vegetation that block the view of homeowners may at the same time be highly prized and provide great value to the appearance of the street or neighborhood in which they grow. One example is in the Seaside Ranchos neighborhood, portions of which are located within the Hillside overlay District. Removal of private trees in this area would detract from the unique character of the neighborhood. It will be important to take these competing interests into account when formulating an ordinance to ensure that the ambience of one neighborhood or residence is not destroyed or damaged in order to enhance another.

Several of the ordinances have criteria for assessing the competing interests in retaining view and the benefits provided by vegetation. This will be an important component in ensuring what Rolling Hills calls "view equity".

Definitions

While there will be a number of definitions required for an ordinance, the first and most critical priority will be to define exactly what is being protected. Much of the difficulty in enforcing ordinances dealing with subjective issues such as views arise from the lack of a codified definition of exactly what a view is and from where a protected view may be seen. Many of the ordinances cite various specific "views" available in their jurisdiction. The Malibu ordinance seems to have a thorough approach to defining the various considerations in a view including not only a definition of the view itself, but a more precise definition of the main viewing area from which the view is seen as well as a definition for a "primary view corridor".

In Torrance, the practice in interpreting the Hillside Overlay District ordinance has been to look at four different classes of views: water, white water, city lights and pastoral, which would include mountains and other natural features. Codifying a definition of the classes of eligible views would be the first step in establishing a tree ordinance. Neither the Torrance Municipal Code (TMC) nor practice has established a specific definition of the "main viewing area", but this would seem to be the logical next step. Malibu defines a main viewing area as the primary living area of a structure located on the first habitable floor of the structure. The definition specifically excludes bedrooms, offices, bathrooms and other ancillary spaces while allowing living rooms, family rooms, dining room, kitchen or combination thereof as well as outdoor deck or patio areas. Once a main viewing area is established, the Malibu ordinance goes on to define a "primary view corridor", which is a 180 degree view assessed from a single fixed location in the main viewing area. Rolling Hills Estates adds to their view definition that it does not mean "an unobstructed panorama" of the features, as well as a limit for the view obstruction of no more than 500 feet from the main viewing area. In addition, most ordinances define the view as that which was existing at the time the current owner purchased the property or a date based on the adoption of an ordinance, whichever came later.

Process

As previously discussed, the procedures in the initial stages in the view restoration process are very similar across jurisdictions. Initial contact, mediation followed by arbitration, all carefully documented in a manner prescribed in the ordinance are required of the view seeker by the vast majority of such ordinances.. There are varying degrees of staff involvement even in these stages, but for the overall process, the Rolling Hills Estates ordinance seems to be most workable in limiting the demand for increased overhead , as the actions must be taken by the view seeker: they contact the vegetation owner, arrange mediation and arbitration and they take their case to court should the process not culminate in a satisfactory result. Neither the Planning Commission nor the City Council become involved. Given the amount of time required for controversial Hillside cases, which can range from three months to as long as a

year, with numerous site visits, discussions, meetings and written material for presentation to Planning Commission or Council, using a model that brings tree issues to Commission or Council for adjudication would require additional staffing and is not recommended.

Appropriate Restoration Actions

Any ordinance will need to address both considerations of methods for removal of vegetation and how to assess what vegetation should be removed. The Rolling Hills Estates ordinance has sections addressing criteria for unreasonable obstruction, for determining appropriate preservation action and a hierarchy of preservation actions that keeps in mind both the view being preserved and the health of the vegetation being removed. Various methods of pruning and other types of vegetation removal are defined in the ordinance and then rated in terms of most to least appropriate. In some cases, cities have arborists on staff, while others may contract with arborists who can make assessments of the existing vegetation and the best solution for opening a view corridor while maintaining the health and benefits of the vegetation in question.

Responsibility

The majority of ordinances regulating view impairment by vegetation place the initial financial responsibility for the process on the party seeking the view. This would include mediation, arbitration and cost of vegetation removal. As the City contracts with a mediation service, it is possible that the mediation portion of the process could be handled by the contracted service. The cost to the City is minimal and would be a way to defray some of the expense to the view seeker. Cost of maintenance generally falls on the vegetation owner. Should the process move to Court for adjudication, the costs would be apportioned by the judge.

Staff involvement

Implementation of an ordinance dealing with view impairment by vegetation will be a major task for staff, the level of staff involvement included in the ordinance notwithstanding. If an ordinance is adopted, staff will need to prepare informational materials as well as any procedural forms that may be required both in hard copy and for the City website. Initially we would anticipate heavy public inquiry as to the process and procedures which would require staff to be available to answer questions and provide guidance. In addition, should an ordinance be adopted, the question would arise as to how current applications for development in the Hillside Overlay District should be handled with regards to vegetation. The City does not currently require any landscaping plans for single-family remodels or new construction. If a vegetation ordinance is pursued, it might be prudent to do so if property owners run the risk of having to remove vegetation that impairs neighboring views. This would also require additional staff time and greater expertise in regards to landscaping and additional costs to remodelers in preparing formal landscape plans for the approval process. In terms of the actual ordinance, if that is the path the council chooses, a model similar to Rolling Hills which limits staff and City involvement to a minimum would be preferable. Should the City become involved in holding hearings and actually enforcing

such an ordinance, the anticipated demands on staff time would be far greater than could be met at current staffing levels and allocated budgets.

Community Outreach Prior to Crafting an Ordinance

Outreach to all areas included in the Hillside Overlay District will be crucial prior to making a decision as to whether the City will maintain status quo, encourage view easements or attempt to craft an ordinance to ensure that all points of view are heard and understood. Staff would recommend meetings with all the active Homeowner Associations (HOA) in the Hillside Overlay District, as well as at least one general meeting to ensure that those homeowners in the Hillside Overlay District not in an HOA have an opportunity to be heard. Based on feedback heard at community meetings held in 1996 regarding trees in the hillside area, while there are strong opinions in favor of preserving views, there are equally strong opinions in favor of preserving trees and vegetation in neighborhoods, thus we would anticipate a wide range of opinions on how to approach this issue.

Staff had investigated the cost of doing a statistically valid survey regarding a vegetation ordinance and found that a 10 minute survey of a random sample of 500 homeowners would cost just under \$30,000. Such a survey could provide valuable information in terms of the tolerance residents may have for vegetation removal, the proposed process and other key components of such an ordinance that may not come out in public forums and would provide a firm basis for whatever actions are taken as a result.

If, ultimately, the City wishes to examine the feasibility of a vegetation ordinance finding a test case to assess the real impacts of the process in terms of time and cost both at a staff level and for the residents involved would be a possible first step.

Recommendation

The following are possible next steps for Council to consider:

- Begin the outreach process by scheduling meetings with HOAs as well as setting up at least one general meeting to be held in a central location and explore the possibility of a phone survey. Feedback from the public meetings and survey, if done, will then be used to draft recommendations for further action and brought back to the Planning Commission and the Council to determine definitions and standards for protected views, extent of City involvement, budgetary considerations and appropriate fees; or,

- Incorporate vegetation matters into the existing Mediation Services offered by the City and proceed with drafting a view easement language and develop instructions on the recordation process with the Los Angeles County Recorder's office; or

- Receive and File the information.

The Community Development Director recommends that as a first step Council direct staff to begin the outreach process by scheduling meetings with HOAs as well as at least one general meeting, explore the possibility of a phone survey and bring findings and results back to the Council to determine further action. Due to the proximity of the holidays, staff would begin preparation and scheduling now with the meetings to begin in January. Depending on the availability of the various HOAs, a return to Council would be anticipated for March or April of 2015.

Respectfully Submitted,

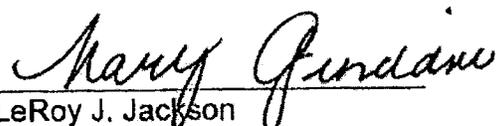
JEFFERY W GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By 
Linda Cessna
Community Development Deputy Director

CONCUR:


Jeffrey W. Gibson
Community Development Director

NOTED:

fn 
LeRoy J. Jackson
City Manager

Council Meeting of
May 19, 2015

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Consider referring view obstruction by trees and vegetation in the Hillside Overlay District to City Council Subcommittee.

RECOMMENDATION

Recommendation of the Community Development Director that City Council refer the matter of view obstruction by trees and vegetation in the Hillside Overlay District to the Council Community Planning and Design Committee for further action.

BACKGROUND AND ANALYSIS

Community Development staff has completed a series of six community outreach meetings regarding a potential ordinance to address the issue of view obstruction by trees and vegetation in the Hillside Overlay District. To gain the widest possible participation, notices were sent to all property owners in the overlay, a display ad was placed in the Daily Breeze, Homeowner Associations were notified and asked to share the information with their members and the meetings were announced under orals at Council Meetings. In addition, a list of e-mail addresses was gathered at each of the meetings, and e-mail notifications sent out to the list prior to each subsequent meeting. The e-mail list currently contains about 290 addresses and will be used to notify residents of any actions or meetings that will take place regarding this issue. Staff is also working on a web page that will act as a repository for information on the subject as well as providing notice of upcoming meetings.

At the Community meetings, the majority of residents felt that an ordinance was necessary and the blockage of their views by trees was an important issue, affecting not only quality of life but property values as well. There was much concern expressed about the problem of City or street trees blocking views, and each meeting there were a number of residents who said that in order to be effective, the ordinance would have to include street trees as well as trees on private property. Although they were in the minority, as the meetings progressed, those who were not in favor of an ordinance and who felt that trees added value just as do views began to speak up. Some were concerned about environmental impacts of trimming or cutting trees, while others were concerned about loss of privacy.

Having completed this first phase of community outreach, we now need to bring the information forward to decide on the next steps. Options include bringing information forward for consideration to:

- The Council Sub-committee on Community Planning and Design,
- A new, Ad Hoc Council committee formed to review this subject, or
- The Planning Commission

Staff recommends that the matter be referred to the Council sub-committee for Community Planning and Design. Once direction is received as to what body will hear the next steps, a meeting will be scheduled with that body to examine data gathered so far and discuss parameters for a potential ordinance.

Respectfully Submitted,

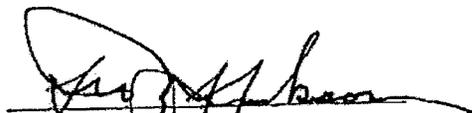
JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

By 

Linda Cessna
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CONCUR:


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View Restoration Ordinances Research										
Municipality	Land Covered by Ordinance (residential properties)	Budget	Fees Collected	Dedicated Staff or Department	Arborists (on staff or contracted)	Other Consultants	City Attorney	Matters addressed Annually		
Rancho Palos Verdes	100%	\$297,642	<ul style="list-style-type: none"> View Preservation \$5,106 City Tree Review \$688 	Senior & Assoc. Planner	YES - Contracted	Mediator - \$40,000	YES	16		
Rolling Hills Estates	75%	NONE	<ul style="list-style-type: none"> View Preservation \$800 Arborist Deposit \$1,000 	NO	YES - Contracted	NO	YES	5		
Malibu	100%	NONE	<ul style="list-style-type: none"> View Determination \$278 View Preservation (public hearing) \$2,250 View Preservation (admin) \$587 	Planning	NO	NO	YES	20		
Laguna Beach	100%	\$175,000	<ul style="list-style-type: none"> View Preservation \$690 View Restoration (Mediation) \$500 View Restoration (Hearing) \$690 	Assoc. Planner	YES - Contracted	Mediator	YES	47		
Tiburon	100%	NONE	\$0	Planning	NO	NO	NO	24		
Santa Barbara	100%	NONE	\$0	Senior Planner	NO	NO	YES	4		

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 and 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 possibly 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 trumps privacy or privacy trumps view?
- Ordinance needs to be written strictly with regards to permit requirements
- Where does the City take accountability? Just in steering 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 consequences 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:

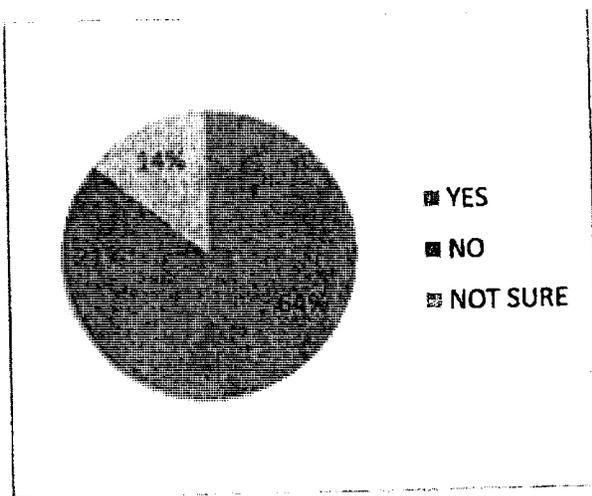
- The \$360,000 cost is for heavier staff involvement, but the trade off with revenue lost to the City due to decreased property values would counterbalance even that amount
- Biggest problems are the City trees.
- Can we have the City trees removed?
- Trees around the water tanks need to be trimmed 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

Online Survey Responses and Suggestions

Online View Ordinance Survey Responses

YES	18	64%
NO	6	21%
NOT SURE	4	14%
TOTAL SURVEYS RECEIVED	28	100%



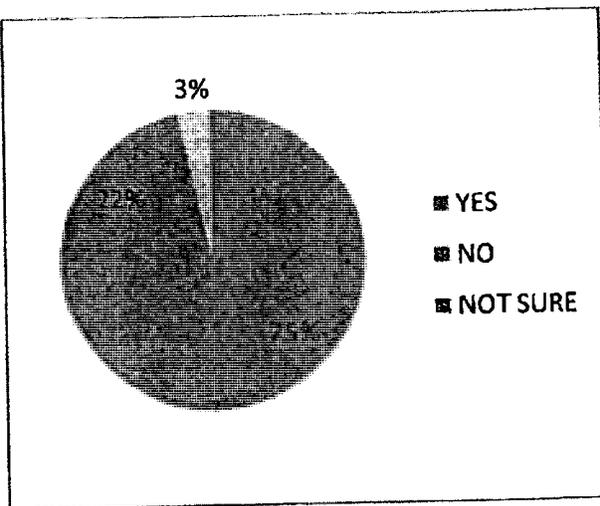
Online Survey Suggestions

- Model after Rolling Hills (not listed as to Rolling Hills Estates or City of Rolling Hills)
- Aggrieved party should share cost of trimming tree equally with vegetation owner
- Establish voluntary tax to be used for city tree maintenance
- Enforce height of trees in accordance with rooftop height
- Include city trees with private trees

Outreach Meeting Survey Responses and Suggestions

Outreach Meeting Survey Responses

YES	131	75%
NO	38	22%
NOT SURE	6	3%
TOTAL SURVEYS RECEIVED	175	100%



Outreach Meeting Survey Suggestions

- Ordinance should cover entire city
- Limit height to rooflines
- Balance Ordinance to protect old/heritage trees
- Increase view establishment period beyond 10 years (20 years, when home was built)
- Consider including park and city trees/vegetation
- Include set timelines for process
- Provide framework for mediation/arbitration but exclude City involvement.

CITY OF ROLLING HILLS ESTATES
LOS ANGELES COUNTY, CALIFORNIA
ORDINANCE NO. 661

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ADDING CHAPTER 17.55 ENTITLED VIEW PRESERVATION TO TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF ROLLING HILLS ESTATES.

WHEREAS, both views and trees/vegetation contribute to the aesthetic value, quality of life, ambiance and economic value of properties within the city. Similarly, access to sunlight across property lines contributes to the health and well being of community members, enhances property values and provides an opportunity to utilize solar energy. Utilization of passive solar energy reduces air pollution, visual blight and ill health; and

WHEREAS, views, whether of the Pacific Ocean, the surrounding hillsides and canyons or other natural and manmade landmarks produce a variety of significant and tangible benefits for both residents and visitors. Views contribute to the aesthetic visual environment of the community by providing scenic vistas and inspiring distinctive architectural design. Views contribute to property values; and

WHEREAS, residents and property owners cherish their outward views from the Palos Verdes Peninsula. Outward views contribute greatly to the quality of life in the city and promote the general welfare of the entire community; and

WHEREAS, trees and vegetation produce a wide variety of significant psychological and tangible benefits for both residents and visitors to the community. Trees and vegetation provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Trees and vegetation contribute to the visual environment and aesthetics by blending, buffering and reducing the scale and mass of architecture. Trees and vegetation within the city provide botanical variety and a sense of history. Trees and vegetation also create shade and visual screens and provide a buffer between different land uses. Trees contribute to property values. Absent an unreasonable obstruction of the view of a neighboring property, the city encourages and supports the growth and maintenance of trees and vegetation; and

WHEREAS, owners and residents should maintain trees on their property in a healthy condition for both safety reasons and for preservation of outward views. Before planting trees, owners and residents should consider view blockage potential, both currently and at tree maturity, and should not plant, maintain or permit to grow any tree or vegetation which unreasonably obstructs the view from a neighboring property; and

WHEREAS, the benefits derived from views and trees/vegetation may come into conflict. The planting 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; and

WHEREAS, it is in the interest of the public health, safety and welfare to:

- (a) Establish the right of real property owners in the city to preserve and/or restore views which existed from unreasonable obstruction by the growth of trees and other vegetation. Such a right shall accrue, and shall protect views that existed, on the date the property was acquired or fifteen years prior to the effective date of the ordinance codified in this chapter, whichever is later;
- (b) Recognize that every real property owner in the city is entitled to a process to resolve conflicts that negatively impact view equity, in order to preserve a reasonable amount of the view benefiting such real property;

(c) Establish a process and evaluation criteria by which property owners may seek restoration of views when unreasonably obstructed by the growth of trees or other vegetation; and

WHEREAS, the City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3: i) Section 15061(b)(3) (CEQA only applies to activities which have the potential for having a significant effect on the environment), ii) 15060(c)(3) (the activity is not a project as defined in Section 15378), and iii) 15175 (the Master Environmental Impact Report for the city's General Plan certified on September 22, 1992 has addressed mitigating environmental measures for all proposed amendments to be made to the Municipal Code); and

WHEREAS, the original version of Ordinance No. 661 has been posted on the city's website for public review since March 4, 2010, and has been the subject of significant public input and commentary; and

WHEREAS, the city council, upon giving the required Notice, did on the 11th day of May, the 13th day of July, the 10th day of August, the 28th day of September, and the 12th day of October 2010, conduct Public Hearings, at which time all interested parties were given full opportunity to be heard and present evidence.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 Chapter 17.55, entitled View Preservation, is hereby added to Title 17 of the Rolling Hills Estates Municipal Code.

CHAPTER 17.55 - - VIEW PRESERVATION

SEC. 17.55.010 Findings and declarations.

The city council finds and declares as follows:

- (1) Both views and trees/vegetation contribute to the aesthetic value, quality of life, ambiance and economic value of properties within the city. Similarly, access to sunlight across property lines contributes to the health and well being of community members, enhances property values and provides an opportunity to utilize solar energy. Utilization of passive solar energy reduces air pollution, visual blight and ill health.
- (2) Views, whether of the Pacific Ocean, the surrounding hillsides and canyons or other natural and manmade landmarks produce a variety of significant and tangible benefits for both residents and visitors. Views contribute to the aesthetic visual environment of the community by providing scenic vistas and inspiring distinctive architectural design. Views contribute to property values.
- (3) Residents and property owners cherish their outward views from the Palos Verdes Peninsula. Outward views contribute greatly to the quality of life in the city and promote the general welfare of the entire community.
- (4) Trees and vegetation produce a wide variety of significant psychological and tangible benefits for both residents and visitors to the community. Trees and vegetation provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Trees and vegetation contribute to the visual environment and aesthetics by blending, buffering and reducing the scale and mass of architecture. Trees and vegetation within the city provide botanical variety and a sense of history. Trees and vegetation also create shade and visual screens and provide a buffer between different land uses. Trees contribute to property values. Absent an unreasonable obstruction of the view of a neighboring property, the city encourages and supports the growth and maintenance of trees and vegetation.

(5) Owners and residents should maintain trees on their property in a healthy condition for both safety reasons and for preservation of outward views. Before planting trees, owners and residents should consider view blockage potential, both currently and at tree maturity, and should not plant, maintain or permit to grow any tree or vegetation which unreasonably obstructs the view from a neighboring property.

(6) The benefits derived from views and trees/vegetation may come into conflict. The planting 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. It is, therefore, in the interest of the public health, safety and welfare to:

(a) Establish the right of real property owners in the city to preserve and/or restore views which existed from unreasonable obstruction by the growth of trees and other vegetation. Property owners shall have the right to preserve views that existed on the date the property was acquired or fifteen years prior to the effective date of the ordinance codified in this chapter, whichever is later;

(b) Recognize that every real property owner in the city is entitled to a process to resolve conflicts that negatively impact view equity, in order to preserve a reasonable amount of the view benefiting such real property; and

(c) Establish a process and evaluation criteria by which property owners may seek restoration of views when unreasonably obstructed by the growth of trees or other vegetation

(7) When a dispute arises concerning the impairment or obstruction of a view, the parties should act reasonably to resolve the dispute through friendly communication, thoughtful negotiation, compromise, and other traditional means, such as discussions with the appropriate neighborhood or homeowner association. Those disputes which are not resolved through such means shall follow the procedure established herein. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.020 Intent and purpose.

The intent and purpose of this chapter is to:

(1) Recognize and establish a process by which real property owners may preserve or restore view equity within the immediate vicinity of their property as set forth in Section 17.55.040;

(2) Establish procedures and evaluation criteria by which real property owners may seek resolution of view equity disputes;

(3) Discourage duplicative, repetitive or serial claims for view equity; and

(4) Discourage ill-considered damage to trees/vegetation and promote proper landscaping establishment and maintenance.

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. It is also not the intent or purpose of this chapter for the city to create either a covenant running with the land (for example, CC&R's or deed restriction) or an equitable servitude (for example, easement or license). However, the City will keep a record of agreements and decisions reached pursuant to Sections 17.55.070, 17.55.080, 17.55.90 and 17.55.110 of which it is notified, and provide those agreements and/or decisions as part of the pre-purchase inspection report it provides to prospective purchasers of property in the city who request such a report. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.030 Definitions.

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

"Alter" means to take action that changes the tree or vegetation, including but not limited to, extensive pruning of the canopy area, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the feeder root zone of the tree or vegetation.

"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. The arbitrator of a view equity dispute shall be chosen from a list available from the city of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

"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 equity dispute shall be the city's certified arborist.

"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 equity 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 Estates.

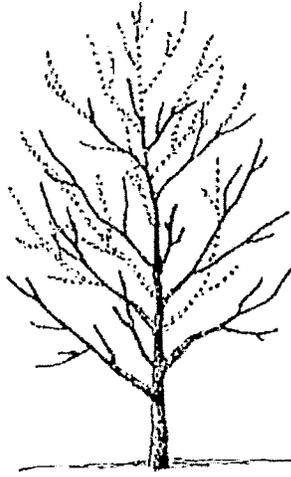
"City maintained trees" means trees which are specifically designated for maintenance by the city council. "City maintained trees" include heritage trees which are located in the unimproved portion of a dedicated and accepted street right-of-way easement and for which the real property owner has requested and given the city written permission to maintain.

"City property" means any real property of which the city is the fee simple owner of record.

"Claim, view equity" means documentation, as set forth in Section 17.55.050, that outlines the basis of view equity diminishment and the specific preservation action that is being sought.

"Crown" means the rounded top of the tree.

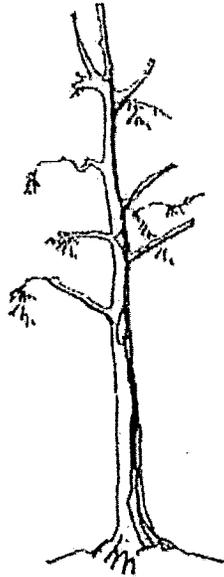
"Crown reduction/shaping" means a method of comprehensive pruning that reduces a tree's height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs by means of removal of leaders or the longest portion of limbs to a lateral large enough to assume the terminal. The diagram that follows is illustrative of "crown reduction/shaping" within the meaning of this chapter.



Crown Reduction/Shaping

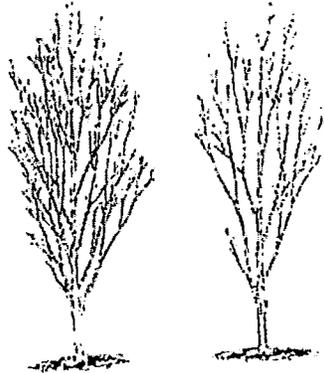
"Destroy" means to kill or take action that endangers the health or vigor of a tree or vegetation, including, but not limited to, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the base of the trunk.

"Heading back" means the overall reduction of the mass of a tree by modification to major limbs. The diagram that follows is illustrative of "heading back" within the meaning of this chapter.



Heading Back

"Lacing" means a comprehensive method of pruning that systematically and sensitively removes excess foliage and improves the structure of the tree. The diagram that follows is illustrative of "lacing" within the meaning of this chapter.



Before and After

Lacing

"Maintenance pruning" means pruning with the primary objective of maintaining or improving tree health and structure; includes "crown reduction/shaping" or "lacing," but not ordinarily "heading back."

"Mediator" means a neutral, objective third party professional negotiator/facilitator to help disputing parties reach a mutually satisfactory solution regarding a view equity claim. The mediator shall be chosen from a list available from the city of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

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

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

"Preservation action" means any specific steps taken affecting trees or vegetation that would result in the preservation or restoration of view equity across property lines.

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

"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 branches and/or trunk of a tree in a manner which substantially reduces the overall size of the tree or destroys the existing symmetrical appearance or natural shape of the tree and which results in the removal of main lateral branches leaving the trunk and branches of the tree in a stub appearance. "Heading back" as defined herein is considered to be severe pruning.

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

"Street" means the portion of a right-of-way easement used for public purposes, such as roadway improvements, curbs, gutters and sidewalks, dedicated to the city, and formally accepted by the city into the city public street system for maintenance purposes.

"Sunlight" means the availability or access to light from the sun across property lines.

"Tree" means any woody perennial vegetation that generally has a single trunk and reaches a height of at least eight feet at maturity.

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

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

"View" means a vista of features, including but not limited to, bodies of water, beaches, coastline, islands, skylines, mountains, city lights, ridges, hillside terrain, canyons, geologic features and landmarks. The term "view" does not mean an unobstructed panorama of these features.

"View equity" means achievement of a fair, reasonable, and balanced accommodation of views and competing obstructions (such as structures, trees and/or vegetation), privacy and the use and enjoyment of property. Development, including its landscaping, shall be designed to preserve views from neighboring properties. No person shall plant, maintain, or permit to grow any trees or vegetation which unreasonably obstructs the view from a neighboring property.

"View Seeker" means any real property owner in the city or authorized agent of such property owner who alleges that tree(s)/vegetation located within the immediate vicinity of the property as set forth in Section 17.55.040 is causing unreasonable obstruction of the view benefiting such real property

"Vista pruning" means the selective thinning of framework limbs or specific areas of the crown of a tree to allow a view from a specific point. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.040 View equity claim limitations.

Subject to the other provisions of this chapter, a real property owner in the city may initiate the claim resolution process as outlined in Section 17.55.060. However, a claim for preserving or restoring view equity may only be made i) regarding any tree/vegetation located on real property, as defined herein, which is within five hundred feet from the view seeker's real property boundary, and ii) if a claim has not been initiated against that real property by the view seeker or any other real property owner in the city within the last two years, unless the subsequent claim is made within 45 days of notice of the original claim as provided in Section 17.55.080 of this chapter. In addition, a view seeker may only seek to preserve or restore a view from one common interior or exterior space used by the view seeker, including but not limited to, the living, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to take advantage of views. Properties which have more than one unique or different view shall be permitted to apply for preservation or restoration of one additional view.

Requests for view equity with regard to any tree and/or vegetation located on city property or in city parks, or with respect to city maintained trees, may only be initiated as outlined in Section 17.55.070 of this code. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.050 View equity claim.

A claim to preserve or restore view equity shall consist of all of the following:

- (1) A description of the nature and extent of the alleged obstruction, including pertinent and corroborating evidence. Evidence may include, but is not limited to, documented and dated photographic prints, negatives, slides and written testimony from residents living in the area. Such evidence must show the extent to which the view has been diminished by trees and/or vegetation;

(2) The location of all trees and/or vegetation alleged to cause the obstruction, the address of the property upon which the trees and/or vegetation are located, and the present tree/vegetation owner's name and address;

(3) Specific view equity preservation actions proposed by the view seeker to resolve the allegedly unreasonable obstruction;

(4) Evidence that initial discussion as described in Section 17.55.070 has been made and has failed. Evidence may include, but is not limited to, copies of receipts for certified or registered mail correspondence; and

(5) Evidence confirming the ownership and the date of acquisition of the view seeker's property. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.060 View equity claim resolution process.

The view seeker shall follow the process established by this chapter in seeking preservation or restoration of view equity. First, the view seeker must complete the "initial discussion" process described in Section 17.55.070. Second, if that process does not yield a result mutually satisfactory to the view seeker and the tree/vegetation owner, then the view seeker may file a view equity claim with the city and request mediation, as described in Section 17.55.080. Third, 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 arbitration, as set forth in Section 17.55.090. Fourth, if arbitration is not accepted by the tree/vegetation owner, the view seeker may next request that the city's planning director issue an advisory opinion on the view equity claim pursuant to Section 17.55.100. If all of these steps are taken and processes are exhausted by the view seeker but no resolution is reached, the view seeker may then initiate litigation as described in Section 17.55.110. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.070 Initial discussion.

A view seeker who believes that one or more trees or vegetation which has grown on another person's property in the city has caused unreasonable obstruction of view equity from the view seeker's property, shall first notify the tree/vegetation owner of such concerns. The notification shall request personal discussions to enable the view seeker and tree/vegetation owner to attempt to reach a mutually agreeable solution, and shall be followed-up in writing. The notification shall include a copy of the view preservation ordinance (chapter 17.55 of this code), available from the city. The view seeker shall invite the tree/vegetation owner to view the alleged obstruction from the view seeker's property, and the tree/vegetation owner is urged to invite the view seeker to view the situation from his/her property. 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 refusal by the tree/vegetation owner to participate in the initial discussion.

If the initial discussion is refused, or if the parties do not agree as to the existence and nature of the view seeker's obstruction and the appropriate preservation action, the view seeker may proceed with the subsequent claim resolution process outlined in Section 17.55.060. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.080 Mediation.

If the initial discussion outlined in Section 17.55.070 does not result in an agreement between the tree/vegetation owner and the view seeker, the view seeker may file a written view equity claim with the city requesting mediation. Upon receiving the written claim 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 claim and a notice requesting that the tree/vegetation owner agree to participate in a mediation process to attempt to resolve the view equity claim. In addition, city staff shall notify all property owners within 500 feet of the tree/vegetation owner's property of the pending view equity claim, their right to file a view equity claim on their own behalfs within 45 days of city staff's mailing of notice of the original view equity claim, and the fact that their view equity claim will be subject

to the two-year time limit set forth in Section 17.55.040 if it is not filed within 45 days of staff's mailing of notice of the original claim. Any view equity claim(s) submitted by surrounding property owners after being advised by staff of the pending view equity claim shall, to the extent possible, be combined with the existing view equity 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. 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 17.55.130 and 17.55.140, and the hierarchy of preservation actions set forth in Section 17.55.150, respectively, in attempting to resolve the view equity claim. The mediator shall also consider recommendations of the 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 view equity. 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 part of the mediation process. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.090 Arbitration.

If the initial discussion under Section 17.55.070 and mediation under Section 17.55.080 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, the parties shall agree in writing to the selection of an individual arbitrator, who shall be chosen from a list of professional arbitrators available from the city within thirty days of such acceptance. 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 from the list maintained by the city.

The arbitrator shall be guided by the provisions of this chapter, including the evaluation criteria set forth in Sections 17.55.130 and 17.55.140, and the hierarchy of preservation actions set forth in Section 17.55.150, respectively, in attempting to resolve the view equity 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. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.100 Advisory Opinion.

If the initial discussion and mediation processes fail to result in a resolution or agreement, and if the view seeker requests but the tree/vegetation owner declines to participate in arbitration, the view seeker may request that the city's planning director assess and issue an advisory opinion on the view equity claim. Such requests must be made to the planning director in writing within thirty days after arbitration is refused or deemed refused pursuant to Section 17.55.090. The planning director may, but is not required to, assist the parties in resolving the view equity dispute. It is the intention of this section that the advisory opinion be admissible as evidence in any civil action brought pursuant to Section 17.55.110 of this chapter.

SEC. 17.55.110 Litigation.

If a view seeker has attempted to obtain but has been unsuccessful in attaining agreement or resolution under Sections 17.55.070, 17.55.080, and 17.55.090, the view seeker may initiate civil action in a court of competent jurisdiction for resolution of his/her view equity 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 equity 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 in the initial discussion, mediation, or arbitration processes set forth in Sections 17.55.070, 17.55.080 and 17.55.090, respectively. The notice of the view equity claim and request for mediation provided by the city in accordance with Section 17.55.080 shall inform the tree/vegetation owner of this provision and the consequences of non-participation in the initial discussion, mediation, and/or arbitration processes. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.120 Preservation 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 action and the parties responsible for performing such action. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.130 Criteria for determining unreasonable obstruction.

The following criteria are to be considered (but are not exclusive) in determining whether unreasonable obstruction of a view has occurred:

- (1) The vantage point(s) from which the view is observed;
- (2) The extent of the view obstruction, both currently and at tree/vegetation maturity;
- (3) The quality of the view, including the existence of landmarks, vistas, or other unique view features;
- (4) The extent to which the tree(s) and/or vegetation have grown to obscure the enjoyment of the view from the view seeker's property since the view seeker's acquisition of his or her property;
- (5) The extent to which the view has been or is diminished by factors other than tree(s) and/or vegetation. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.140 Criteria for determining appropriate preservation action.

When it has been determined that unreasonable obstruction has occurred, then the following unweighed factors shall be considered in determining appropriate preservation action:

- (1) The number of existing trees or amount of vegetation in the area and the current effects of the tree(s) and their removal on the neighboring vegetation;
- (2) The extent to which the tree(s) and/or vegetation provide:
 - (a) Screening or privacy,
 - (b) Energy conservation and/or climate control,
 - (c) Soil stability, as measured by soil structure, degree of slope and extent of the tree's root system when a tree is proposed to be removed,
 - (d) Aesthetics,
 - (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.
- (3) Any hazards posed by the tree(s) or vegetation including, but not limited to, fire danger or the danger of falling limbs or trees;
- (4) The age, projected rate of growth, and maintenance requirements of the tree(s) or vegetation;
- (5) The date the view seeker purchased his/her property; and
- (6) The date the tree/vegetation owner purchased his/her property. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.150 Hierarchy of preservation actions.

View equity actions must be consistent with all other provisions of this Title. Severe pruning should be avoided due to the damage such practice causes to the tree's form and health. Preservation 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.
- (2) **Vista Pruning.** Vista pruning of branches may be utilized where possible, if it does not adversely affect the tree's growth pattern or health.
- (3) **Crown Reduction.** Crown reduction is preferable to tree removal, if it is determined that the impact of crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.
- (4) **Stand Thinning.** The removal of a portion of the total number of trees from a grove of trees, without any replacement plantings.

(5) **Heading Back.** Eliminating the outer extent of the major branches throughout the tree. Heading back is only to be permitted for trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form and if restoration actions (1) through (4) of this section will not accomplish the determined preservation action and the subsequent growth characteristics will not create a future obstruction of greater proportions.

(6) **Tree/Vegetation Removal.** Tree and/or vegetation removal, which may be considered when the above-mentioned preservation actions are judged to be ineffective and may be accompanied by replacement plantings or appropriate plant materials to restore the maximum level of benefits lost due to tree removal. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.160 Responsibility for preservation action and subsequent maintenance.

The view seeker shall be responsible for paying the cost of any determined preservation action unless the parties agree to share the costs in some other manner. Subsequent maintenance 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. It is the intent of this chapter that a tree/vegetation owner who sells his or her property notify the purchaser of any agreement, decision, or court order requiring subsequent maintenance of trees or vegetation. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.170 Liability.

(1) The city shall not be liable for any damages, injuries, costs or expenses which are the result of an advisory opinion issued by a city employee or official or any agreements or determinations resulting from mediation, arbitration or litigation concerning view equity claims or a view seeker's assertions pertaining to views granted or conferred herein. Nor shall the city have any liability because a particular neighborhood is granted or denied an exemption pursuant to Section 17.55.180 of this chapter.

(2) 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 equity claim.

(3) 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. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.180 Petition for exemption.

A recognized and established neighborhood in the city may petition the city council for an exemption from this chapter. The factors the city council will consider in determining whether such an exemption should be granted shall include, but not be limited to, whether the neighborhood has unique or historic trees or trees that provide shade or otherwise add to the character of the neighborhood, and whether the properties in the neighborhood have views of unique scenic vistas. A petition for exemption may be submitted by the authorized homeowners' association in the petitioning neighborhood or by a majority of the homeowners in the neighborhood. The procedures governing exemption petitions shall be established by resolution of the city council.

SEC. 17.55.190 Severability.

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. (Ord. 661 § 2 (part), 2010).

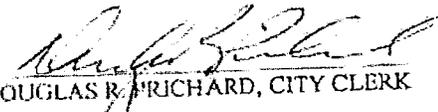
SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any persons or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that 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.

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

ADOPTED this 12th day of 2010


JOHN C. ADDLEMAN, MAYOR

ATTEST:


DOUGLAS R. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the foregoing Ordinance No. 661 was adopted by the City Council of the City of Rolling Hills Estates at a regular meeting held thereof on the 12th day of October, 2010, by the following vote:

AYES: ADDLEMAN, MITCHELL, SEAMANS, ZERUNYAN, ZUCKERMAN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE


DOUGLAS R. PRICHARD, CITY CLERK

January 14, 2016

**MINUTES OF A MEETING OF THE
COMMUNITY PLANNING AND DESIGN COMMITTEE,
TORRANCE CITY COUNCIL**

ROLL CALL

Present: Councilman Mike Griffiths, Chair
Councilwoman Heidi Ann Ashcraft
Councilman Tim Goodrich

Absent: None

Also Present: Assistant to the City Manager Chaparyan,
Community Development (CD) Director Gibson,
Deputy Community Development (CD) Director Cessna,
Senior Planning Associate Chen, Planning Assistant Fernandez

I. WELCOME AND INTRODUCTIONS

The meeting convened at 7:02 p.m. on Thursday, January 14, 2016, in the City Council Chambers at Torrance City Hall.

II. FLAG SALUTE

The pledge of Allegiance was led by Councilman Goodrich.

III. COMMITTEE ITEM – VIEW IMPAIRMENT BY TREES AND VEGETATION

Deputy CD Director Cessna announced that all correspondence from emails, letters or previous outreach meetings was contained in binders and available at the meeting for viewing by the public as well as contained in the meeting material for the Committee.

Deputy CD Director Cessna presented the background information on the analysis of view impairment due to trees and vegetation in the Hillside Overlay District. She noted that the Hillside Overlay ordinance had been adopted in 1977 and was focused on construction and had specifically excluded trees and vegetation. She stated that Community Development had been directed by City Council to analyze and prepare possible courses of action regarding view impairment in the Hollywood Riviera. She noted that the staff had conducted public outreach meetings, and had returned to Council, and was directed to bring the results of the outreach meetings and the consideration of a view impairment ordinance to the Council Committee on Community Planning and Design.

Deputy CD Director Cessna added that information from the outreach meetings was posted on the City's website as well as contained in the meeting material. She noted that 75% of all meeting attendees supported some kind of ordinance, while 25% had concerns regarding the health of trees or privacy issues. She added that the 26 petitions not in favor of the ordinance that she had just received at this meeting were not included in the meeting material and would need to be considered at a future meeting.

Deputy CD Director Cessna detailed that the most common theme at the meetings was that City owned and street trees should be included in the ordinance and

noted that there had been concerns about designating trees for streets and private property with maximum heights as well as which specific species would be appropriate for certain areas. She noted that the Rolling Hills Estates model was preferred by many of the residents who were familiar with the ordinance and thought that it would be an effective ordinance for the City. She added that there might be additional areas other than the Hillside that would want to or should be included in the ordinance.

Deputy CD Director Cessna explained that there was a concern that there would be equal weight given to providing the best result for the view seeker while protecting the privacy rights of the vegetation owner. She stated that the Rolling Hills Estates ordinance referred to this as "View Equity". She noted that there was also concerns about original views versus acquired views, as well as seniors or others who would not be able to pay for or maintain the trimming of their trees.

Deputy CD Director Cessna detailed various area cities' view restoration ordinances and noted that the ordinances had different amounts of staff involvement. She described the process of most ordinances: initial contact by resident with documentation, mediation, or arbitration, if necessary, or civil court with the cost of the process covered by the view seeker. She emphasized that an important part of the City's ordinance would be the specific definitions of: viewing area; protected views, when view was established, unreasonable obstruction, financial responsibility and a hierarchy for restoration actions. She noted that it had been suggested to add landscaping requirements for remodeling projects to control future view problems.

Deputy CD Director Cessna stated that although there was currently a process for residents to request the City to trim city-owned trees, there was a need to refine the process if the resident with the street trees disagreed with a neighbor's request.

Deputy CD Director Cessna detailed the steps to implement an ordinance:

- Determine the budget for additional staff
- Finalize the provisions and definitions of the ordinance
- Perform fee study
- Prepare forms, handouts, processes
- Train staff
- Identify and hire any additional staff necessary

Deputy CD Director Cessna noted that cost of the implementation would depend on the level of staff involvement and time. She explained that there were several decision points in beginning the ordinance process:

- Determining whether to use a model, similar to Rolling Hills, with minimum staff involvement which goes from arbitration to civil court or whether to involve Council in the dispute process
- Whether to include City trees
- Determining regulations for height and type of trees and vegetation

Deputy CD Director Cessna stated that the Committee could direct staff: to return to the Committee with additional information, return to the Committee with specific recommendations for implementation of a program or forward a recommendation from the Committee to City Council for action.

In response to a question from Chairman Griffiths, Deputy CD Director Cessna stated that there would need to be a decision whether to include in the ordinance trees that were in City Parks. She added that Park trees were the responsibility of a different City department than street trees.

Deputy CD Director Cessna noted that she did not know how long the process would be take in civil court.

IV. PRESENTATION BY RIVIERA HOMEOWNERS ASSOCIATION

Judy Brunetti of the Riviera Homeowners Association Board stated that she had been on the Board since 2007 and noted that the loss of views and the resulting loss of property values was a major concern for the residents. She explained that the photo presentation would illustrate the view obstructions that had come about due to a lack of view guide lines. She noted that all the situations depicted remained unresolved, as the view seeker had offered to trim the tree/vegetation at their own expense but the tree/vegetation owner had refused. She added that the Association would like to consider adding City trees onto the ordinance at a later time. She stated that the Association urged the City to adopt a tree ordinance similar to the Rolling Hills Estates that could be cost neutral, so that disputes could be resolved and views could be restored and maintained.

Cindy Contantino, stated that she was in favor of a tree ordinance similar to the Rolling Hills Estate model and noted that she had spoken to that City's Planning Director on how Rolling Hills Estates kept the compliance with the ordinance cost neutral for the City.

Judy English, noted her concern of the possible inclusion of City and Park trees in the proposed ordinance, as it might require a different process and add too much cost. She added that if the inclusion would not increase staff costs, then she would be in favor of including all of the trees in the one ordinance. She thanked Deputy CD Director Cessna for the report.

Councilman Goodrich thanked the public for their attendance and their input. He noted that funding for the ordinance would be an issue and requested that the members of the public, when speaking, indicate if they were in favor of the Rolling Hills Estate ordinance or offer any ideas that they might have for keeping costs down.

V. PUBLIC COMMENTS

The following members of the public spoke in favor of a View Equity Ordinance: Hope Witkowsky, Ronald Campbell, Bruce Caukin, Julian Chasin, Pamela Popovich, Jim Berger, Tom Foster, Thomas Fallo, Rose Mack, Kewen Chen, Steven Macuesa, Judi Morrow, Brian Hanhart, Ken Castingate, Coleen McSweeney, Claire Ravizza, James Corazzini, Lisa Eriksen and Robert Parkinson.

The following members of the public spoke in favor of a View Equity Ordinance and noted that it should also include City or school property trees: Shirley McNair, Steve Sutton, Jon Edwards, Paul Norris and Ann Ferrelli.

The following members of the public spoke in favor of a View Equity Ordinance and noted the importance of the existing Hillside Overlay: Janice Rohn, Jerry Zamora, Ray Uchima, Pat Roslin, and Bob Hoffman.

The following members of the public spoke in favor of a View Equity Ordinance and noted that they wanted cases settled by the City rather than at civil court: John Groblenski, and John Putnam.

The following members of the public spoke in favor of a View Equity Ordinance and noted that they would like to see a city-wide ordinance: Jerry McBride and Joe Bloomer.

Pat Mcosker spoke in favor of a View Equity Ordinance but noted her concerns about privacy issues.

The following members of the public spoke in favor of a View Equity Ordinance modeled after the Rolling Hills Estate ordinance and noted the importance of the existing Hillside Overlay: Amy Josefek, Mario Obejas and John Lacanna.

The following members of the public spoke of privacy concerns: Jenne Christensen, Dirk McCarty, and June Lee.

Janet Kaplan noted that she was a realtor in the area and spoke in favor of the View Ordinance.

Stephen Robinson stated his concerns about the rights of the property owner's private air space and presented information to staff.

Diana Stefansson reported that she lived at the border of Rolling Hills Estates and Torrance, which had been affected by the land swap between the two cities and asked if it was possible for the ordinance to have some reciprocal agreements with border cities.

Suzenne Herschenhorn noted that she did not have a position on the ordinance, but noted the importance of trees and requested that the ordinance contain a provision for tree restoration and preservation.

Christina Wann stated that she was in favor of a View Equity Ordinance and reported that her Village Palos Verdes Home Owner's Association board was working to include a view ordinance in the CC&Rs.

Cameron Patrick requested more information on how the definitions in the ordinance would be determined and codified and how the ordinance would be enforced.

Joanne Chen spoke for herself and for Tom Jesukiewicz and stated that they were not in favor of the ordinance because it would be too costly and only covered specific areas in Torrance.

Mary Beth Berazzi requested that the Committee look into redefining the radius map of the Hillside area as the radius did not include homes that might also be affected by the ordinance.

Jim Delurgio expressed his opinion that the Riviera Homeowners Association had acted in bad faith and caused problems in the community. He added that the definitions in the ordinance would need to be clear and include City trees.

Chairman Griffiths ordered a recess between 9:22 p.m. and 9:34 p.m.

VI. COMMITTEE QUESTIONS / DISCUSSION / DIRECTION TO STAFF

Chairman Griffiths thanked the members of the public for their presence, patience and feedback tonight and at previous meetings.

In response to a question from Councilwoman Ashcraft regarding the purchase of an airspace by residents, Deputy CD Director Cessna noted that the City Attorney had recommended including an airspace easement in the ordinance. She added that no other cities' view ordinances, that staff had researched, used airspace easements as a mechanism and all those ordinances had been judged to be legal. She noted that the topic of airspace had been discussed during the development portion of the process but had not been included in the recommendations for the view ordinance.

CD Director Gibson clarified that individual residents could do private purchase agreements for easements, between the two residents, but noted that the city would have no way of knowing, since the city had no involvement in real estate transactions. Deputy CD Director Cessna stated that residents would need to properly record the easement so that it would legally be part of the property.

Responding to a question from Councilman Goodrich, CD Director Gibson, stated that Rolling Hills Estates ordinance included approximately 3000 homes while there were 5700 homes in the Hillside Overlay District. CD Deputy Director Cessna stated that it was difficult to estimate the cost of implementing the ordinance program, but she added that based on the experience of dealing with issues with the current hillside overlay district, the current level of staffing would not be sufficient to also supervise a view ordinance program. She stated that she would not want to create a situation that had the view ordinance created and approved, but staff unable to effectively manage the program. CD Director Gibson noted that even if the department requested additional funding, there could be competing demands from other departments or budgets and the Council would need to decide how to allocate funds.

CD Director Gibson stated that no studies had been conducted regarding the potential increase in property taxes from view restoration and noted that the City received a very small portion of property taxes from the state.

CD Director Gibson explained that the view ordinance would apply to the City of Torrance only and would not apply to the land swap area. He added that it might be possible for Rolling Hills Estates and Torrance to create their own arrangement for the affected area.

CD Director Gibson stated that the goal of the view ordinance was to create a method by which home owners could work together on a solution for view restoration or preservation, but he noted that, just as in the overlay ordinance, there would still be many disagreements that would not be settled by the residents and would need to have staff's attention. He added that the fees for residents wishing view restoration would depend on the type of the ordinance created and noted that not all staff costs were easy to extract and quantify.

CD Director Gibson stated that he would advise against creating an ordinance with a specific or maximum height dictated for trees, and added that there should be flexibility to allow for different areas and different species of trees.

Deputy CD Director Cessna explained that there was a range of approaches in

other Cities' ordinances in determining the effective date for view restoration; ranging from the date that the property was developed to dates of 10, 15, 20 years from the date of the establishment of the ordinance or the date of the purchase of the home, whichever was sooner. She noted that many residents had pictures to show former views, but added there might have to be a mediation process to make a final determination.

CD Director Gibson added that it would depend on the process as defined in the ordinance whether disputes that could not be resolved through the mediation process would go before the City or through the court system.

In response to a question from Chairman Griffiths, CD Director Gibson stated that the City had no jurisdiction over school district trees, unless the district was willing to grant approval for the City to go on the property to trim the trees.

Chairman Griffiths stated that he thought that there might be a rush of applications when the ordinance was first passed and noted that it might be beneficial to limit the number of applications at any one time to lessen the impact on staff time.

CD Director Gibson stated that he would not recommend limiting the number of applications, as there might be processes that were time sensitive and had to be completed within a certain time frame. He added that he would need to consult with the City Attorney.

CD Director Gibson noted that there would also need to be an enforcement component of the ordinance that would fall to staff on a regular basis and would need to be considered as part of the process.

Chairman Griffiths requested that staff research how long the civil court process took and the costs involved.

Chairman Griffiths disclosed that he had lived in the Hollywood Rivera area from 1989 through 1999 and was familiar with view issues. He noted that he liked the Rolling Hills Estate's ordinance, as it kept most of the costs out of the City's hands. He requested that the Rolling Hills Estates' view ordinance be included as part of the material for the next meeting, so that all residents would have a chance to read and review it.

Councilman Goodrich stated that he agreed with the Chair. He added that he would like some more cost projections on the ordinance.

Councilwoman Ashcraft stated that she would like the City and Park trees to be considered for inclusion within the ordinance. CD Director Gibson stated that he would consult with both the Park and Public Works Departments to determine the impact on their operations.

Chairman Griffiths requested that staff research how many cases had gone on to Civil Court in Rolling Hills.

Deputy CD Director Cessna stated that the staff would return to the Committee with examples of definitions of a view, from other ordinances.

In response to a question from Chairman Griffiths, CD Director Gibson stated that the Council could amend the view ordinance at any time to make it City-wide.

MOTION: Councilman Goodrich moved to request staff to return to the next meeting with information for the Committee on: the use of the Rolling Hills Estates ordinance, with associated staffing levels and associated costs; the definitions of view; the inclusion of City and Park trees in the ordinance; whether acceptable type of trees could be defined for City and Park planting; and the cost and time involved for Civil Court cases; motion was seconded by Councilwoman Ashcraft. The motion passed by a unanimous roll call vote.

Deputy CD Director Cessna noted that she would return to the next meeting with examples from other cities' ordinances on how they determined the effective date of view restoration.

Chairman Griffiths thanked the staff for their efforts and the members of the public for their diligence on this issue.

VII. ADJOURNMENT

MOTION: At 10:17 p.m., Councilman Goodrich moved to adjourn the meeting. The motion was seconded by Councilwoman Ashcraft and roll call vote reflected unanimous approval.

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CITY OF ROLLING HILLS ESTATES
LOS ANGELES COUNTY, CALIFORNIA
ORDINANCE NO. 661

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ADDING CHAPTER 17.55 ENTITLED VIEW PRESERVATION TO TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF ROLLING HILLS ESTATES.

WHEREAS, both views and trees/vegetation contribute to the aesthetic value, quality of life, ambiance and economic value of properties within the city. Similarly, access to sunlight across property lines contributes to the health and well being of community members, enhances property values and provides an opportunity to utilize solar energy. Utilization of passive solar energy reduces air pollution, visual blight and ill health; and

WHEREAS, views, whether of the Pacific Ocean, the surrounding hillsides and canyons or other natural and manmade landmarks produce a variety of significant and tangible benefits for both residents and visitors. Views contribute to the aesthetic visual environment of the community by providing scenic vistas and inspiring distinctive architectural design. Views contribute to property values; and

WHEREAS, residents and property owners cherish their outward views from the Palos Verdes Peninsula. Outward views contribute greatly to the quality of life in the city and promote the general welfare of the entire community; and

WHEREAS, trees and vegetation produce a wide variety of significant psychological and tangible benefits for both residents and visitors to the community. Trees and vegetation provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Trees and vegetation contribute to the visual environment and aesthetics by blending, buffering and reducing the scale and mass of architecture. Trees and vegetation within the city provide botanical variety and a sense of history. Trees and vegetation also create shade and visual screens and provide a buffer between different land uses. Trees contribute to property values. Absent an unreasonable obstruction of the view of a neighboring property, the city encourages and supports the growth and maintenance of trees and vegetation; and

WHEREAS, owners and residents should maintain trees on their property in a healthy condition for both safety reasons and for preservation of outward views. Before planting trees, owners and residents should consider view blockage potential, both currently and at tree maturity, and should not plant, maintain or permit to grow any tree or vegetation which unreasonably obstructs the view from a neighboring property; and

WHEREAS, the benefits derived from views and trees/vegetation may come into conflict. The planting 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; and

WHEREAS, it is in the interest of the public health, safety and welfare to:

(a) Establish the right of real property owners in the city to preserve and/or restore views which existed from unreasonable obstruction by the growth of trees and other vegetation. Such a right shall accrue, and shall protect views that existed, on the date the property was acquired or fifteen years prior to the effective date of the ordinance codified in this chapter, whichever is later;

(b) Recognize that every real property owner in the city is entitled to a process to resolve conflicts that negatively impact view equity, in order to preserve a reasonable amount of the view benefiting such real property;

(c) Establish a process and evaluation criteria by which property owners may seek restoration of views when unreasonably obstructed by the growth of trees or other vegetation; and

WHEREAS, the City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3: i) Section 15061(b)(3) (CEQA only applies to activities which have the potential for having a significant effect on the environment), ii) 15060(c)(3) (the activity is not a project as defined in Section 15378), and iii) 15175 (the Master Environmental Impact Report for the city's General Plan certified on September 22, 1992 has addressed mitigating environmental measures for all proposed amendments to be made to the Municipal Code); and

WHEREAS, the original version of Ordinance No. 661 has been posted on the city's website for public review since March 4, 2010, and has been the subject of significant public input and commentary; and

WHEREAS, the city council, upon giving the required Notice, did on the 11th day of May, the 13th day of July, the 10th day of August, the 28th day of September, and the 12th day of October 2010, conduct Public Hearings, at which time all interested parties were given full opportunity to be heard and present evidence.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 Chapter 17.55, entitled View Preservation, is hereby added to Title 17 of the Rolling Hills Estates Municipal Code.

CHAPTER 17.55 - - VIEW PRESERVATION

SEC. 17.55.010 Findings and declarations.

The city council finds and declares as follows:

- (1) Both views and trees/vegetation contribute to the aesthetic value, quality of life, ambiance and economic value of properties within the city. Similarly, access to sunlight across property lines contributes to the health and well being of community members, enhances property values and provides an opportunity to utilize solar energy. Utilization of passive solar energy reduces air pollution, visual blight and ill health.
- (2) Views, whether of the Pacific Ocean, the surrounding hillsides and canyons or other natural and manmade landmarks produce a variety of significant and tangible benefits for both residents and visitors. Views contribute to the aesthetic visual environment of the community by providing scenic vistas and inspiring distinctive architectural design. Views contribute to property values.
- (3) Residents and property owners cherish their outward views from the Palos Verdes Peninsula. Outward views contribute greatly to the quality of life in the city and promote the general welfare of the entire community.
- (4) Trees and vegetation produce a wide variety of significant psychological and tangible benefits for both residents and visitors to the community. Trees and vegetation provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Trees and vegetation contribute to the visual environment and aesthetics by blending, buffering and reducing the scale and mass of architecture. Trees and vegetation within the city provide botanical variety and a sense of history. Trees and vegetation also create shade and visual screens and provide a buffer between different land uses. Trees contribute to property values. Absent an unreasonable obstruction of the view of a neighboring property, the city encourages and supports the growth and maintenance of trees and vegetation.

(5) Owners and residents should maintain trees on their property in a healthy condition for both safety reasons and for preservation of outward views. Before planting trees, owners and residents should consider view blockage potential, both currently and at tree maturity, and should not plant, maintain or permit to grow any tree or vegetation which unreasonably obstructs the view from a neighboring property.

(6) The benefits derived from views and trees/vegetation may come into conflict. The planting 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. It is, therefore, in the interest of the public health, safety and welfare to:

(a) Establish the right of real property owners in the city to preserve and/or restore views which existed from unreasonable obstruction by the growth of trees and other vegetation. Property owners shall have the right to preserve views that existed on the date the property was acquired or fifteen years prior to the effective date of the ordinance codified in this chapter, whichever is later;

(b) Recognize that every real property owner in the city is entitled to a process to resolve conflicts that negatively impact view equity, in order to preserve a reasonable amount of the view benefiting such real property; and

(c) Establish a process and evaluation criteria by which property owners may seek restoration of views when unreasonably obstructed by the growth of trees or other vegetation.

(7) When a dispute arises concerning the impairment or obstruction of a view, the parties should act reasonably to resolve the dispute through friendly communication, thoughtful negotiation, compromise, and other traditional means, such as discussions with the appropriate neighborhood or homeowner association. Those disputes which are not resolved through such means shall follow the procedure established herein. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.020 Intent and purpose.

The intent and purpose of this chapter is to:

(1) Recognize and establish a process by which real property owners may preserve or restore view equity within the immediate vicinity of their property as set forth in Section 17.55.040;

(2) Establish procedures and evaluation criteria by which real property owners may seek resolution of view equity disputes;

(3) Discourage duplicative, repetitive or serial claims for view equity; and

(4) Discourage ill-considered damage to trees/vegetation and promote proper landscaping establishment and maintenance.

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. It is also not the intent or purpose of this chapter for the city to create either a covenant running with the land (for example, CC&R's or deed restriction) or an equitable servitude (for example, easement or license). However, the City will keep a record of agreements and decisions reached pursuant to Sections 17.55.070, 17.55.080, 17.55.90 and 17.55.110 of which it is notified, and provide those agreements and/or decisions as part of the pre-purchase inspection report it provides to prospective purchasers of property in the city who request such a report. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.030 Definitions.

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

“Alter” means to take action that changes the tree or vegetation, including but not limited to, extensive pruning of the canopy area, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the feeder root zone of the tree or vegetation.

“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. The arbitrator of a view equity dispute shall be chosen from a list available from the city of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

“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 equity dispute shall be the city’s certified arborist.

“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 equity 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 Estates.

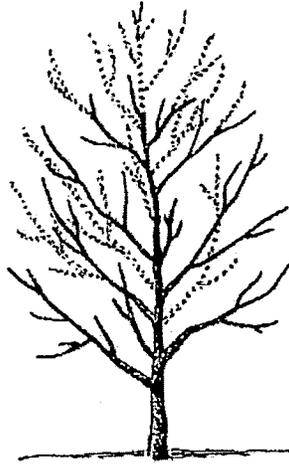
“City maintained trees” means trees which are specifically designated for maintenance by the city council. “City maintained trees” include heritage trees which are located in the unimproved portion of a dedicated and accepted street right-of-way easement and for which the real property owner has requested and given the city written permission to maintain.

“City property” means any real property of which the city is the fee simple owner of record.

“Claim, view equity” means documentation, as set forth in Section 17.55.050, that outlines the basis of view equity diminishment and the specific preservation action that is being sought.

“Crown” means the rounded top of the tree.

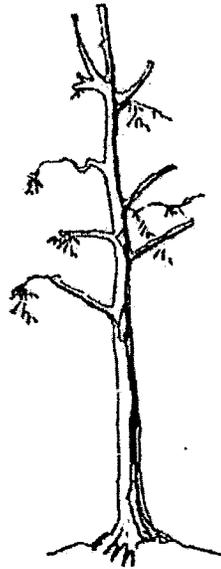
“Crown reduction/shaping” means a method of comprehensive pruning that reduces a tree’s height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs by means of removal of leaders or the longest portion of limbs to a lateral large enough to assume the terminal. The diagram that follows is illustrative of “crown reduction/shaping” within the meaning of this chapter.



Crown Reduction/Shaping

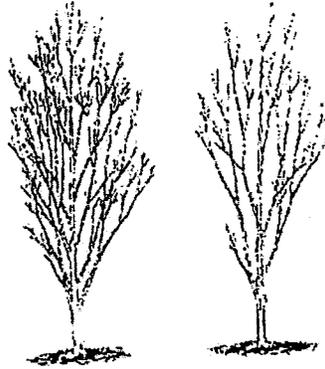
“Destroy” means to kill or take action that endangers the health or vigor of a tree or vegetation, including, but not limited to, cutting, girdling, interfering with the water supply, applying chemicals or re-grading around the base of the trunk.

“Heading back” means the overall reduction of the mass of a tree by modification to major limbs. The diagram that follows is illustrative of “heading back” within the meaning of this chapter.



Heading Back

“Lacing” means a comprehensive method of pruning that systematically and sensitively removes excess foliage and improves the structure of the tree. The diagram that follows is illustrative of “lacing” within the meaning of this chapter.



Before and After

Lacing

“Maintenance pruning” means pruning with the primary objective of maintaining or improving tree health and structure; includes “crown reduction/shaping” or “lacing,” but not ordinarily “heading back.”

“Mediator” means a neutral, objective third party professional negotiator/facilitator to help disputing parties reach a mutually satisfactory solution regarding a view equity claim. The mediator shall be chosen from a list available from the city of qualified and professionally trained arbitrators/mediators, including but not limited to, members of the American Arbitration Association.

“Obstruction” means the blocking or diminishment of a view attributable to growth, improper maintenance or location of trees and/or vegetation.

“Person” means any individual, individuals, corporation, partnership, firm or other legal entity.

“Preservation action” means any specific steps taken affecting trees or vegetation that would result in the preservation or restoration of view equity across property lines.

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

“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 branches and/or trunk of a tree in a manner which substantially reduces the overall size of the tree or destroys the existing symmetrical appearance or natural shape of the tree and which results in the removal of main lateral branches leaving the trunk and branches of the tree in a stub appearance. “Heading back” as defined herein is considered to be severe pruning.

“Stand thinning” means the selective removal of a portion of trees from a grove of trees.

“Street” means the portion of a right-of-way easement used for public purposes, such as roadway improvements, curbs, gutters and sidewalks, dedicated to the city, and formally accepted by the city into the city public street system for maintenance purposes.

“Sunlight” means the availability or access to light from the sun across property lines.

“Tree” means any woody perennial vegetation that generally has a single trunk and reaches a height of at least eight feet at maturity.

“Tree/vegetation owner” means any person who owns real property in the city on which tree(s) and/or vegetation is located.

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

“View” means a vista of features, including but not limited to, bodies of water, beaches, coastline, islands, skylines, mountains, city lights, ridges, hillside terrain, canyons, geologic features and landmarks. The term “view” does not mean an unobstructed panorama of these features.

“View equity” means achievement of a fair, reasonable, and balanced accommodation of views and competing obstructions (such as structures, trees and/or vegetation), privacy and the use and enjoyment of property. Development, including its landscaping, shall be designed to preserve views from neighboring properties. No person shall plant, maintain, or permit to grow any trees or vegetation which unreasonably obstructs the view from a neighboring property.

“View Seeker” means any real property owner in the city or authorized agent of such property owner who alleges that tree(s)/vegetation located within the immediate vicinity of the property as set forth in Section 17.55.040 is causing unreasonable obstruction of the view benefiting such real property

“Vista pruning” means the selective thinning of framework limbs or specific areas of the crown of a tree to allow a view from a specific point. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.040 View equity claim limitations.

Subject to the other provisions of this chapter, a real property owner in the city may initiate the claim resolution process as outlined in Section 17.55.060. However, a claim for preserving or restoring view equity may only be made i) regarding any tree/vegetation located on real property, as defined herein, which is within five hundred feet from the view seeker’s real property boundary, and ii) if a claim has not been initiated against that real property by the view seeker or any other real property owner in the city within the last two years, unless the subsequent claim is made within 45 days of notice of the original claim as provided in Section 17.55.080 of this chapter. In addition, a view seeker may only seek to preserve or restore a view from one common interior or exterior space used by the view seeker, including but not limited to, the living, family, and dining rooms, rooms that have features such as picture windows, sliding glass doors, and French doors, and common exterior areas such as patios, balconies, decks, pool areas, and gazebos designed to take advantage of views. Properties which have more than one unique or different view shall be permitted to apply for preservation or restoration of one additional view.

Requests for view equity with regard to any tree and/or vegetation located on city property or in city parks, or with respect to city maintained trees, may only be initiated as outlined in Section 17.55.070 of this code. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.050 View equity claim.

A claim to preserve or restore view equity shall consist of all of the following:

- (1) A description of the nature and extent of the alleged obstruction, including pertinent and corroborating evidence. Evidence may include, but is not limited to, documented and dated photographic prints, negatives, slides and written testimony from residents living in the area. Such evidence must show the extent to which the view has been diminished by trees and/or vegetation;

- (2) The location of all trees and/or vegetation alleged to cause the obstruction, the address of the property upon which the trees and/or vegetation are located, and the present tree/vegetation owner's name and address;
- (3) Specific view equity preservation actions proposed by the view seeker to resolve the allegedly unreasonable obstruction;
- (4) Evidence that initial discussion as described in Section 17.55.070 has been made and has failed. Evidence may include, but is not limited to, copies of receipts for certified or registered mail correspondence; and
- (5) Evidence confirming the ownership and the date of acquisition of the view seeker's property. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.060 View equity claim resolution process.

The view seeker shall follow the process established by this chapter in seeking preservation or restoration of view equity. First, the view seeker must complete the "initial discussion" process described in Section 17.55.070. Second, if that process does not yield a result mutually satisfactory to the view seeker and the tree/vegetation owner, then the view seeker may file a view equity claim with the city and request mediation, as described in Section 17.55.080. Third, 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 arbitration, as set forth in Section 17.55.090. Fourth, if arbitration is not accepted by the tree/vegetation owner, the view seeker may next request that the city's planning director issue an advisory opinion on the view equity claim pursuant to Section 17.55.100. If all of these steps are taken and processes are exhausted by the view seeker but no resolution is reached, the view seeker may then initiate litigation as described in Section 17.55.110. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.070 Initial discussion.

A view seeker who believes that one or more trees or vegetation which has grown on another person's property in the city has caused unreasonable obstruction of view equity from the view seeker's property, shall first notify the tree/vegetation owner of such concerns. The notification shall request personal discussions to enable the view seeker and tree/vegetation owner to attempt to reach a mutually agreeable solution, and shall be followed-up in writing. The notification shall include a copy of the view preservation ordinance (chapter 17.55 of this code), available from the city. The view seeker shall invite the tree/vegetation owner to view the alleged obstruction from the view seeker's property, and the tree/vegetation owner is urged to invite the view seeker to view the situation from his/her property. 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 refusal by the tree/vegetation owner to participate in the initial discussion.

If the initial discussion is refused, or if the parties do not agree as to the existence and nature of the view seeker's obstruction and the appropriate preservation action, the view seeker may proceed with the subsequent claim resolution process outlined in Section 17.55.060. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.080 Mediation.

If the initial discussion outlined in Section 17.55.070 does not result in an agreement between the tree/vegetation owner and the view seeker, the view seeker may file a written view equity claim with the city requesting mediation. Upon receiving the written claim 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 claim and a notice requesting that the tree/vegetation owner agree to participate in a mediation process to attempt to resolve the view equity claim. In addition, city staff shall notify all property owners within 500 feet of the tree/vegetation owner's property of the pending view equity claim, their right to file a view equity claim on their own behalfs within 45 days of city staff's mailing of notice of the original view equity claim, and the fact that their view equity claim will be subject

to the two-year time limit set forth in Section 17.55.040 if it is not filed within 45 days of staff's mailing of notice of the original claim. Any view equity claim(s) submitted by surrounding property owners after being advised by staff of the pending view equity claim shall, to the extent possible, be combined with the existing view equity 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. 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 17.55.130 and 17.55.140, and the hierarchy of preservation actions set forth in Section 17.55.150, respectively, in attempting to resolve the view equity claim. The mediator shall also consider recommendations of the 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 view equity. 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 part of the mediation process. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.090 Arbitration.

If the initial discussion under Section 17.55.070 and mediation under Section 17.55.080 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, the parties shall agree in writing to the selection of an individual arbitrator, who shall be chosen from a list of professional arbitrators available from the city within thirty days of such acceptance. 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 from the list maintained by the city.

The arbitrator shall be guided by the provisions of this chapter, including the evaluation criteria set forth in Sections 17.55.130 and 17.55.140, and the hierarchy of preservation actions set forth in Section 17.55.150, respectively, in attempting to resolve the view equity 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. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.100 Advisory Opinion.

If the initial discussion and mediation processes fail to result in a resolution or agreement, and if the view seeker requests but the tree/vegetation owner declines to participate in arbitration, the view seeker may request that the city's planning director assess and issue an advisory opinion on the view equity claim. Such requests must be made to the planning director in writing within thirty days after arbitration is refused or deemed refused pursuant to Section 17.55.090. The planning director may, but is not required to, assist the parties in resolving the view equity dispute. It is the intention of this section that the advisory opinion be admissible as evidence in any civil action brought pursuant to Section 17.55.110 of this chapter.

SEC. 17.55.110 Litigation.

If a view seeker has attempted to obtain but has been unsuccessful in attaining agreement or resolution under Sections 17.55.070, 17.55.080, and 17.55.090, the view seeker may initiate civil action in a court of competent jurisdiction for resolution of his/her view equity 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 equity 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 in the initial discussion, mediation, or arbitration processes set forth in Sections 17.55.070, 17.55.080 and 17.55.090, respectively. The notice of the view equity claim and request for mediation provided by the city in accordance with Section 17.55.080 shall inform the tree/vegetation owner of this provision and the consequences of non-participation in the initial discussion, mediation, and/or arbitration processes. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.120 Preservation 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 action and the parties responsible for performing such action. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.130 Criteria for determining unreasonable obstruction.

The following criteria are to be considered (but are not exclusive) in determining whether unreasonable obstruction of a view has occurred:

- (1) The vantage point(s) from which the view is observed;
- (2) The extent of the view obstruction, both currently and at tree/vegetation maturity;
- (3) The quality of the view, including the existence of landmarks, vistas, or other unique view features;
- (4) The extent to which the tree(s) and/or vegetation have grown to obscure the enjoyment of the view from the view seeker's property since the view seeker's acquisition of his or her property;
- (5) The extent to which the view has been or is diminished by factors other than tree(s) and/or vegetation. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.140 Criteria for determining appropriate preservation action.

When it has been determined that unreasonable obstruction has occurred, then the following unweighed factors shall be considered in determining appropriate preservation action:

- (1) The number of existing trees or amount of vegetation in the area and the current effects of the tree(s) and their removal on the neighboring vegetation;
- (2) The extent to which the tree(s) and/or vegetation provide:
 - (a) Screening or privacy,
 - (b) Energy conservation and/or climate control,
 - (c) Soil stability, as measured by soil structure, degree of slope and extent of the tree's root system when a tree is proposed to be removed,
 - (d) Aesthetics,
 - (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.
- (3) Any hazards posed by the tree(s) or vegetation including, but not limited to, fire danger or the danger of falling limbs or trees;
- (4) The age, projected rate of growth, and maintenance requirements of the tree(s) or vegetation;
- (5) The date the view seeker purchased his/her property; and
- (6) The date the tree/vegetation owner purchased his/her property. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.150 Hierarchy of preservation actions.

View equity actions must be consistent with all other provisions of this Title. Severe pruning should be avoided due to the damage such practice causes to the tree's form and health. Preservation 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.
- (2) Vista Pruning. Vista pruning of branches may be utilized where possible, if it does not adversely affect the tree's growth pattern or health.
- (3) Crown Reduction. Crown reduction is preferable to tree removal, if it is determined that the impact of crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.
- (4) Stand Thinning. The removal of a portion of the total number of trees from a grove of trees, without any replacement plantings.

(5) **Heading Back.** Eliminating the outer extent of the major branches throughout the tree. Heading back is only to be permitted for trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form and if restoration actions (1) through (4) of this section will not accomplish the determined preservation action and the subsequent growth characteristics will not create a future obstruction of greater proportions.

(6) **Tree/Vegetation Removal.** Tree and/or vegetation removal, which may be considered when the above-mentioned preservation actions are judged to be ineffective and may be accompanied by replacement plantings or appropriate plant materials to restore the maximum level of benefits lost due to tree removal. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.160 Responsibility for preservation action and subsequent maintenance.

The view seeker shall be responsible for paying the cost of any determined preservation action unless the parties agree to share the costs in some other manner. Subsequent maintenance 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. It is the intent of this chapter that a tree/vegetation owner who sells his or her property notify the purchaser of any agreement, decision, or court order requiring subsequent maintenance of trees or vegetation. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.170 Liability.

(1) The city shall not be liable for any damages, injuries, costs or expenses which are the result of an advisory opinion issued by a city employee or official or any agreements or determinations resulting from mediation, arbitration or litigation concerning view equity claims or a view seeker's assertions pertaining to views granted or conferred herein. Nor shall the city have any liability because a particular neighborhood is granted or denied an exemption pursuant to Section 17.55.180 of this chapter.

(2) 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 equity claim.

(3) 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. (Ord. 661 § 1 (part), 2010).

SEC. 17.55.180 Petition for exemption.

A recognized and established neighborhood in the city may petition the city council for an exemption from this chapter. The factors the city council will consider in determining whether such an exemption should be granted shall include, but not be limited to, whether the neighborhood has unique or historic trees or trees that provide shade or otherwise add to the character of the neighborhood, and whether the properties in the neighborhood have views of unique scenic vistas. A petition for exemption may be submitted by the authorized homeowners' association in the petitioning neighborhood or by a majority of the homeowners in the neighborhood. The procedures governing exemption petitions shall be established by resolution of the city council.

SEC. 17.55.190 Severability.

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. (Ord. 661 § 2 (part), 2010).

SECTION 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 declares that 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.

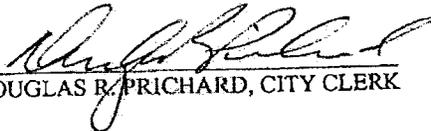
SECTION 3. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in accordance with law.

ADOPTED this 12th day of 2010



JOHN C. ADDLEMAN, MAYOR

ATTEST:



DOUGLAS B. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the foregoing Ordinance No. 661 was adopted by the City Council of the City of Rolling Hills Estates at a regular meeting held thereof on the 12th day of October, 2010, by the following vote:

AYES: ADDLEMAN, MITCHELL, SEAMANS, ZERUNYAN, ZUCKERMAN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



DOUGLAS B. PRICHARD, CITY CLERK

HILLSIDE OVERLAY DISTRICT STREET TREES

The following is a partial list of street trees for the Hillside Overlay District. These trees are twenty-five (25) feet or less in height at maturity. In the Hillside Overlay District, no tree can be planted that matures to a height of over twenty-five (25) feet. ***The Streetscape Manager will specify the type of replacement tree.***

1. Bauhinia blakeana – Hong Kong Orchid Tree
2. Callistemon citrinus – Lemon Bottlebrush
3. Cassia leptophylla – Golden Medallion
4. Cercis occidentalis – Western Redbud
5. Chionanthus retusus – Chinese Fringe
6. Chitalpa tashkentensis – Chitalpa
7. Eriobotrya deflexa – Bronze Loquat
8. Lagerstromia indica – Crape Myrtle
9. Pittosporum phillyraeoides – Willow Pittosporum
10. Prunus cerasifera “Allred” – Cherry Plum
11. Rhapsiolepis sp. (species) – Rhapsiolepis
12. Tabebuia chrysotricha – Golden Trumpet Tree
13. Tabebuia impetiginosa – Pink Trumpet Tree

Fernandez, Ana

From: Cessna, Linda
Sent: Wednesday, March 16, 2016 8:03 AM
To: Fernandez, Ana
Subject: FW: View Impairment by City Trees
Attachments: Wu's original city view Dec 1990.JPG; 3-7-2016 view blocked by 5006 & 5002 Via El Sereno.JPG; 5102 over grown tree on 3-7-16.JPG

From: Luan-ping Wu [<mailto:luanpingwu@gmail.com>]
Sent: Wednesday, March 16, 2016 12:27 AM
To: Cessna, Linda; CDD Info
Cc: Sien Wu
Subject: Re: View Impairment by City Trees

Dear Linda and Jeffery,

Thank you very much for your effort to set up an ordinance protecting views in the Torrance Hillside Overlay District from obstruction by trees and vegetation. Please note that we purchased our home at 5105 Paseo De Pablo in August, 1990 with 180 degree city view could be enjoy by just sited at the backyard or in our family room sofa. However, after years of over grown trees located at our backyards neighbors' houses at 5006 and 5002 Via El Sereno, most of the panoramic city view have been gradually blocked. Actually these two houses are located 2 stores down below our backyard border line. We thought our city view will never be blocked. But, we didn't know they just let trees keep growing or years without trimming. Please see attached pictures, these trees have been grown much higher then their roof which do no benefit to them but damage most of our 180 degree city view we paid for. This is really not Fair!

We really hope that all Torrance neighbors will be friendly to each other and pay respect to each other's interests. So, we really appreciate our city will have a proper Ordinance ASAP for all the residence like our case to protect the nice views we original purchased and continue paid for it and to protect our property value too.

Thank you

Luan Wu
 Cell# 310-809-9499, Realtor since 1989
 RE/MAX ESTATE PROPERTIES
 RE/MAX Hall of Fame, QSC
 23740 Hawthorne Bl. 2nd fl., Torrance, CA 90505

On Wed, Mar 2, 2016 at 4:31 PM, Cessna, Linda <LCCESSNA@torranceca.gov> wrote:

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in

preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

The next meeting is scheduled for March 24, at 7:00 in Council Chambers. You should be receiving a postcard next week and we will send another e-mail reminder a bit closer to the meeting.

Linda Cessna

Deputy Community Development Director

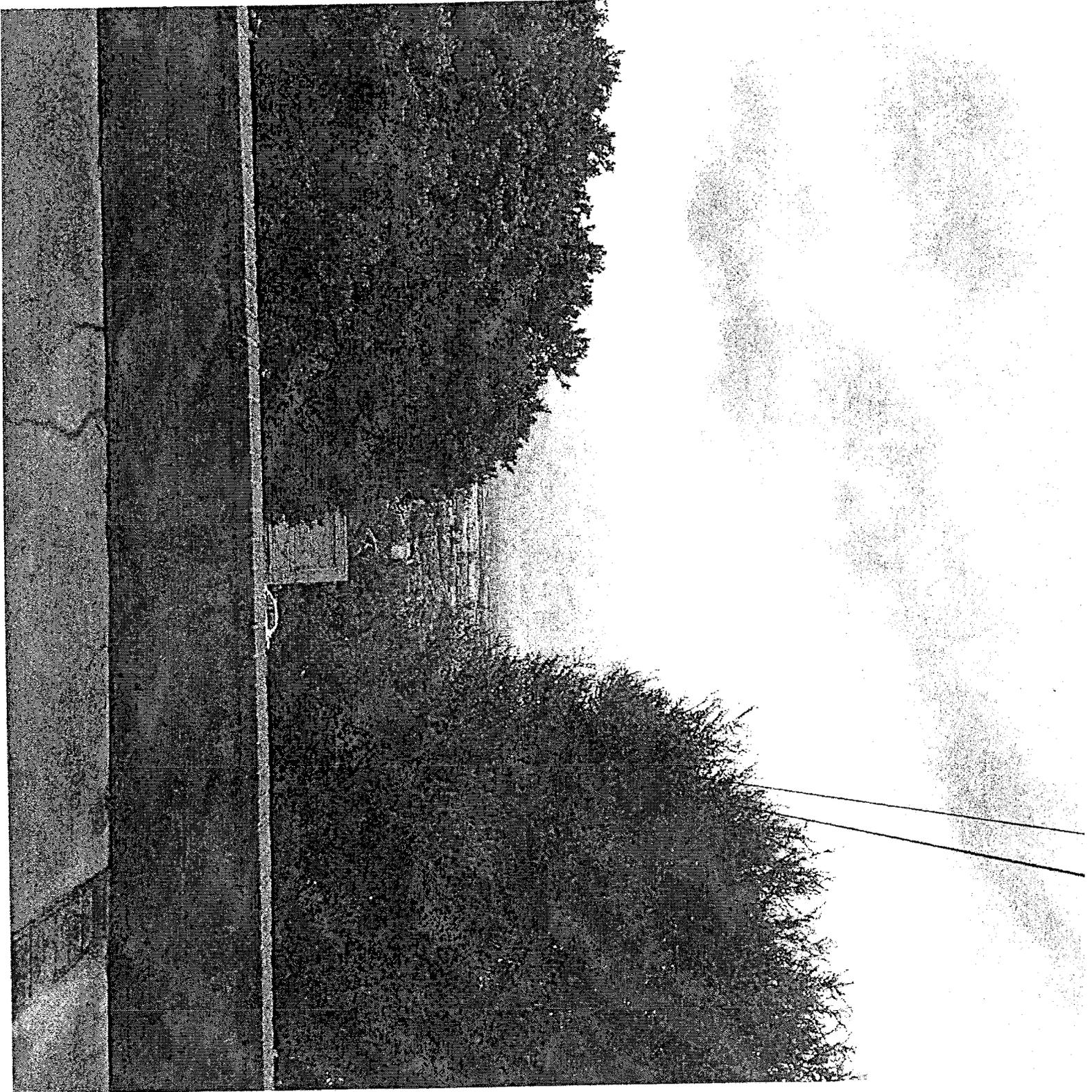
3031 Torrance Blvd

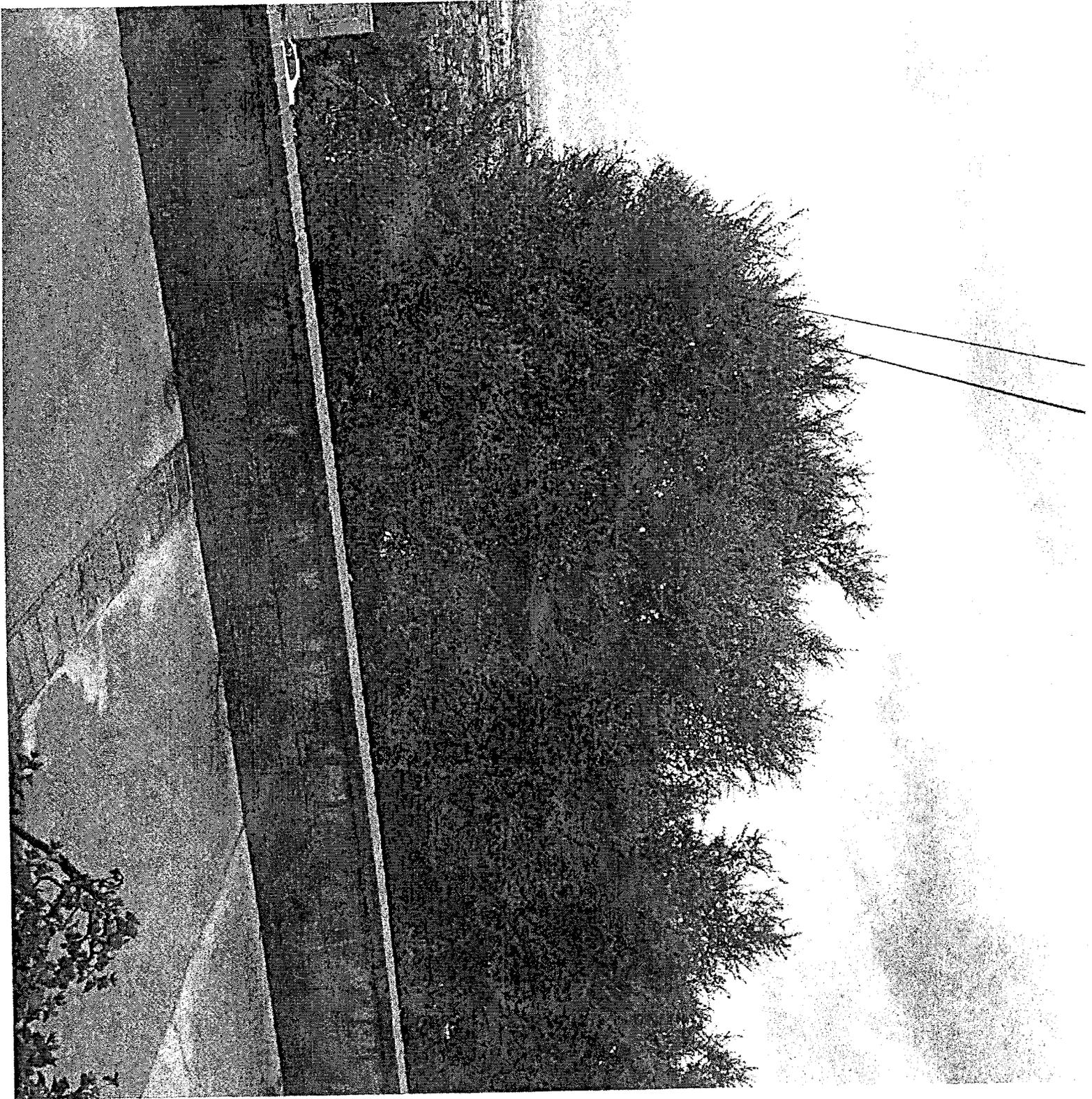
Torrance CA 90503

(310) 618-5930

lcessna@torranceca.gov







Cessna, Linda

From: Wayne Jones <Wayne.Jones@pfchangs.com>
Sent: Monday, March 07, 2016 11:51 AM
To: Cessna, Linda
Subject: RE: View Impairment by City Trees
Attachments: Tree (city) Ordinance - 324 Paseo de Gracia.pdf

Hello Linda,

Thank you so much for your great work on this very important project as it relates to the Riviera. Having attended the last meeting and hear how 80+% of folks are in favor of a reasonable ordinance that protects the views of some and the privacy of others. Here is our circumstance.

Wayne L. Jones
President/COO P.F. Chang's
310.375.0390

From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 02, 2016 5:32 PM
Subject: FW: View Impairment by City Trees

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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Linda Cessna
Deputy Community Development Director
3031 Torrance Blvd
Torrance CA 90503
(310) 618-5930
lcessna@torranceca.gov

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 CONFIDENTIALITY NOTE:

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system.

Thank you for your cooperation.

P.F. Chang's China Bistro and Pei Wei Asian Diner

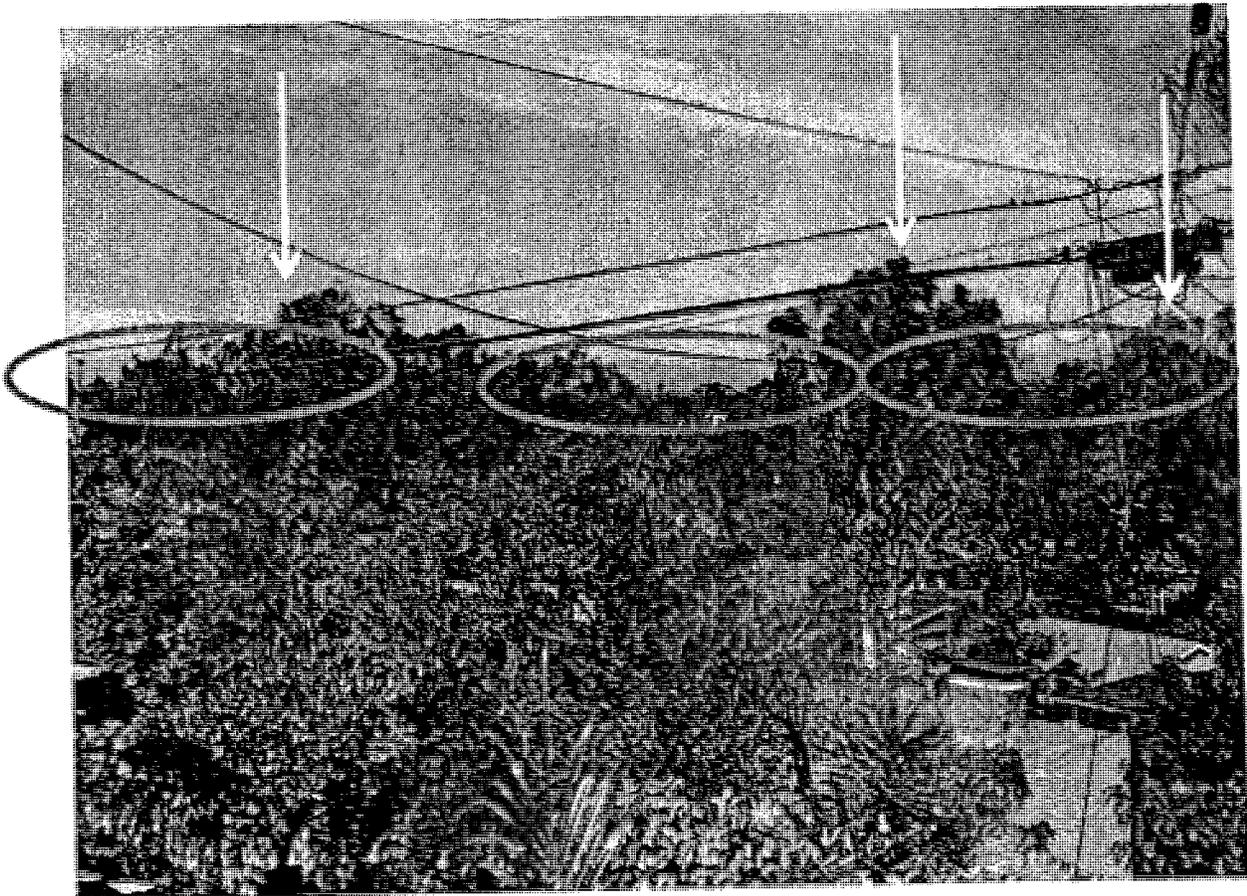
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Wayne & Kelli Jones – 324 Paseo de Gracia

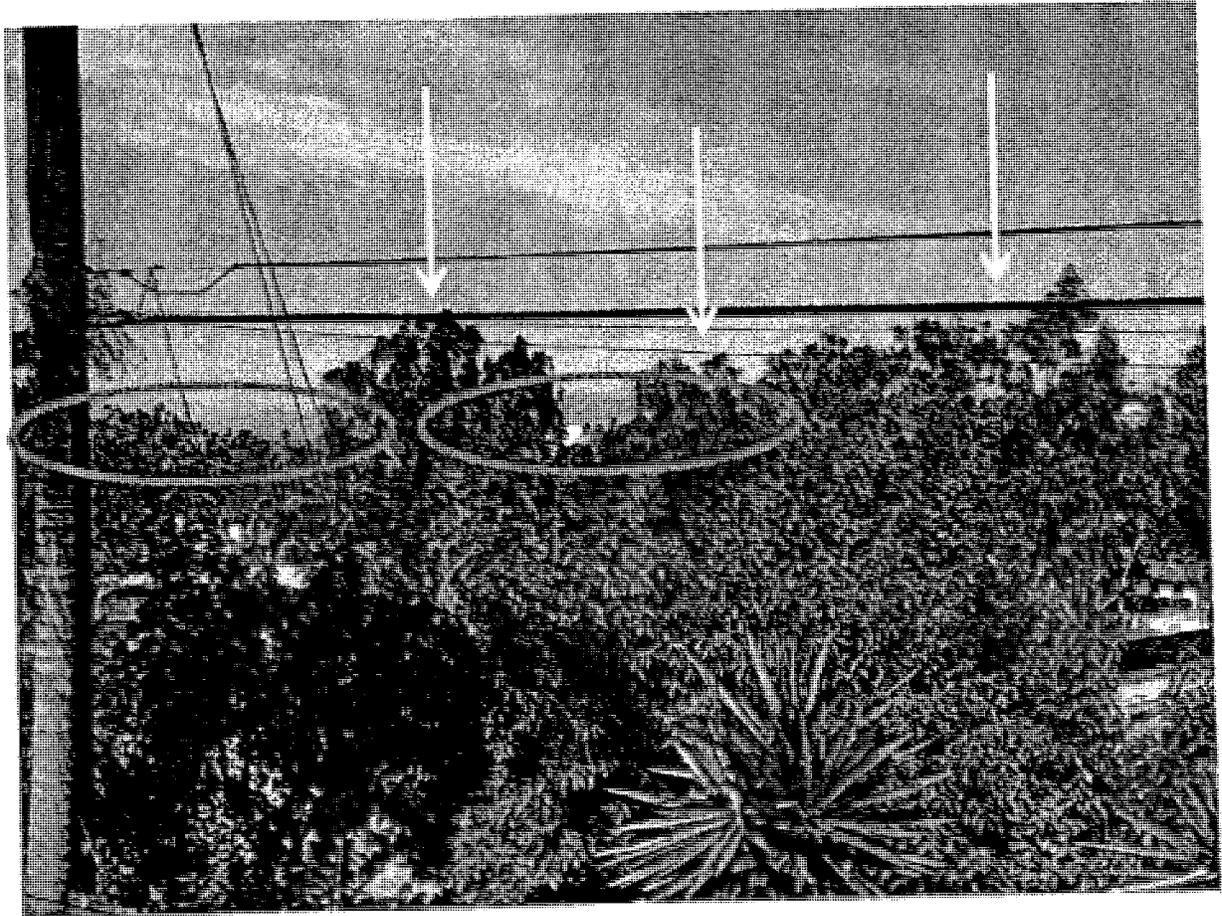
We have lived in the Riviera for 19 years and have longed for an ordinance to improve the sightlines due to trees owned by private individuals in addition to city owned trees. Previous neighbors have been very cooperative at maintaining their trees while others have not. There has been no recourse for those less cooperative and sightlines are obstructed.

We are sensitive to the privacy concerns for those who have downslope backyards. The good news is that there is a middle-ground on this issue that will work for both parties when a dispute may arise. Trees do not need to be so tall to provide privacy and they can certainly be wide enough to help solve any privacy concerns. The city arborist could help those who have no knowledge of trees to provide a list of trees that will work for privacy, be water efficient without being so tall as to create a problem for those with a view.

The pictures attached address the question you posed regarding city trees. These Eucalyptus trees are located on Vista del Parque and obstruct our ocean view and that of the Palisades. While we are not that high up the hill, we do have a nice sliver of the ocean that would be much enhanced without the eucalyptus trees. These trees are easily 60-70 feet tall and while beautiful create the obstruction. No other trees from our viewpoint would be affected. I not sure how the folks who live on Vista del Parque like these trees, but they are quite messy. Ocean is circled in red.



Here is another view to the slight right of the first picture.



Thank you so much for tackling this issue. Let's get this one knocked out and then start work on the super ugly telephones poles!!

Please feel free to call as needed.

Wayne Jones 310-375-0390

Cessna, Linda

4205 MESA ST

From: Mike Nakamatsu <miken23@verizon.net>
Sent: Sunday, March 06, 2016 8:09 PM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees

my address is 4206 mesa st.,90505.
 the the "impact" problem I have is directly across the street at 4205.
 Mike Nakamatsu

-----Original Message-----

From: Cessna, Linda <LCESSNA@TorranceCA.gov>
Sent: Wed, Mar 2, 2016 4:32 pm
Subject: FW: View Impairment by City Trees

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*Linda Cessna
 Deputy Community Development Director
 3031 Torrance Blvd
 Torrance CA 90503
 (310) 618-5930
lcessna@torranceca.gov*

Cessna, Linda

From: rocanddos1@aol.com
Sent: Sunday, March 06, 2016 3:38 PM
To: Cessna, Linda
Subject: Fwd: View Impairment by City Trees

Hi Linda, this letter from the Verenkoffs is far more detailed. They live right above us, so we share their views. Thank you.

-----Original Message-----

From: Pete & Jill Verenkoff <pete-jill@vsdev.com>
To: rocanddos1 <rocanddos1@aol.com>; 'Ros Stecker' <rosstecker@continentaldevelopment.com>; cp423 <cp423@georgetown.edu>
Cc: jill <jill@vsdev.com>
Sent: Sun, Mar 6, 2016 2:47 pm
Subject: FW: View Impairment by City Trees

Below is the letter we sent to Linda.

Best regards,
 Pete & Jill
 (310) 375-8707
 (424) 634-9073 (Pete's Cell)
 (424) 243-3193 (Jill's Cell)
 Email: pete-jill@vsdev.com

From: Pete & Jill Verenkoff
Sent: Sunday, March 06, 2016 2:44 PM
To: Cessna, Linda <LCESSNA@TorranceCA.gov>
Cc: jill@vsdev.com
Subject: RE: View Impairment by City Trees

Hi Linda,

The street trees that impact our view are located on three streets at the following addresses:

365 Calle Mayor at the NW corner of Calle Miramar (Eucalyptus)
 640, 648, 651, 652, 655, 656, 660, 663, 664, 667, 668, 671 Calle Miramar (Eucalyptus trees densely lining both sides of the street)
 245, 250, 255, 261, 264, 269, 272, 273, 285 Via Linda Vista (Pine trees lining both sides of the street)

These trees are in excess of 50' in height and obscure sections of our city, shoreline, and ocean views.

The City is currently in the process of pruning (not topping) the Eucalyptus trees on Calle Miramar. While reducing their density is welcome, their sheer height remains an impediment to our view.

As we are located a minimum of a block away from the majority of these trees, we are less affected than some of our neighbors. Please add these addresses to your list and hopefully they will support the case made by those residents who have lost their entire view to these particular trees.

Thank you for your efforts to help restore views in the Hollywood Riviera.

Best regards,
 Pete & Jill Verenkoff
 533 Via La Selva
 Redondo Beach, CA 90277 (Torrance)
 (310) 375-8707
 (424) 634-9073 (Pete's Cell)
 (424) 243-3193 (Jill's Cell)
 Email: pete-jill@vsdev.com

From: Cessna, Linda [<mailto:LCESSNA@TorranceCA.gov>]
Sent: Wednesday, March 02, 2016 4:31 PM
Subject: View Impairment by City Trees

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Linda Cessna
Deputy Community Development Director
3031 Torrance Blvd
Torrance CA 90503
(310) 618-5930
[*lcessna@torranceca.gov*](mailto:lcessna@torranceca.gov)

Cessna, Linda

From: Pete & Jill Verenkoff <pete-jill@vsdev.com>
Sent: Sunday, March 06, 2016 2:44 PM
To: Cessna, Linda
Cc: jill@vsdev.com
Subject: RE: View Impairment by City Trees

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 Redondo Beach, CA 90277 (Torrance)
 (310) 375-8707
 (424) 634-9073 (Pete's Cell)
 (424) 243-3193 (Jill's Cell)
 Email: pete-jill@vsdev.com

From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 02, 2016 4:31 PM
Subject: View Impairment by City Trees

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Linda Cessna
Deputy Community Development Director
3031 Torrance Blvd
Torrance CA 90503
(310) 618-5930
lcassna@torranceca.gov

Cessna, Linda

From: Paul Guaglione <pginrbca@verizon.net>
Sent: Saturday, March 05, 2016 10:26 AM
To: Cessna, Linda
Cc: Judy B; Radel Dr. Vicky
Subject: Re: FW: View Impairment by City Trees

Dear Linda,

We live at 99 Calle Mayor in the Hollywood Riviera district of Torrance, at the corner of Camino de Encanto. From our home, we have a relatively clear ocean view down Vista del Sol, except for a partial ocean view blockage by a large shrub-oak tree at 205 Vista del Sol. This tree was to our knowledge planted near the sidewalk in the easement by the city at the time of the original development in about 1956. The city has occasionally trimmed this tree for truck clearance only. This over-grown tree should be extensively trimmed now and maintained from then on!

Kind regards, Gerda & Paul Guaglione

On 3/2/2016 4:31 PM, Cessna, Linda wrote:

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*Linda Cessna
 Deputy Community Development Director
 3031 Torrance Blvd
 Torrance CA 90503
 (310) 618-5930
lcassna@torranceca.gov*

Cessna, Linda

From: Judy English <crudlish@me.com>
Sent: Saturday, March 05, 2016 9:35 AM
To: Cessna, Linda
Subject: Street Trees

Hi Linda,

I read your request and Judy Brunetti's response. I agree with Judy's letter, but I also would like to help you on this assignment regardless of its outcome since you have helped us in the past. I will ask around and look around in my neighborhood and get back to you on any problems.

Best,

Judy English
RHO Boardmember

Cessna, Linda

From: hzlax@aol.com
Sent: Friday, March 04, 2016 3:29 PM
To: Cessna, Linda
Subject: View Ordinance - Street Trees on the Eastside of Vista Montana & corner of Paseo de las Tortugas

Dear Ms Cessna,
 I read your request for identifying city trees which block views as below:

We are residents of 4622 Paseo de las Tortugas in Torrance since 40 years. Our former ocean view from our second story is being blocked by the trees of our neighbor across the street at 4625 as well as the City owned trees outside of his westside property line, which means the city owned trees on the Eastside of Vista Montana south of Via Coronoa and north of Paseo de las Tortugas. We have a friendly understanding with our neighbor there and he would allow us to have his trees cut to restore our view - but as long as the view is also blocked by the city owned trees as described above cutting his trees is useless.

So if the City could cut the trees on top of Vista Montana eastside to be no higher than the top of the roofline of 4625 Paseo de las Tortugas, we'd be very happy.

Sincerely yours
 Eberhard & Jutta Zantke

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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 Torrance CA 90503
 (310) 618-5930
 lcessna@torranceca.gov

Cessna, Linda

From: John HAMILTON <jhpinc01@gmail.com>
Sent: Friday, March 04, 2016 2:45 PM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees

I assume you are talking about city owned and maintained trees, correct?

John Hamilton

On 3/2/16, 4:31 PM, "Cessna, Linda" <LCESSNA@TorranceCA.gov> wrote:

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

The next meeting is scheduled for March 24, at 7:00 in Council Chambers. You should be receiving a postcard next week and we will send another e-mail reminder a bit closer to the meeting.

Linda Cessna
Deputy Community Development Director
3031 Torrance Blvd
Torrance CA 90503
(310) 618-5930
lcessna@torranceca.gov

Cessna, Linda

From: Donna <gage7110@gmail.com>
Sent: Friday, March 04, 2016 11:38 AM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees

Hello Linda

This is Donna Haupt I'm responding to your email regarding street trees. We live at 202 paseo de Granada and there are two trees that seem to be dead and one that is not but I believe they are street trees. Of coarse there are a lot of ficu trees that were intentionally planted to block our view by the homeowner who doesn't even live there out of spite hopefully at some point it will be addressed. So I'm sending these pictures of the street trees which are at 139 via Sevilla or maybe it's paseo de Granada not sure as the house sits at a corner. But it's caddy corner from mine.

Sent from my iPhone

On Mar 2, 2016, at 4:31 PM, Cessna, Linda <LCESSNA@TorranceCA.gov> wrote:

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Cessna, Linda

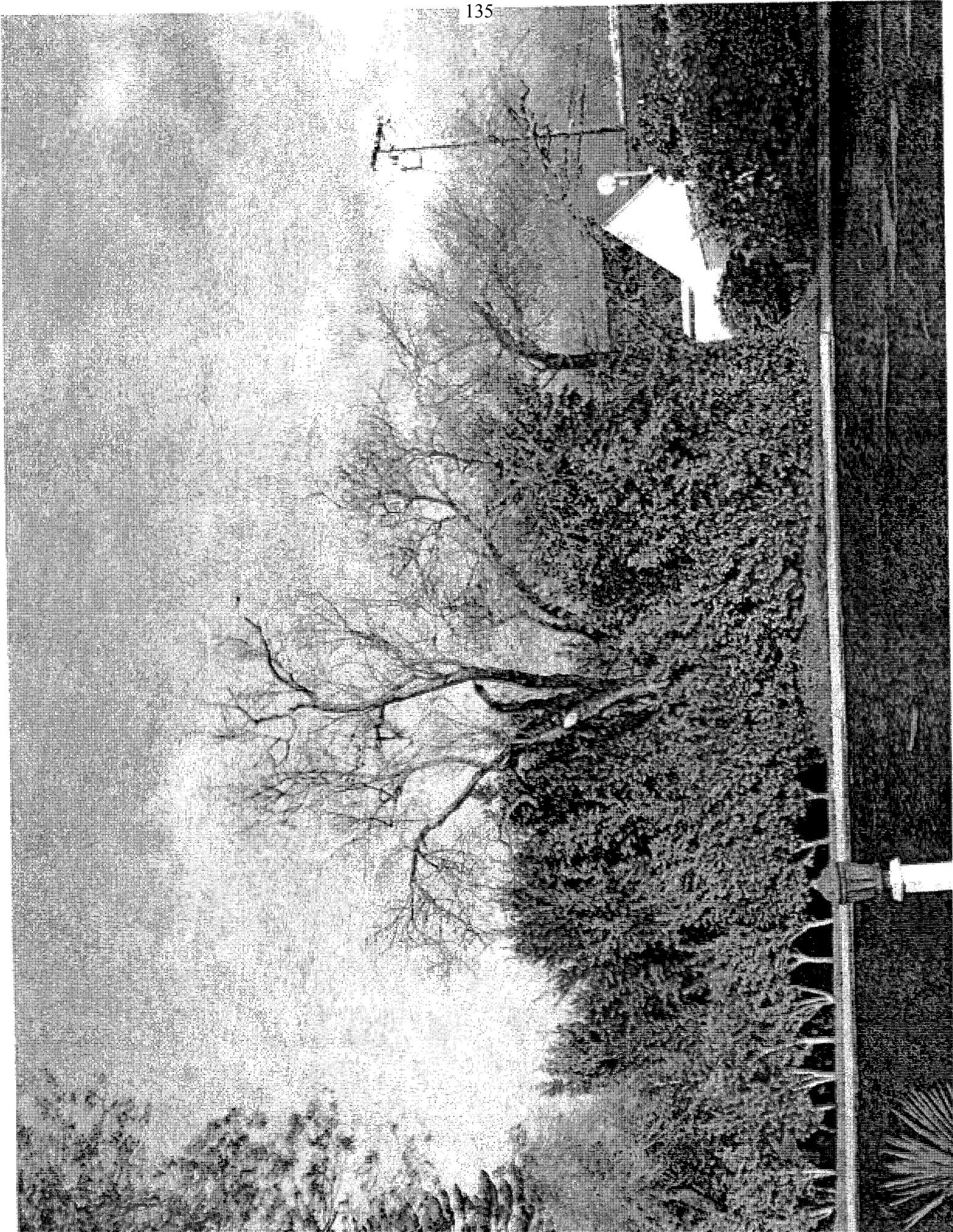
From: Donna Haupt <gage7110@gmail.com>
Sent: Sunday, March 06, 2016 8:13 AM
To: Cessna, Linda
Subject: Street trees
Attachments: FullSizeRender.jpg; ATT00001.txt; FullSizeRender.jpg; ATT00002.txt; IMG_0010.JPG; ATT00003.txt; IMG_0011.JPG; ATT00004.txt; IMG_0013.JPG; ATT00005.txt

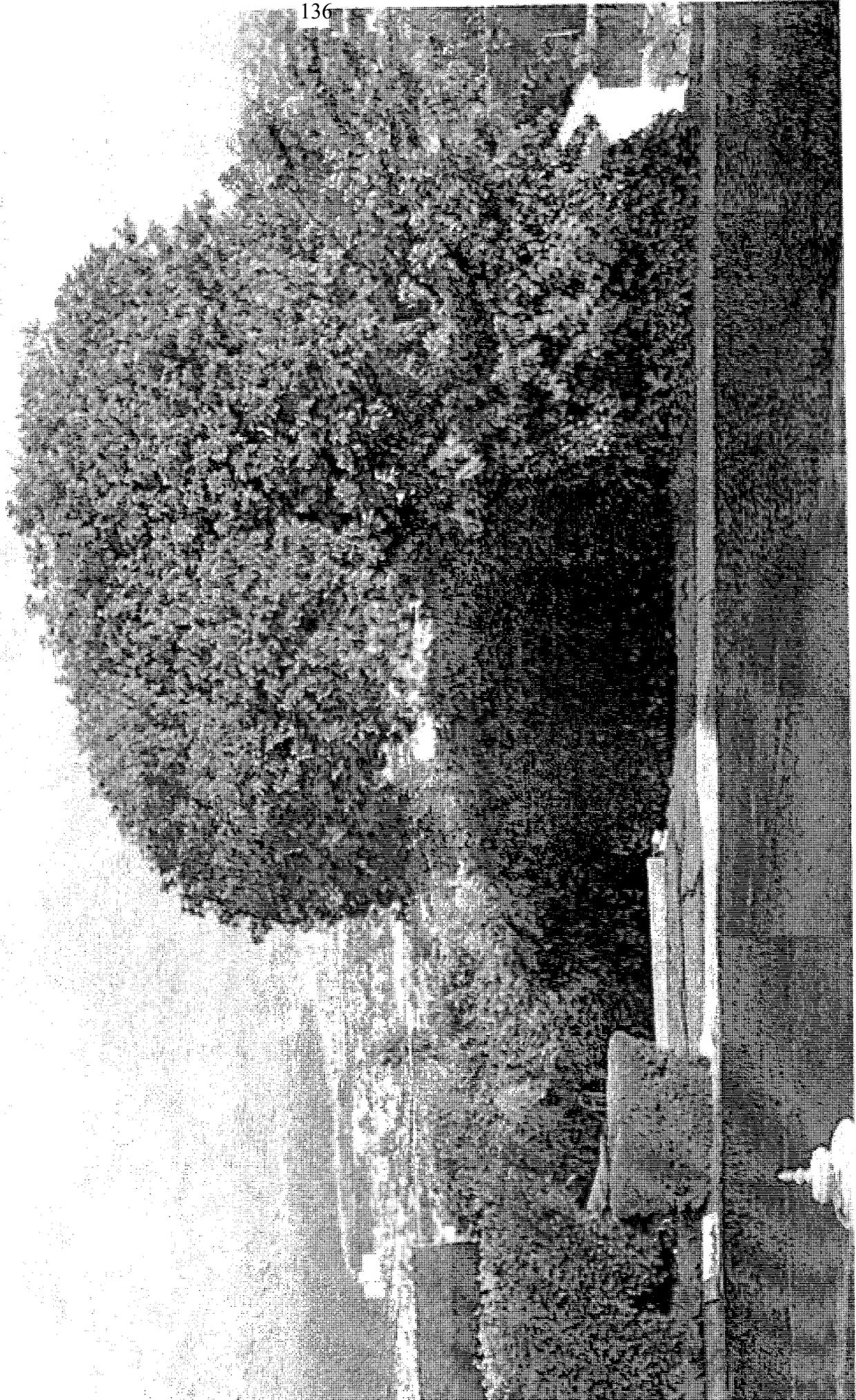
Hi linda

This is Donna Haupt I'm writing you in response to the street trees that block our views and also two of them are dead. The owner of the house who doesn't even live there intentionally planted 17 ficus trees to block our view. I'm hoping we could get our view back one day as that's why I bought our home to begin with.

Sincerely,

Donna Haupt





Cessna, Linda

From: CHERYL YANEZ WILLIAMS <yanezwilliams@msn.com>
Sent: Friday, March 04, 2016 9:41 AM
To: Cessna, Linda
Subject: RE: View Impairment by City Trees

Linda: Thank you for your email message regarding the view impairment by City trees.

Dean Spittle @609 Camino de Encanto, Redondo Beach, CA 90277 and 310-991-6258.

Dean gave us his word to agree to cut down his massive tree if we signed his plans to remodel. So we signed the remodel design plans but when I got the City of Torrance permit application to cut down the tree, he decided not agree to cut down the tree.

I totally trusted his word but got burned by trusting him. I would like to withdraw my signature of approval from his design plans too.

Cheryl Yanez Williams
213-718-6190

From: LCESSNA@TorranceCA.gov
Subject: View Impairment by City Trees
Date: Thu, 3 Mar 2016 00:31:06 +0000

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(310) 618-5930
lcessna@torranceca.gov

Cessna, Linda

From: Large, Burke S SPL <Burke.S.Large@usace.army.mil>
Sent: Thursday, March 03, 2016 4:43 PM
To: Cessna, Linda
Cc: Maura Large
Subject: RE: View Impairment by City Trees

Good Afternoon Ms. Cessna:

The "offending trees" are all located on Via Anita west of our property. The worst offender is located at 219 Via Anita. I know this impacts several other neighbors on my side of the street. The other two trees are located in front of 222 Via Anita and 226 Via Anita.

As I mentioned before, they are all "California Peppers". Way to big and invasive for the sidewalk planters.

If you have any questions or require additional information please let me know.

I can be reached on my cell at 310-977-3744 or at work at 213-452-3954.

Thank you attention to this very important matter.

V/r
 Burke S. Large
 230 Via Anita

-----Original Message-----

From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 02, 2016 4:32 PM
Subject: [EXTERNAL] FW: View Impairment by City Trees

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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Linda Cessna

Deputy Community Development Director

3031 Torrance Blvd

Torrance CA 90503

(310) 618-5930

lcessna@torranceca.gov <<mailto:lcessna@torranceca.gov>>

Cessna, Linda

From: Large, Burke S SPL <Burke.S.Large@usace.army.mil>
Sent: Thursday, March 03, 2016 10:00 AM
To: Cessna, Linda
Cc: Maura Large
Subject: RE: View Impairment by City Trees

Good Morning Linda:

Thank you so much for reaching out to me regarding the City trees blocking the view from our home at 230 Via Anita. I will get back to shortly with the addresses where the trees are located. Basically, it is those "California Pepper Trees". They tear up the sidewalk and street, grow like weeds, and are super messing with their red berries.

Again, thank you for this opportunity. I will get you the information you need as soon as I can. Hopefully, by close of business today.

V/r Burke S. Large
 230 Via Anita

-----Original Message-----

From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 02, 2016 4:32 PM
Subject: [EXTERNAL] FW: View Impairment by City Trees

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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Linda Cessna

Deputy Community Development Director

3031 Torrance Blvd

Torrance CA 90503

(310) 618-5930

lcessna@torranceca.gov <mailto:lcessna@torranceca.gov>

Cessna, Linda

From: ryan adcock <ryanadcock@yahoo.com>
Sent: Thursday, March 03, 2016 3:28 PM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees
Attachments: 20150314_074927.jpg; 20151030_084031.jpg; 20150310_113941.jpg; 20150312_173004.jpg; 20151030_175628.jpg

Hi Linda!

Thanks for the email and keeping everyone in the loop on the issue with the city trees and view ordinance. I live at 3027 Oakwood Lane, Torrance 90505, which is Country Hills, our view is obstructed by the city trees in De Portola Park. I have lived at this residence for 34 years and when my parents first bought our house one of the main reasons they bought it was for the city view. The view USED to be Spectacular, today most of the city is covered by overgrown city trees. A lot if these trees are too big for the area in which they were planted. I believe one of them is a maple tree that is at least 80 feet that completely obstructs our view of Downtown LA, in fact my neighbor who lives in a 2 story house and he is complaining that the tree has grown so large that it is even obstructing his view of Downtown LA. There is another HOLLYWOOD tree in the Park that is a giant Eucalyptus that is at least 100 feet tall that blocks the view of the HOLLYWOOD sign. This tree has large cracks in the trunk and is leaning over. A few trees in the same park that looks just like this tree fell over on to cars that were in the park. This is scary and dangerous. Don't get me wrong, I love Trees and all types of plants, especially in parks, but these trees are just way to overgrown and are obstructing views that people paid a lot of money for when buying their homes. These trees no longer provide shade because they are so tall. I would even be willing to pay to have them removed and replaced with smaller trees that are more fitting for the park. I have discussed this issue with my neighbors and many of them have the same complaints. Thank you so much for your time and feel free to give me a call anytime.

Thanks so much!

Ryan Adcock
 310-488-7838

On Wednesday, March 2, 2016 4:31 PM, "Cessna, Linda" <LCESSNA@TorranceCA.gov> wrote:

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 Deputy Community Development Director
 3031 Torrance Blvd

Torrance CA 90503
(310) 618-5930
lcessna@torranceca.gov

Cessna, Linda

From: mikepucher@aol.com
Sent: Thursday, March 03, 2016 2:00 PM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees
Attachments: 2015view.jpg; view2008.jpg

Hi Linda,

Thanks for your good work.

529 VIA LA SELVA
 I live in the 500 block of Via La Selva and have been here since 1974. There are city trees on Calle Miramar between Calle Mayor and Via Monte D'Oro that are the highest and densest in over 40 years. I've attached two photos from similar locations in my backyard looking North. They are both taken at the same elevation as judged by the horizontal lines of the chimney and TV antenna. In the 2008 photo, the palm trees along Catalina, the tall beige apartment on the Esplanade and the channel at King Harbor are visible. In the 2015 photo, only the very top of the apartment bldg is visible. I still enjoy a sliver of an ocean view but its been significantly obscured by these trees in the last 7 years.

Last week, a city crew trimmed the trees at Calle Mayor and Calle Miramar and I appreciate that. I would support a modest tax, perhaps \$100/year, for all houses in the Riviera with a view if the funds went directly to additional tree maintenance.

-----Original Message-----

From: Cessna, Linda <LCESSNA@TorranceCA.gov>
Sent: Wed, Mar 2, 2016 4:31 pm
Subject: View Impairment by City Trees

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*Linda Cessna
 Deputy Community Development Director
 3031 Torrance Blvd
 Torrance CA 90503
 (310) 618-5930
lcessna@torranceca.gov*

Cessna, Linda

From: Curtis Fornadley <curtis@curtisguitar.com>
Sent: Thursday, March 03, 2016 10:47 AM
To: Cessna, Linda
Subject: Re: FW: View Impairment by City Trees

Hi Linda

I am at 337 Calle Mayor. There are some very large trees on Calle Miramar that are very large and obstruct the view of my home as well as my neighbors (640 and 644 Calle Miramar). These are in the front and back yards of these Miramar homes

bye
 Curtis

On Wed, Mar 2, 2016 at 4:32 PM, Cessna, Linda <LCESSNA@torranceca.gov> wrote:

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Deputy Community Development Director

3031 Torrance Blvd

Torrance CA 90503

(310) 618-5930

lcessna@torranceca.gov

--
www.curtisguitar.com

Cessna, Linda

From: Don <donaldjford@verizon.net>
Sent: Thursday, March 03, 2016 9:06 AM
To: Cessna, Linda
Subject: FW: Tree ordinance meeting March 24th at 7pm
Attachments: 5347 Bindewald.JPG

Importance: High

Dear Ms. Cessna,

I read the post below on the Nextdoor Seaside website and wanted to share the location of several city trees that partially block my ocean and coastal view. Please see the attached photo, taken from my upstairs master bedroom. Were it not for the three city trees across the street, I would have a view all the way up the coast to Malibu, which I enjoy from the back deck and living room of my house.

To make matters worse, the city rarely trims these trees, only about once every five years. I actually paid to have them trimmed last year, with the homeowner's permission, so I could at least recapture a partial view. Similar trees planted in the "Christmas Lights" area of Seaside Ranchos are trimmed nearly every year, but up here on Bindewald, we don't get the same level of service.

I appreciate your efforts to address this issue.

Sincerely,
 Don

Donald J. Ford, PhD
 5346 Bindewald Rd
 Torrance, CA 90505

From: Nextdoor Seaside [mailto:reply@rs.email.nextdoor.com]
Sent: Wednesday, March 2, 2016 5:14 PM
To: donaldjford@verizon.net
Subject: Tree ordinance meeting March 24th at 7pm

 Jenna Christensen, Seaside LEAD

Most vocal and in favor of vegetation ordinance being instituted in Torrance are those whose views are being impaired - such as Hollywood Riviera homes that had ocean views and now don't because of large trees. They want their views restored and that's understandable.

However, new rules will impact everyone and if you are someone who is downhill from someone who - if they went 2-story - would take your privacy away, you should show up and speak up.

At the last meeting which was the first in which residents could voice their opinions, there were a...[Read more](#)

Mar 3 in General to 4 neighborhoods

[View or reply](#)

[Thank](#) · [Private message](#)

No

You can also reply to this email or use Nextdoor for iPhone or Android

This message is intended for donaldjford@verizon.net
Unsubscribe or adjust your email settings

Nextdoor, 760 Market Street, Suite 300, San Francisco, CA 94102

virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7442 / Virus Database: 4537/11737 - Release Date: 03/03/16

Cessna, Linda

From: David Henseler <dhenseler@socal.rr.com>
Sent: Thursday, March 03, 2016 6:57 AM
To: Cessna, Linda
Subject: RE: View Impairment by City Trees

Many of the trees in DePortola park have grown so tall over the years now block the views of the people living on Singingwood Dr. who's backyards face the park.

David Henseler
 South Bay Sunrise Rotary Club
 310-753-0929

From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 2, 2016 4:32 PM
Subject: FW: View Impairment by City Trees

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lcessna@torranceca.gov

Cessna, Linda

From: Igor Nastaskin <inastaskin2@socal.rr.com>
Sent: Wednesday, March 02, 2016 7:13 PM
To: Cessna, Linda
Cc: 'Cheryl Amor'
Subject: RE: View Impairment by City Trees
Attachments: 222 Via Anita - Family room2.jpg; 222 Via Anita - Family room2-enhanced by Greg.jpg;
 222 Via Anita - Family room3 with front door - enhanced by Greg.jpg

Hi Linda,

The city tree on 218 Via Anita is impacting the property on 222 Via Anita. See attached photos (it is the city tree on the left of the photos). Cheryl Amor is the new owner of 222 Via Anita and I am sure she may want to be added to your distribution list for any new communications. We have contacted the owner of 218 Via Anita to get her permission to allow us to trim that tree, and they categorically refuse to even listen to us. (The owner of 218 Via Anita lives in Monrovia and is renting out her Via Anita property)

Thanks

Igor Nastaskin
RE/MAX Palos Verdes Realty
 DRE# 01317822
 Email: igor@igorrealestate.com
 Cell: (310) 892-6016
 Fax: (310) 378-3818
www.igorrealestate.com



From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 02, 2016 4:31 PM
Subject: View Impairment by City Trees

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Deputy Community Development Director
3031 Torrance Blvd

Torrance CA 90503
(310) 618-5930
fcassna@torranceca.gov

Cessna, Linda

From: Margaret Wehling <margieweh@sbcglobal.net>
Sent: Wednesday, March 02, 2016 6:39 PM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees

I am located at the intersection of Brian and Nearcliff on the uphill side. The house across from me downhill blocks my city lights view with a Magnolia street tree that had been occasionally trimmed by the homeowner (but the family has separated and it will probably not be maintained in the future). In my own yard there is a massive Brazilian pepper tree that is rarely trimmed by the city or utilities and the roots are deeply embedded near my sewer. I pay to have the lower branches and peripheral branches trimmed.. It also impacts the city lights view of the trailer park above this neighborhood. The residents of the park tend to climb the berm at the border for a better view which threatens the hill downward which has been planted with mediteranean drought resistant and low combustibility plants which struggle to survive.

Margie Wehling
 2316 Nearcliff St Torrance.
 (310)539-3844

From: "Cessna, Linda" <LCESSNA@TorranceCA.gov>
To:
Sent: Wednesday, March 2, 2016 4:32 PM
Subject: FW: View Impairment by City Trees

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lcessna@torranceca.gov

Cessna, Linda

130 AVENUE 100

From: David Lapoff <lapoffd@earthlink.net>
Sent: Wednesday, March 02, 2016 6:23 PM
To: Cessna, Linda
Subject: Re: FW: View Impairment by City Trees

It would be a great help if you inform the owners of the houses that the trees are in front of that someone has filed against them.

I know in my case the city keeps hacking at my tree for wires, truck pass-under etc till there's not a lot left. One reason we bought the house was the old-growth tree in front of it. in addition it provides shade/cooling.

Thanks.

Dave

-----Original Message-----

From: "Cessna, Linda"
Sent: Mar 2, 2016 4:31 PM
To:
Subject: FW: View Impairment by City Trees

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lcassna@torranceca.gov*

Cessna, Linda

From: Hope Witkowsky <hopewitkowsky@gmail.com>
Sent: Wednesday, March 02, 2016 6:20 PM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees

Linda:

The Riviera Homeowners Association has not been working on anything but lost views in residential areas by another home owner who does not trim their trees in the Hillside Overlay Zone. So, I am sorry that I do not have any information on views taken by City trees. That conversation was brought on by a few people who may have said that at the Public Tree Ordinance meeting.

Perhaps you can look at the tape of that meeting and get some names.

Hope

On Wed, Mar 2, 2016 at 4:31 PM, Cessna, Linda <LCESSNA@torranceca.gov> wrote:

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Torrance CA 90503

(310) 618-5930

lcessna@torranceca.gov

Cessna, Linda

From: arun arjay.net <arun@arjay.net>
Sent: Wednesday, March 02, 2016 5:48 PM
To: Cessna, Linda
Subject: Re: FW: View Impairment by City Trees

Hi Linda,

Thx for reaching out. I will be in DC for a meeting at Department of Commerce on the 24th of March.

However, on the north of my building at 23211 Hawthorne Blvd., across Lomita Blvd and front of South Bay Rehabilitation is a overgrown tree.

It is a hazard to south bound traffic on Hawthorne Blvd., with falling leaves and branches.

Also, it blocks the views for businesses at 23215 Hawthorne Blvd-such as Copy Bank, Evolution Footwear, PV Acupuncture,etc Bad business means less sales tax revenue for the city of Torrance.

If you or your staff need additional information, I could be reached at 3109947400.

Sincerely,

Arun Bhumitra
 President
 Armitra Properties,Inc
 23211 Hawthorne Blvd., 3rd floor
 Torrance, Ca 90505

> On March 2, 2016 at 4:32 PM "Cessna, Linda" <LCESSNA@TorranceCA.gov> wrote:

>

>

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 > Deputy Community Development Director
 > 3031 Torrance Blvd
 > Torrance CA 90503
 > (310) 618-5930
 > lcessna@torranceca.gov<mailto:lcessna@torranceca.gov>

>

Cessna, Linda

From: Ros Stecker <rosstecker@continentaldevelopment.com>
Sent: Wednesday, March 02, 2016 4:35 PM
To: Cessna, Linda
Subject: RE: View Impairment by City Trees

We are at Calle Mayor/Calle Miramar, and the trees in question are the Eucalyptus trees going from this intersection two blocks down towards Palos Verdes Blvd. Since moving to the Riviera in 1999 they have totally blocked our view of the ocean.

*Ros Stecker
 Continental Development Corporation
 2041 Rosecrans Avenue, Suite 200
 El Segundo, CA 90245
 310.640.1520
 310.414.9279 fax*

From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 02, 2016 4:31 PM
Subject: View Impairment by City Trees

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

The next meeting is scheduled for March 24, at 7:00 in Council Chambers. You should be receiving a postcard next week and we will send another e-mail reminder a bit closer to the meeting.

*Linda Cessna
 Deputy Community Development Director
 3031 Torrance Blvd
 Torrance CA 90503
 (310) 618-5930
lcessna@torranceca.gov*

Fernandez, Ana

From: Cessna, Linda
Sent: Tuesday, March 08, 2016 2:20 PM
To: Fernandez, Ana
Subject: FW: [BULK] FW: View Impairment by City Trees

From: Fallo, Thomas [<mailto:TFallo@elcamino.edu>]
Sent: Thursday, March 03, 2016 8:39 AM
To: Cessna, Linda
Subject: Re: [BULK] FW: View Impairment by City Trees

Ms. Cessna,

Thank you for your communication.

Please assist my understanding of the term "street trees." Is there a definition of the term in an ordinance or other publication?

I take the meaning to be any tree that is adjacent to a street. It may be on public or private property.

Given my understanding I would like the trees on the property at 417 Via Anita, Redondo Beach, 90277 to be included in the list.

Only one of the trees existed when I purchased my home at 421 Via Anita, Redondo Beach, 90277. The other trees and a similar stand in the back yard were planted right after the resident of 417 was denied a building permit by the Torrance City Council.

My home is to the east of the trees and the installation blocks, disrupts and/or inhibits my view of the ocean.

If you have any questions, comments or concerns about this communication please feel free to contact me at any time.

Additionally, I request any other letters, publications and/or communications relating to the ordinance and the hearings before the meeting cited in your recent communication.

Thank you for your communication and your work.

thomas m fallo
tfallo@elcamino.edu

On Mar 2, 2016, at 5:06 PM, Cessna, Linda <LCESSNA@TorranceCA.gov> wrote:

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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Linda Cessna
Deputy Community Development Director
3031 Torrance Blvd
Torrance CA 90503
(310) 618-5930
lcessna@torranceca.gov

Cessna, Linda

From: Ashley Edwards <ashleyedwards01@gmail.com>
Sent: Sunday, March 13, 2016 7:01 PM
To: Cessna, Linda
Cc: Jon Edwards
Subject: Re: FW: View Impairment by City Trees
Attachments: City Trees_Calle Miramar.pdf; View from Calle Mayor 1.JPG; View from Calle Mayor 2.JPG; View from Calle Mayor 3.JPG; View from Calle Mayor 4.JPG; View from Calle Miramar (2).JPG; View from Calle Miramar.JPG; Blank Map.jpg

Hi Linda,

Attached are some photos and a pdf map of the trees that impact our views.

Our address is 341 Calle Mayor, and all of the trees are located on Calle Miramar, right behind us. If you have any questions or need more specifics, don't hesitate to email us!

Thanks,

Ashley and Jon Edwards

On Thu, Mar 10, 2016 at 4:15 PM, Ashley Edwards <ashleyedwards01@gmail.com> wrote:

Hi Linda,

My husband and I will send you an email with locations and photos this weekend!

Thanks,

Ashley Edwards

On Wednesday, March 2, 2016, Cessna, Linda <LCESSNA@torranceca.gov> wrote:

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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Linda Cessna

Deputy Community Development Director

3031 Torrance Blvd

Torrance CA 90503

(310) 618-5930

lcessna@torranceca.gov

Cessna, Linda

From: Vanessa Puma <vcpuma29@gmail.com>
Sent: Saturday, March 05, 2016 3:10 AM
To: Cessna, Linda
Subject: Re: FW: View Impairment by City Trees

The location's affect the view baldly is calls Mayor and Monte de pro ,Via Los miradores in Riviera Village.

On Mar 2, 2016 5:06 PM, "Cessna, Linda" <LCESSNA@torranceca.gov> wrote:

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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Linda Cessna

Deputy Community Development Director

3031 Torrance Blvd

Torrance CA 90503

(310) 618-5930

lcessna@torranceca.gov

Cessna, Linda

From: Dennis Lippon [CA] <DLippon@healthcarepartners.com>
Sent: Wednesday, March 02, 2016 6:00 PM
To: Cessna, Linda
Subject: RE: View Impairment by City Trees
Attachments: IMG_5315.jpg

Hi Linda,

The view impairment streets for our block and me specifically are

- Via Los Miradores
- Calle Miramar

- and a huge city tree (on someone's property) blocking more than 20 separate views for a couple of blocks. The tree (see attached) is located on the corner of Paseo de Las Estrellas and Via los Miradores. As you can see, it has not been trimmed properly by Edison and WILL fracture given the right wind/rain combination. Edison's tree trimming crew was also warned while they were trimming last week. They are supposed to trim 12 feet below the line and they can only trim down to 4 feet because it would compromise the integrity of the tree. I'm sure this is a significant liability for the city. If it falls it will take the power lines and a fire hydrant located about 5 feet from the base, not to mention the danger to the public and surrounding property.

I know neighbors have warned the city.

Please let me know if need any further information.

Thank you

Dennis Lippon
 (310) 365-8892



From: Cessna, Linda [mailto:LCESSNA@TorranceCA.gov]
Sent: Wednesday, March 02, 2016 4:32 PM
Subject: FW: View Impairment by City Trees

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance,

information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

The next meeting is scheduled for March 24, at 7:00 in Council Chambers. You should be receiving a postcard next week and we will send another e-mail reminder a bit closer to the meeting.

*Linda Cessna
Deputy Community Development Director
3031 Torrance Blvd
Torrance CA 90503
(310) 618-5930
lcessna@torranceca.gov*

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Cessna, Linda

From: Blackman Family <Theblackmans4@yahoo.com>
Sent: Wednesday, March 02, 2016 8:55 PM
To: Cessna, Linda
Subject: Re: View Impairment by City Trees

Hello Linda, the tree along PCH between PVBlvd and Calle Mayor. The trees at El Retiro as well but I don't think that's covered here. Thanks for your help.

On Mar 2, 2016, at 4:32 PM, Cessna, Linda <LCESSNA@TorranceCA.gov> wrote:

We are preparing for the next Council Committee meeting regarding a view ordinance and would like to ask for your help. In working with our Public Works Department to assess the impact of including street trees in the view ordinance, information that would be very useful is the location of street trees that impact views. If you are aware of view impacts caused by street trees I would greatly appreciate it if you could send me an e-mail with the location of the street trees and where you are in relation to the trees. This will help us in preparing the information requested by the Committee for our next meeting. Thank you for helping us with this!

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*Linda Cessna
Deputy Community Development Director
3031 Torrance Blvd
Torrance CA 90503
(310) 618-5930
lcessna@torranceca.gov*

Fernandez, Ana

From: CDD Info
Sent: Wednesday, March 16, 2016 9:03 AM
To: Fernandez, Ana
Cc: Cessna, Linda
Subject: FW: March 24th Meeting

From: Sally Lewis [<mailto:salewis@mac.com>]
Sent: Tuesday, March 15, 2016 12:47 PM
To: CDD Info
Subject: March 24th Meeting

This letter in regard to "the potential creation of an ordinance protecting views in the Hillside Overlay District from obstruction by trees and vegetation" is intended to oppose such an ordinance and as suggested in the public notice, submit my written comments. I am not sure if I can attend the March 24th meeting but want to strongly voice my concerns.

Over 42 years ago when we purchased our home we were impressed with the rustic beauty of the area. The tree lined streets without sidewalks or lighting blended with our limitless view of the Palos Verdes eucalyptus tree line and the hills beyond bordering the golf course. We still have that view although it gets obstructed somewhat until the neighbors seasonally prune back their trees and vegetation. In recent years development is transforming a rustic neighborhood into a popular area for larger homes and some two story homes which, in themselves obstruct view and some block the natural breeze and cooling shade. A recent remodel of the house next door has taken away our evening view of the beautifully colored sky of the sunset and replaced it with a stucco wall. When neighborhoods regenerate by replacing smaller homes and remodel/upgrade existing ones, it need not have a negative impact on the beauty of an area.

An ordinance intended to protect views from obstruction by trees and vegetation would have a negative impact on the beauty of this area as well as having environmental consequences. It is reasonable to expect that trees and vegetation be maintained. The city comes through routinely to maintain our tree lined street and we too shoulder the expensive cost of having our trees trimmed. It is worth noting that Edison crews have kept the lines clear of trees in the area. It is not just the aesthetics, safety, or health of the trees that such a costly and constant upkeep continues. For us, it is an investment knowing how beneficial our trees are.

Trees in general intercept solar radiation, cool the air by evapotranspiration, improve air quality and provide shade and beauty. For us, the canopy of shade from our trees reduces a need to water as often and we don't have to invest in air conditioning to keep our home cool even on the hottest days. We are converting much of yard space into more drought smart plants and ground cover. The trees have an added benefit of requiring less overall landscaping.

In this Hillside Overlay District other ordinances already exist, one requires that you show the extent of the new construction by poles and flags so the impact is known by those affected by the proposal. As well intended as this might seem, often much time, money and emotional chaos is spent and seldom any real good comes from the hearings. I oppose any new ordinance protecting views by trees and vegetation. It too would result in hearings with the same type impact on neighborhoods, with contentious exchanges as they interpret how an ordinance applies to them.

We feel fortunate that growth in this area is unlike what happens in nearby beach city communities where natural breeze, air and light have been replaced by high density building. Homes in those areas now contribute to higher power generation emissions and use artificial means to regain what was lost. To sacrifice or limit our trees over the desire of those who want to improve their view, sets a standard which can lead to other changes. We need to continue to respect what makes this hillside community a value to everyone, not just to those who want to improve the appraisal of their property by adding a view.

Thank you, and I look forward to following how this matter is resolved.

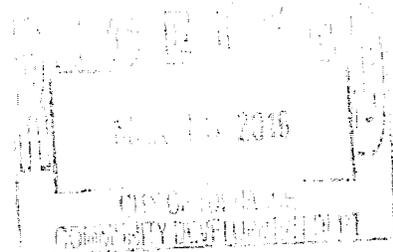
Sally Lewis
 244 Calle de Madrid
 Redondo Beach CA 90277
salewis@mac.com
 310-373-7189

March 12, 2016

City of Torrance
Community Development Dept
3031 Torrance Blvd
Torrance, CA 90503

Attn: Planning Division

Subj: View Protection, Hillside Overlay



Per your recent notification, I strongly support the creation of an ordinance protecting views in the Hillside Overlay District from obstruction by trees and vegetation.

As a homeowner in the lower Riviera, my objections are the obstruction by trees across the street, just outside the overlay, that block our views and again behind our home that completely obscure most winter time sunlight. Rarely are any of these trees cut.

I support any ordinance to protect views, light, space, and quality of life.

Sincerely


John Gregory Rados
213 Via La Circula
Torrance, CA 90277

Fernandez, Ana

From: Cessna, Linda
Sent: Thursday, January 14, 2016 4:16 PM
To: Fernandez, Ana
Subject: FW: TREE Ordinance

-----Original Message-----

From: Tad Davis [<mailto:tad20@verizon.net>]
Sent: Thursday, January 14, 2016 4:10 PM
To: Cessna, Linda
Subject: TREE Ordinance

Hello, We can not attend tonight's meeting regarding a tree ordinance for views, but can you add our SUPPORT for such an ordinance. Our view has been impacted over the years by growing trees. Thank you

Tad Davis
Marnie Davis

116 Paseo De Granada 90277

Fernandez, Ana

From: Cessna, Linda
Sent: Friday, January 15, 2016 8:29 AM
To: Fernandez, Ana
Subject: FW: View Ordinance in the Hillside Overlay

-----Original Message-----

From: Ashcraft, Heidi
Sent: Friday, January 15, 2016 12:16 AM
To: Large, Burke S SPL
Cc: Jackson, LeRoy; Gibson, Jeff; Cessna, Linda
Subject: Re: View Ordinance in the Hillside Overlay

Hello Mr. Large,
 Thank you for your email. I'll make sure your concerns are entered with the others we've received.

Heidi Ashcraft
 Torrance City Council

Sent from my iPhone

> On Jan 13, 2016, at 1:28 PM, Large, Burke S SPL <Burke.S.Large@usace.army.mil> wrote:
 >
 > Good Afternoon Councilwomen Ashcraft:
 >
 > I own a small home at 230 Via Anita in the Hillside Overlay. I currently live in Old Torrance and intend to move into the home on Via Anita in June of this year.
 >
 > Currently there are three City trees blocking parts of my view. I also have a neighbors tree affecting my view.
 >
 > I strongly support a view ordinance protecting homeowners views from both City Trees and neighbors trees.
 >
 > I would greatly appreciate your support in adopting a view ordinance similar to view ordinance in Palos Verdes Estates.
 >
 > Burke S. Large
 > 1807 Andreo Avenue
 > Torrance, CA 90501
 >

Fernandez, Ana

From: Cessna, Linda
Sent: Friday, January 15, 2016 8:30 AM
To: Fernandez, Ana
Subject: FW: tree and view ordinance

-----Original Message-----

From: Ashcraft, Heidi
Sent: Friday, January 15, 2016 12:14 AM
To: Lynn Carol Miller
Cc: Jackson, LeRoy; Gibson, Jeff; Cessna, Linda
Subject: Re: tree and view ordinance

Thank you for your email I'll make sure it's included with all the others we've received.
 Heidi Ashcraft
 Torrance City Council

Sent from my iPhone

> On Jan 14, 2016, at 2:50 PM, Lynn Carol Miller <lmiller@usc.edu> wrote:

>

> Dear Council Members:

>

> We will be unable to attend tonight's meeting so wanted to share our thoughts. My husband, Stephen Read, and I (Lynn Miller Read) are Torrance residents at 428 Via El Chico in the overlay area. We have been very good at removing trees that were sick or where our neighbors (up the hill from us) have pointed out are problematic (i.e., potentially could crack and obstruct upper drainage areas), and of course in the process enhance their views. We have paid for these things ourselves. So, I think it's fair to say we have been good and responsive neighbors to our up-hill neighbors' concerns.

>

> But, in terms of the view ordinance we are very concerned that if it passed, we would lose our right to reinstate our privacy.

>

> 1. After we moved into our house (which we purchased over 15 years ago) because we sought PRIVACY, our neighbor at the time behind us (apparently this had been approved before we purchased) built up the ground considerably so that the back of their property (with swimming pool which incidently overflowed into the hillside and caused serious damage to our neighbor's property) so that they acquired a view that greatly reduced our privacy in our back yard and spa area. That uphill neighbor sold the property a few years ago. We don't appreciate our "uphill" neighbors being able to look down into our property. Indeed, a year or so ago, I observed the husband and wife trying to look over the fence between their property and their neighbors (so they are a bit snoop and this is disconcerting...I don't think they get how annoying it is to have neighbors who do this).

>

> 2. We lost many trees at the rear of our property (on the uphill) after the construction occurred and after the new owners moved in (the construction itself may have killed them. But, we're unsure). We then took out the dying trees and planted some narrow trees our gardener suggested would enhance our privacy but not threaten the culvert. This would allow us to keep our nosey neighbors from looking down into our property. After removing trees recently (at the request of the uphill neighbor since it could have long term affected the drainage area) we are planning to plant some more of these recently added trees across our entire back line this week. We are trying to reduce our neighbor's view of our backyard, but

not trying to reduce our neighbors' view of the ocean and so forth (although this may impede some view from some areas on their property). Nevertheless, our concern is with our PRIVACY, which is why we purchased our home in the first place where we did. We will keep our trees trimmed as much as possible so that we achieve our privacy and landscaping objectives but not more than that (so we protect our neighbors views as much as possible). And, perhaps that is the way to think about the privacy/view tradeoff.

>

> 3. If a view ordinance goes in people, like us, might be far less likely to be so accommodating to our neighbors if removing trees (due to poor health of the tree or potentially being problematic to drainage areas and so forth, because they had gotten very large and needlessly were obstructing view) would mean we couldn't replace them (and thereby still secure our privacy). This could be an unintended consequence of such an ordinance in that neighbors might be less neighborly - doing just what is required by law but no more. I agree with another resident who said that taller allowed fences might be another solution to the privacy-view trade off.

>

> We note that a recommendation that trees be no higher than the roofline is problematic for those of us on the downside of a slope...since the tops of our roofs are often much lower than the property, including the dirt and backyard way up the hill, way above the roof!

>

> 4. We do think that there should be a survey of all residents since it is likely that most would be opposed to a view ordinance.

>

>

> Thank you for allowing us to share our thoughts.

>

> best,

>

> Lynn and Stephen Read

Fernandez, Ana

From: Cessna, Linda
Sent: Friday, January 15, 2016 9:03 AM
To: Fernandez, Ana
Subject: FW: Tree Overgrowth

Did you get this one? Ic

From: Jones, Sharron
Sent: Friday, January 15, 2016 9:01 AM
To: Cessna, Linda
Subject: FW: Tree Overgrowth

Linda,

I'll provide this resident with Lance's information to see if he can help.

Sharron

From: CDD Info
Sent: Thursday, January 14, 2016 5:38 PM
To: Jones, Sharron
Cc: Cessna, Linda
Subject: FW: Tree Overgrowth

From: Fossum, Ryan [<mailto:ryan.fossum@umusic.com>]
Sent: Thursday, January 14, 2016 11:12 AM
To: CDD Info
Subject: Tree Overgrowth

I believe this email is intended for Jeff Gibson if I am reading this flier correctly.

I just wanted to chime in on the situation, however, I will not be able to attend the meeting and have some concerns about some trees at my residence.

I currently have a neighbor that resides below me on the hill, of which has large overgrown trees in her backyard. The trees do not just block the view, they have become a safety and health issue for me and my family. The trees are about 75% dead and on any given wind storm drop large 12 to 15' limbs down into our yard. As they fall, I obviously remove them. During removal I have found very large ticks and spiders and I have dogs that are in our backyard throughout the course of the day. I am concerned about the spiders as well, but not as much so as the ticks that are known to carry various disease and are carriers and transmitters of the diseases.

I have requested through herself and her daughter who is her POA, and they have signed document stating we could cut them at my expense. Yet, when the time comes they do not allow access. I am at a loss at this point on where to seek assistance and saw this flier so I felt I may be heard at least if not given assistance to resolve the situation.

If you have any info for me to get some resolution to this out of hand situation, I would greatly appreciate any assistance that you could give me.

Thank You

Ryan Fossum

Ryan Fossum
Universal Music Group /Chief Engineer
310.865.9519 / fax 310.865.1614
2220 Colorado Ave. Santa Monica, CA 90404
Ryan.Fossum@umusic.com

Fernandez, Ana

From: Cessna, Linda
Sent: Friday, January 15, 2016 12:19 PM
To: Fernandez, Ana
Subject: FW: Tree and View Ordinance

From: Griffiths, Mike
Sent: Friday, January 15, 2016 12:04 PM
To: Cessna, Linda
Subject: FW: Tree and View Ordinance

Comment for the record...

Mike Griffiths
 Councilmember – City Council
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 voice | 310.618.5841 fax |
MGriffiths@TorranceCA.gov | www.TorranceCA.gov

From: Diana Smith <dlsmith@socal.rr.com>
Sent: Friday, January 15, 2016 11:45 AM
To: Griffiths, Mike
Subject: Tree and View Ordinance

My name is Diana Smith and I reside at 4721 Paseo de Las Tortugas, in the Hollywood Riviera. My husband and I have lived at this address for the past 23 years.

We have a special interest in seeing a Tree and View Ordinance in place because we live on the view side of the hill and have had issues with the landscape design choices made by our neighbors to the west that have obstructed our view for approximately 15 years. Over this period of time there has been no recourse to resolution except relying on our neighbors to be neighborly.

At the time of purchase we could sit in our living room or on our patio and have an unobstructed view from Century City to Signal Hill. Over the years our neighbors have landscaped to ensure their privacy to the detriment of our view. We now have approximately one half of the panorama that we had when we bought our home. The rest of the view is blocked by a 10' high honeysuckle hedge that runs the whole side of the property, effectively obliterating our view.

We have tried to resolve the issue through face-to-face dialogue as well as through letters stating our concerns and suggesting ideas on how to trim the hedge to insure privacy while minimally restricting our view. Our efforts have been ignored. A Tree and View Ordinance prohibiting the deliberate impairment of a neighbor's view would be an invaluable tool to assist us in resolving this issue.

Not only have we been deprived of the view we paid for, but also the value of our property is decreased because of their choices. We feel that an ordinance prohibiting such behavior is in the interest of all residents of the Riviera.

Thank you for your consideration of our concerns as you make this decision for our City.

Diana Smith

Fernandez, Ana

From: Cessna, Linda
Sent: Friday, January 15, 2016 12:20 PM
To: Fernandez, Ana
Subject: FW: Tree Idea
Attachments: TreeMtgFollowupLtr.docx

-----Original Message-----

From: Griffiths, Mike
Sent: Friday, January 15, 2016 12:10 PM
To: Cessna, Linda
Subject: FW: Tree Idea

More for the record...

Mike Griffiths
 Councilmember - City Council
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 voice |
 310.618.5841 fax | MGriffiths@TorranceCA.gov | www.TorranceCA.gov

From: Lyla Knudson <lylaknudson@hotmail.com>
Sent: Friday, January 15, 2016 10:34 AM
To: Griffiths, Mike
Subject: Tree Idea

Good morning Councilman Griffiths -

Thank you for doing an outstanding job of chairing last night's meeting. On the way home I came up with an "out of the box" idea I would like you to consider. It is attached. I appreciate all you do for the city and are doing to keep this issue moving.

Sincerely,
 Lyla Knudson

Lyla Knudson
409 Via La Selva
Redondo Beach, CA 90277
(310) 955-8820

January 15, 2016

Re: Follow up to View Impairment by Trees & Vegetation Meeting

Dear Committee Members & Staff –

On the way home from the meeting last night I came up with an “out of the box” idea I would like to share with you. While I agree that something needs to be done to restore our views, it seems in most instances the people who spoke were dealing with resistant neighbors, as am I. **Their participation in the meeting was a cry for help, not more bureaucracy.**

The idea of trying to convince an uncooperative neighbor to manage the trees on their property, participating in mediation/arbitration (someone always comes out the looser) and clogging our judicial system with civil cases is very unappealing. I support something much more streamline as an example:

- (1) Pass an ordinance that delineates how high trees can be. Ideally they should not grow above the first floor roof line.
- (2) Provide a process for obtaining an exemption.
- (3) Provide a process for citing those who don't conform.
- (4) Fine those who fail to follow the ordinance which could create revenue for trimming city and park trees.

Yes, this proposal may have budget impact but if done right it can create a revenue stream for the city while solving the problem.

Thank you for bringing this issue forward. I hope an acceptable recommendation can be made soon.

Sincerely

Lyla Knudson
40 year Hillside Overlay Property Owner

Fernandez, Ana

From: Cessna, Linda
Sent: Friday, January 15, 2016 12:21 PM
To: Fernandez, Ana
Subject: FW: View Ordinance Meeting

From: Griffiths, Mike
Sent: Friday, January 15, 2016 12:18 PM
To: Cessna, Linda
Subject: FW: View Ordinance Meeting

A tree ordinance mediator... and comments for the record.

Mike Griffiths
 Councilmember – City Council
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 voice | 310.618.5841 fax |
MGriffiths@TorranceCA.gov | www.TorranceCA.gov

From: Griffiths, Mike
Sent: Friday, January 15, 2016 12:13 PM
To: coleen Berg
Subject: RE: View Ordinance Meeting

Hi Coleen - Thanks for reaching out to me and attending our meeting last night!

I appreciate your comments and will forward your email to staff who may take you up on your offer... and will include in the record for the future. (cc'd to Linda Cessna)

I appreciate your interest.

Thanks,
 Mike

Mike Griffiths
 Councilmember – City Council
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 voice | 310.618.5841 fax |
MGriffiths@TorranceCA.gov | www.TorranceCA.gov

From: coleen Berg <bergcoleen@yahoo.com>
Sent: Friday, January 15, 2016 10:30 AM
To: Griffiths, Mike
Subject: View Ordinance Meeting

Good morning. As a resident of Torrance I attended the packed house meeting last night. I also happen to be the mediator for the city of Rancho Palos Verdes, Beverly Hills, Rolling Hills and Laguna Beach; I mediate all their view related issues.

I think Linda did a great job on the analysis of the different cities, a couple misses, but overall a good representation of the various Ordinances. Because I have mediated this issue exclusively for over 11 years, I have heard the strengths and weaknesses of each ordinance.

Understanding the need for the city to keep funding down, as well as the residents to have the ability to address this issue without breaking the bank, may I suggest looking at a step in the Malibu process that seems to be unique to them.

I was hired by Malibu a number of years ago to help residents actually write the Ordinance to present to the Council. They implemented a step called a Written Advisory Opinion.

"Written Advisory Opinion. If the provisions of Subsections A and B of this Section are exhausted and do not produce a satisfactory result to the Claimant, and the Foliage Owner has declined binding arbitration in Subsection C, the Claimant may request that the Planning Director assess and issue an advisory opinion on the view dispute. Such requests shall be made to the Planning Director in writing within 30 days after binding arbitration is refused or deemed refused. The Planning 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 civil action. "

This Opinion could be provided by staff, with a fee, or by an outside expert in the field. Knowing court action can be time consuming and costly, this step may assist residents in the court system.

Again, Linda did a great job, but i did notice she, and many residents were using the terms Rolling Hills and Rolling Hills Estates interchangeably. As I am sure you know, the two ordinances are very different. just for clarity I wanted to point that out so residents are not researching the wrong ordinance for reference.

As as a 53 year resident of Torrance, there are my two cents. As a resident, and I would say expert in the field, I would like to offer my assistance. As I mentioned, I have mediated this issue for over 11 years. If you feel it would be helpful, I would be more than happy to come talk with you about my experiences, hoping to help Torrance to avoid some of the pitfalls other cities have experienced. This is of course as a resident, volunteering my time as my duty.

I hope you find the above info helpful. Please don't hesitate to cont me if you feel I can be of any assistance.

Coleen Berg
Choice Mediation, mediator

Fernandez, Ana

From: Cessna, Linda
Sent: Tuesday, January 19, 2016 7:50 AM
To: Fernandez, Ana
Subject: FW: Tree Ordinance

From: Griffiths, Mike
Sent: Sunday, January 17, 2016 10:37 PM
To: Cessna, Linda
Subject: FW: Tree Ordinance

More for the record... an interesting scenario, which if I recall, the RHE ordinance would incorporate as part of notification process, the ability of an 'indirect' neighbor in a dispute to become involved.

Mike Griffiths
 Councilmember – City Council
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 voice | 310.618.5841 fax |
MGriffiths@TorranceCA.gov | www.TorranceCA.gov

From: kmiller@geosoils.com <kmiller@geosoils.com>
Sent: Saturday, January 16, 2016 1:17 PM
To: Goodrich, Tim; Ashcraft, Heidi
Cc: Griffiths, Mike
Subject: Tree Ordinance

Dear Council Members-

I would like to thank you for participating in the Tree Ordinance issue for the City. I attended the meeting last Thursday night and was interested in what I heard. Why I generally agree with the tree ordinance, I would like to express a concern.

I currently live at 5364 Doris Way in South Torrance. If you know this area, then you know the street slopes gently upward as you travel from west to east. This means the homes are terraced with an elevation difference of approximately 3-6 feet between each home. Thus, a home on the east is at a slightly higher elevation(3-6 ft) than a home on the west.

On our particular lot, a 6 +/- foot high block wall exists at the property line between our lot and the lot immediate eastward. A series of Cypress trees are located on the neighboring property immediately behind this block wall. Being @ 15-20 feet tall, these tree tower over the wall. This house was lost in foreclosure in 2010 and purchased at an auction. The new owner has plans to remodel the residence, but has been renting out the home for the past 5 years. Currently the home has a second story patio that overlooks their rear yard. The remodel will be adding square footage to the house and improving this second story patio. Given the location of this house on the lot and the height of the second story patio, the only thing that protects our privacy from this patio is the Cypress trees.

That said, three lots up slope from our property, an older retired woman claims these same trees are blocking her ocean view. I have never been to her home so I can not comment on this. She has spent the

last few years begging the renters next door to trim these trees. However not owning these trees they have been reluctant to do anything.

My concern with the tree ordinance is that- if passed -she could demand this homeowner trim/remove these trees in order to restore her ocean view. If this happened, I would then lose the privacy that I now have. While I do not want to refuse this woman her view, I wonder what rights I would have that would protect our privacy? The last thing I would want is that a deal is made between our neighbor and the retired woman to trim the trees and I come home from work one day only to be blindsided by the fact the trees are gone and so is our privacy.

So I ask, as a third party, who neither owns the trees nor has an impacted view, but would be directly affected by this process, what say would I have in this matter and how would the City make sure I am included in the tree dialog?

I understand this ordinance is still in its infancy and I do not expect an answer. However, I am sure I would not be the only property owner impacted in this manner and would like to bring this up for consideration.

Thank you for your time.

Karen Miller

Fernandez, Ana

From: Cessna, Linda
Sent: Tuesday, January 19, 2016 7:51 AM
To: Fernandez, Ana
Subject: FW: Community Planning and Design Committee Mtg with City Council

From: Nancy Ozolins [<mailto:nsozolins@gmail.com>]
Sent: Sunday, January 17, 2016 9:07 AM
To: Cessna, Linda
Subject: Community Planning and Design Committee Mtg with City Council

Linda,

First of all I want to say thank you for your excellent report. It was so thorough and well done.

I live at 20903 Tomlee Avenue, Torr 90503. I received a postcard notification of a Notice of Public Meeting concerning obstruction of resident's views by trees and vegetation. By attending the meeting, it was immediately apparent to me that this was primarily for Hollywood Riviera residents, but I stayed for most of the meeting to hear their viewpoints.

I am 67 years old and have lived in Torrance for over 40+years. The community consists of neighbors who want to work together and cooperate and neighbors only concerned about their view and privacy concerns. The time has arrived for the City of Torrance to assist all of their residents in creating cooperation.

This is exactly what the Council did concerning the RV parking on the streets. I have an RV. We occasionally parked it in front of our house. The rules changed and now it is in stored parking. If we park it in front of our house to load it, we get a parking permit from the city. We understand you did this for the betterment and safety of the City of Torrance. It would have been a lot easier for us to allow our motorhome in front of our house, but the rules changed. Now, you see a lot of RV's parked in Redondo Beach and other cities that have no guidance. They have not been progressive and they end up with the consequences.

I saw the real estate section of the L.A. Times yesterday and one home advertised in Hollywood Riviera specifically used their view as THE selling point. After the presentation at the Council meeting and seeing the before and after pictures of people losing their views, I thought it was only a matter of time before they lost that incredible view.

I know it was mentioned that 26 new documents arrived from residents who do not want a view guideline adopted, but I still think the vast majority of residents are in favor of guidelines.

Thank you,

Nancy Ozolins

Fernandez, Ana

From: CDD Info
Sent: Monday, March 14, 2016 11:20 AM
To: Cessna, Linda; Fernandez, Ana
Subject: FW: Tree Ordinance Discussion

From: Maxwell, Jim [<mailto:Jim.Maxwell@opco.com>]
Sent: Monday, March 14, 2016 10:27 AM
To: CDD Info
Subject: Tree Ordinance Discussion

Dear Torrance Planning Commission

Since I will not be able to attend the meeting on the Tree Subject/Discussion, I would like to state that I support such an ordinance being put into practice.

Hillside Overlay views, are valuable assets to the owners and it does not seem appropriate that over grown trees should negatively impact property values.

Where views are impacted by tall trees, I would like to see a height limit on the offending vegetation to that of the roofline (height of the structure) on which the vegetation is growing. Where Ocean-Views are involved, the damage to property values from tree blockage can be very substantial!

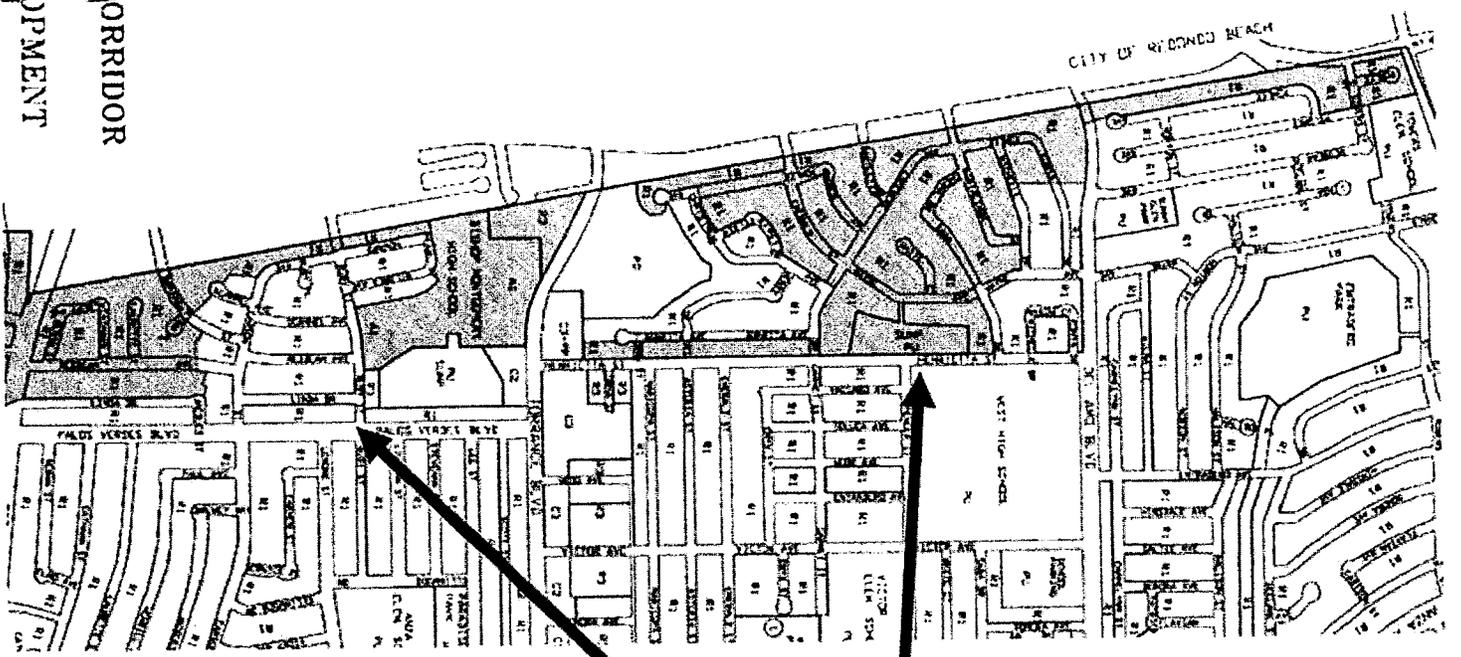
Thank you for considering my position on this important community issue.

Sincerely yours,
James Maxwell
426 Via la Selva
Redondo Beach, CA 90277
maxwelljamesg@hotmail.com
310 375-6143 Home Phone

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

Areas within the Hillside Overlay

- ▶ Hillside areas contain portions of West Torrance and Southwood
- ▶ Seaside Ranchos
- ▶ Hollywood Riviera
- ▶ Portions of Riviera, Country Hills and South Torrance
- ▶ Approximately 5,750 Households in Hillside Overlay



Portions of
West Torrance &
Southwood

Fernandez, Ana

From: CDD Info
Sent: Thursday, June 23, 2016 1:35 PM
To: 'meelee.kong@yahoo.com'
Subject: FW: Council Meeting/Protecting View for Hillside Overlay District

Good afternoon,
Our Department is in receipt of your email. Thank you for your comments.

Community Development Dept.
City of Torrance | 3031 Torrance Blvd | Torrance, CA 90503 |
(310) 618-5990
fax (310) 618-5829
cddinfo@TorranceCA.gov

From: Meelee Kong [mailto:]
Sent: Thursday, June 23, 2016 12:09 PM
To: CDD Info
Subject: Council Meeting/Protecting View for Hillside Overlay District

Dear Officer:

I'm a resident living in a Country Hill Community in Torrance and want some actions could be taken in order to protect views of my home.

Many Homes at Country Hills are built adjacent facing hills owned by downhill homeowners. Just below my house are very big trees which grow so fast and spread so quickly in a very short period of time. The trees are growing in my neighbor's ground so I can't cut them, nor trim them. It was 5 years ago when I bought my house and view was one of the most important factors for me to write an offer. I believe view is part of personal property that should be protected as far as it doesn't infringe other homeowner's right.

I value my neighbor's privacy and choice to keep big trees on his backyard hill. But trees are too big, and grow too fast, and they're blocking the view of my house more and more. I was very happy to hear that public meeting to discuss this issue is in process.

I hope City of Torrance make new ordinance which defines views as personal property that should be protected. If done so, home owners will aware and be more considerate in taking care of their trees and shrub. They simply do not aware that other peoples are anxious to have the trees be trimmed - you know how tall is the tree here in Torrance. Making a new ordinance and publishing it will help to make our community more considerate to each other.

Since my mother language is not English, I prefer to express my opinion via email. Thank you for your attention on this matter and hope we can make it!

Sincerely,
Meelee Kong

M. L. KUSION, TRUSTEE
Real Estate Management

P.O. Box 874
Palos Verdes Est., CA 90274

(310) 375-3157
10:00 A.M. to 4:30 P.M.

6-20-14

To:

City of Torrance
Community Development Dep.
3031 Torrance Blvd.
Torrance, CA 90503

From:

M. L. Kusion
POB 874
PVE CA 90274

Ref: Protection of views from (obstruction
by Trees and Vegetation [Hillside])

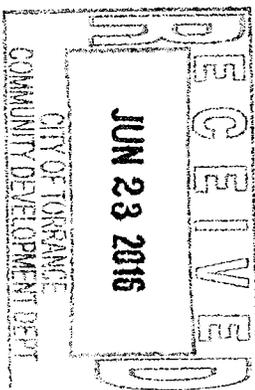
A view is an awfull thing to lose. I
support 100% an ordinance protecting
views from trees, vegetation, etc. etc.

There was a case, that planting trees, with the
sole purpose of coorse and harass
property owners in order to remodel
with a second floor, was done not
long ago, affecting several properties.

Respectfully,

M. L. Kusion

523 Camino de Encanto
Hollywood Riviera, CA 90277



Fernandez, Ana

From: Cessna, Linda
Sent: Thursday, June 23, 2016 7:44 AM
To: Fernandez, Ana
Subject: FW: Hillside Overlay District draft ordinance re. trees

Linda Cessna

Deputy Community Development Director—Community Development Department
3031 Torrance Blvd | Torrance CA 90503 | 310.618.5930 voice | 310.618.5829 fax | lcessna@torranceca.gov |
www.TorranceCa.gov |

From: CDD Info
Sent: Thursday, June 23, 2016 7:40 AM
To: Cessna, Linda
Subject: FW: Hillside Overlay District draft ordinance re. trees

From: Eugene Krc [mailto:eugene_krc@email.com]
Sent: Tuesday, June 21, 2016 9:02 PM
To: CDD Info
Subject: Hillside Overlay District draft ordinance re. trees

Hello all,

I strongly disagree with any ordinance that would give a select group of homeowners, living in higher elevations, a power to force other homeowners to cut down their trees. Trees are more important to the quality of life in this city than the extra dollars that some greedy homeowners hope to gain when they sell their houses. If they feel a need to see the ocean, they can go down to Torrance Beach like everyone else. Thank you for your attention.

Yours, Eugene Krc
Torrance Homeowner

Fernandez, Ana

From: Gibson, Jeff
Sent: Tuesday, June 21, 2016 5:51 PM
To: Cessna, Linda; Lodan, Gregg; Fernandez, Ana
Subject: FW: Tree Ordinance

Fyi.....

Jeffery W. Gibson
Director, Community Development Department
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310-618-5983 voice | 310-618-5829 fax | JJGibson@TorranceCA.gov
 | www.TorranceCA.gov | www.Twitter.com/TorranceCA

From: Ashcraft, Heidi
Sent: Tuesday, June 21, 2016 5:49 PM
To: James Pickard
Cc: Jackson, LeRoy; Gibson, Jeff
Subject: Re: Tree Ordinance

Thank you Mr Pickard for your email. I'll make sure your it is entered into the record.

Heidi Ashcraft
 Torrance City Council

Sent from my iPhone

On Jun 21, 2016, at 4:50 PM, James Pickard <jamespartm@aol.com> wrote:

Dear Council Member,

I'm 84 years old and have been in my home for 46 years. I had a 180 degree view of Santa Monica Bay, Point Mugu,, the Channel Islands, the sunset, and the 4th of July fireworks.

That view has been cut by as much as 70%. Please pass the Tree/View Ordinance.

Thank You,
 James Pickard
 Retired SHS Teacher

Fernandez, Ana

From: Gibson, Jeff
Sent: Monday, June 20, 2016 9:02 AM
To: Cessna, Linda; Lodan, Gregg; Fernandez, Ana
Subject: FW: Proposed vegetation ordinance

Fyi.....

Jeffery W. Gibson
Director, Community Development Department
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310-618-5983 voice | 310-618-5829 fax | JGibson@TorranceCA.gov
 | www.TorranceCA.gov | www.Twitter.com/TorranceCA

From: John Fellows
Sent: Monday, June 20, 2016 8:32 AM
To: Gibson, Jeff
Subject: Fw: Proposed vegetation ordinance

Dear Mr. Gibson,

Imagine my surprise when a notice of a Council meeting to discuss a draft ordinance protecting views in the Hillside Overlay District arrived in my mailbox on Saturday.

I immediately went to the webpage for information regarding the proposed ordinance. As much as I appreciate the availability of historical background, I was disheartened to discover no staff report for next Tuesday's Council meeting and no draft ordinance to review. I repeat my request that more than 72 hours be granted in this case for review of the staff report and draft ordinance.

John Fellows

-----Forwarded Message-----

From: John Fellows
Sent: Jun 17, 2016 11:37 AM
To: jgibson@TorranceCa.gov
Subject: Proposed vegetation ordinance

Dear Mr. Gibson:

I'm writing in respect to the proposed vegetation ordinance or view restoration ordinance (or whatever it's called), which I believe is scheduled to be presented to the City Council sometime around June 28, 2016, or shortly thereafter. Although I have not seen the proposed draft ordinance I have several concerns based upon what I've heard regarding various community and Council committee meetings.

First, I'm curious about the number of homes that will be subject to the proposed ordinance. Depending on the number of homes included, serious conflict of interest issues may arise. Decision makers, staff and any expert consultants who have conflicts may well be barred from participating in the decision or attempting to influence the Council's decision in any manner. I would also like to know the boundaries of the proposed affected area.

Second, I believe there is a possibility that home values may be significantly affected either positively or negatively if the proposed ordinance is adopted. In addition, any home that might be required to bear some or all of the cost of trimming or removing vegetation pursuant to the ordinance will surely be affected. Moreover, homeowners required to trim or remove vegetation may suffer losses of privacy and shade, the impacts of which could range from minimal to significant.

Third, the Council is scheduled to be reorganized on July 12 and one new member will be seated. Thus, if the ordinance is presented at the Council meeting of June 28 and then continued after the Council is reorganized, that new Councilmember will have to be brought up to speed.

Fourth, as I am sure you are aware, Torrance schools will be out for the summer beginning on June 24 and the summer vacation season will immediately commence. Many residents in the affected area will be out of town at varying times during the summer. Because of the potentially significant impacts of this ordinance, I ask that you consider deferring presentation of the proposed ordinance to City Council until school resumes in the fall.

Fifth, despite the best efforts of Council and staff to publicize the coming of the proposed ordinance, I believe that many residents in the affected area are unaware of the proposed ordinance or of its scope. To ensure further that all affected residents have adequate notice of the proposed ordinance, I ask that your staff consider mailing notice to all residents (not just homeowners) in the affected area, well in advance of presentation of the draft ordinance to City Council.

Sixth, I would like to know what environmental review has been undertaken with respect to the proposed ordinance. I would like to see all documentation of any exemption decision or other determination following an initial study.

Seventh, given the potential effect on affected residents, I believe that the normal 72-hour Brown Act notice period is insufficient to allow affected residents to analyze the proposed ordinance. I ask that the staff report and proposed ordinance be made available to the public at least two weeks prior to presentation to the City Council.

I am sure I will have additional questions and comments once I see the staff report and draft ordinance.

Please redact the street number of my residence and my email address and acknowledge receipt of this email.

John Fellows

Fernandez, Ana

From: Cessna, Linda
Sent: Monday, June 20, 2016 11:11 AM
To: Fernandez, Ana
Subject: FW: Tree Ordinance - Hillside Overlay

Linda Cessna
 Deputy Community Development Director—Community Development Department
 3031 Torrance Blvd | Torrance CA 90503 | 310.618.5930 voice | 310.618.5829 fax |
lcassna@torranceca.gov | www.TorranceCa.gov |

-----Original Message-----

From: CDD Info
Sent: Friday, March 25, 2016 7:41 AM
To: Fernandez, Ana
Cc: Cessna, Linda
Subject: FW: Tree Ordinance - Hillside Overlay

-----Original Message-----

From: Terri Bain [<mailto:bainfamily1@aol.com>]
Sent: Thursday, March 24, 2016 6:23 PM
To: CDD Info
Cc: Terri Bain
Subject: Tree Ordinance - Hillside Overlay

Dear Council-

It is important to the residents of the Hollywood Riviera Hillside Overlay that we implement an ordinance protecting our views. It is not reasonable that homeowners can arbitrarily plant vegetation to block a neighbor's view . It is also not reasonable to let your vegetation overgrow to the point of impeding a view.

While the Council does not want to be involved in neighborhood disputes, if guidelines are in place, it will help define the perimeters with which resolutions can hopefully be accomplished.

Just like the hillside requirements for houses and additions, this will help everyone to understand what can and can not be done. It will encourage "good neighbors" instead of pitting neighbor against neighbor.

Thanks for your consideration-

Gary and Terri Bain
 407 Via San Sebastian
 Redondo Beach, Ca. 90277

Fernandez, Ana

From: Cessna, Linda
Sent: Monday, June 20, 2016 11:11 AM
To: Fernandez, Ana
Subject: FW: Torrance Overlay
Attachments: IMG_0348.JPG; ATT00001.txt; IMG_0349.JPG; ATT00002.txt; IMG_0350.JPG; ATT00003.txt

Linda Cessna
Deputy Community Development Director—Community Development Department
3031 Torrance Blvd | Torrance CA 90503 | 310.618.5930 voice | 310.618.5829 fax |
lcessna@torranceca.gov | www.TorranceCa.gov |

-----Original Message-----

From: CDD Info
Sent: Friday, March 25, 2016 7:41 AM
To: Fernandez, Ana
Cc: Cessna, Linda
Subject: FW: Torrance Overlay

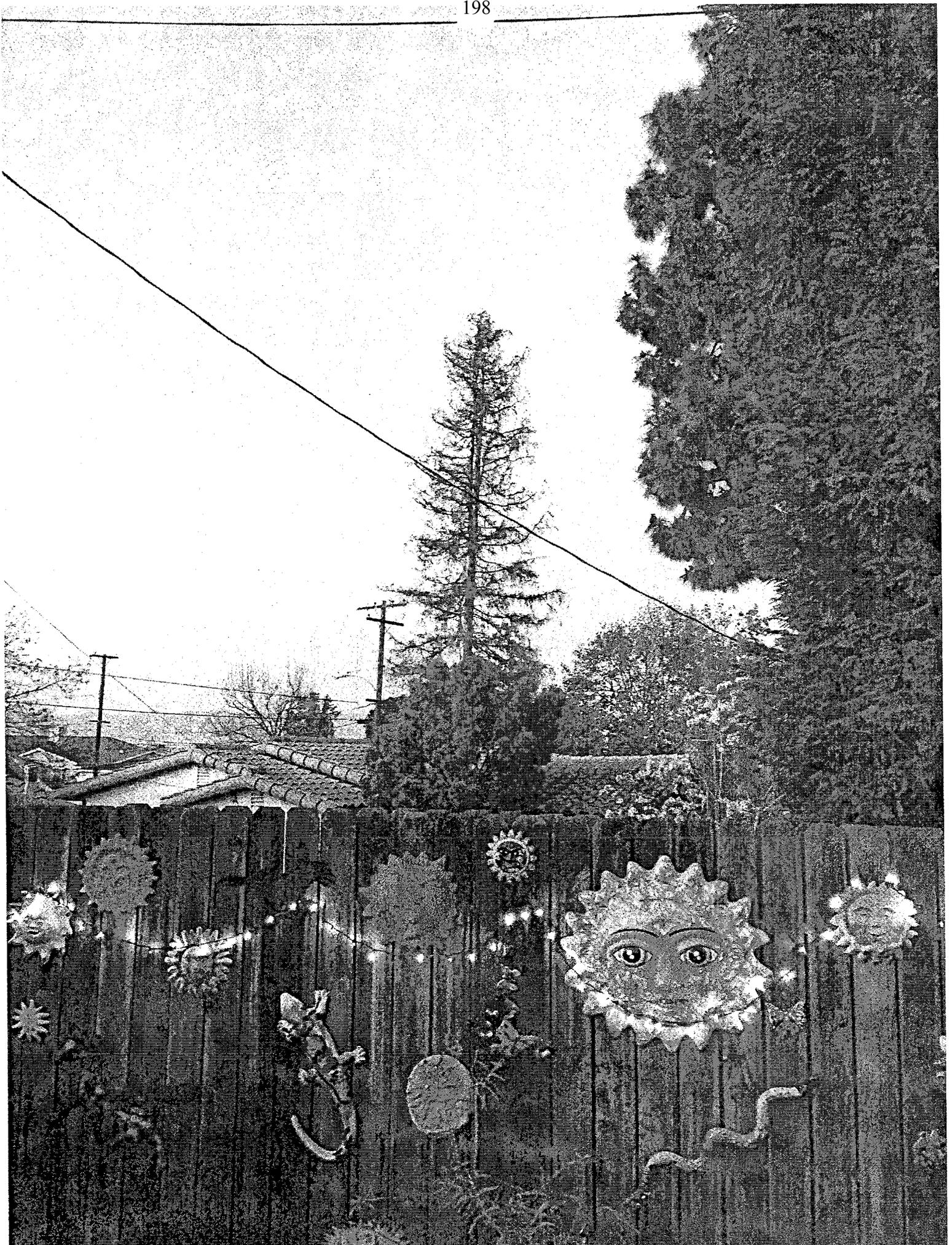
-----Original Message-----

From: Dona Folk [<mailto:donafolk@sbcglobal.net>]
Sent: Thursday, March 24, 2016 7:35 PM
To: CDD Info
Subject: Torrance Overlay

We live in the hillside overlay and the trees are just out of hand. With new families moving in I feel that some are not aware of the responsibility of maintaining proper trimming plus it's expensive on the larger trees. We're on Ridgeland Road, when we remodeled we decided to stay 1 level out of respect for our neighbors plus we still had a view. We don't really anymore.

Sorry I'm late submitting a comment. I wish something could be done about homeowners maintaining large trees and shrubs.

Thank you,
Tom & Dona Folk
2537 Ridgeland Road
Torrance 90505
534-5305







Fernandez, Ana

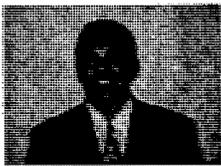
From: Cessna, Linda
Sent: Monday, June 20, 2016 8:08 AM
To: Fernandez, Ana
Subject: FW: Ordinance protecting views in Hills Side Overlay

Linda Cessna
Deputy Community Development Director—Community Development Department
3031 Torrance Blvd | Torrance CA 90503 | 310.618.5930 voice | 310.618.5829 fax | lcassna@torranceca.gov |
www.TorranceCa.gov |

From: CDD Info
Sent: Monday, June 20, 2016 7:35 AM
To: Cessna, Linda
Subject: FW: Ordinance protecting views in Hills Side Overlay

From: Nelu Ardeljan [<mailto:nardeljan@gmail.com>]
Sent: Sunday, June 19, 2016 8:02 AM
To: CDD Info
Subject: Ordinance protecting views in Hills Side Overlay

I own two homes in Riviera in Hillside Overlay and I think it is a great idea to have a ordinance p\to protect the views.



Riviera Realtors & Associates
DRE#01263575
Nelu Ardeljan
Broker
DRE#01023182

576 Via Del Monte
Palos Verdes Estates CA 90274
Office 800-982-0094 x 1
E Fax 800-982-0094
Cell 310- 487-6132
Email nardeljan@gmail.com
NeluArdeljan.featuredwebsite.com

Fernandez, Ana

From: Cessna, Linda
Sent: Friday, June 17, 2016 9:27 AM
To: Fernandez, Ana
Subject: FW: Tree ordinance

Linda Cessna

Deputy Community Development Director—Community Development Department
3031 Torrance Blvd | Torrance CA 90503 | 310.618.5930 voice | 310.618.5829 fax | lcassna@torranceca.gov |
www.TorranceCa.gov |

From: Maro Matthews [<mailto:ourview@earthlink.net>]
Sent: Friday, June 17, 2016 9:25 AM
To: Cessna, Linda
Subject: Tree ordinance

Torrance is a progressive city. Except that's sort of a misnomer when it comes to having a view ordinance. Torrance is one of the last larger cities to need one as others have enjoyed the benefits of them for years. We need something like, or similar to, the one in Rolling Hills Estates. We definitely do not need one like The City of Tiburon has. We currently have, as well as all of California, pretty much what that one is. It's called Spite Tree and you start litigation with, who was once a friendly neighbor, spend large amounts of money, and may and may not achieve the desired results. On June 28 let's be progressive on all fronts and get a decent ordinance that is workable for all.

Maro J. Matthews

109 Paseo De Granada

Redondo Beach, CA 90277

310-378-6927

ourview@earthlink.net

Fernandez, Ana

From: Gibson, Jeff
Sent: Monday, June 13, 2016 8:06 AM
To: Cessna, Linda; Fernandez, Ana; Lodan, Gregg
Subject: FW: Tree/View Ordinance

Fyi.....

Jeffery W. Gibson**Director, Community Development Department**

City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310-618-5983 voice | 310-618-5829 fax | JGibson@TorranceCA.gov
| www.TorranceCA.gov | www.Twitter.com/TorranceCA

From: Jackson, LeRoy
Sent: Sunday, June 12, 2016 7:22 PM
To: Gibson, Jeff; Chaparyan, Aram; Barthe-Jones, Eleanor
Subject: Fw: Tree/View Ordinance

From: Ashcraft, Heidi
Sent: Sunday, June 12, 2016 4:35:19 PM
To: Jackson, LeRoy; Gibson, Jeff
Subject: Fwd: Tree/View Ordinance

Sent from my iPhone

Begin forwarded message:

From: Judy English <crudlish@me.com>
Date: June 12, 2016 at 1:22:39 PM PDT
To: <hashcraft@torranceca.gov>
Subject: Tree/View Ordinance

Dear Ms. Ashcraft,

As a Council member who has been involved with the evolution of the presentation by the Planning Dept. on the Tree/View Ordinance which will occur on June 28 I know you have had some reservations about adopting such an ordinance. I hope that this final version we will see will be something that you feel good about. Those of us who feel strongly about the need for it in the Hillside Overlay would be very grateful for your support. And we all thank you for your involvement and commitment to the City of Torrance.

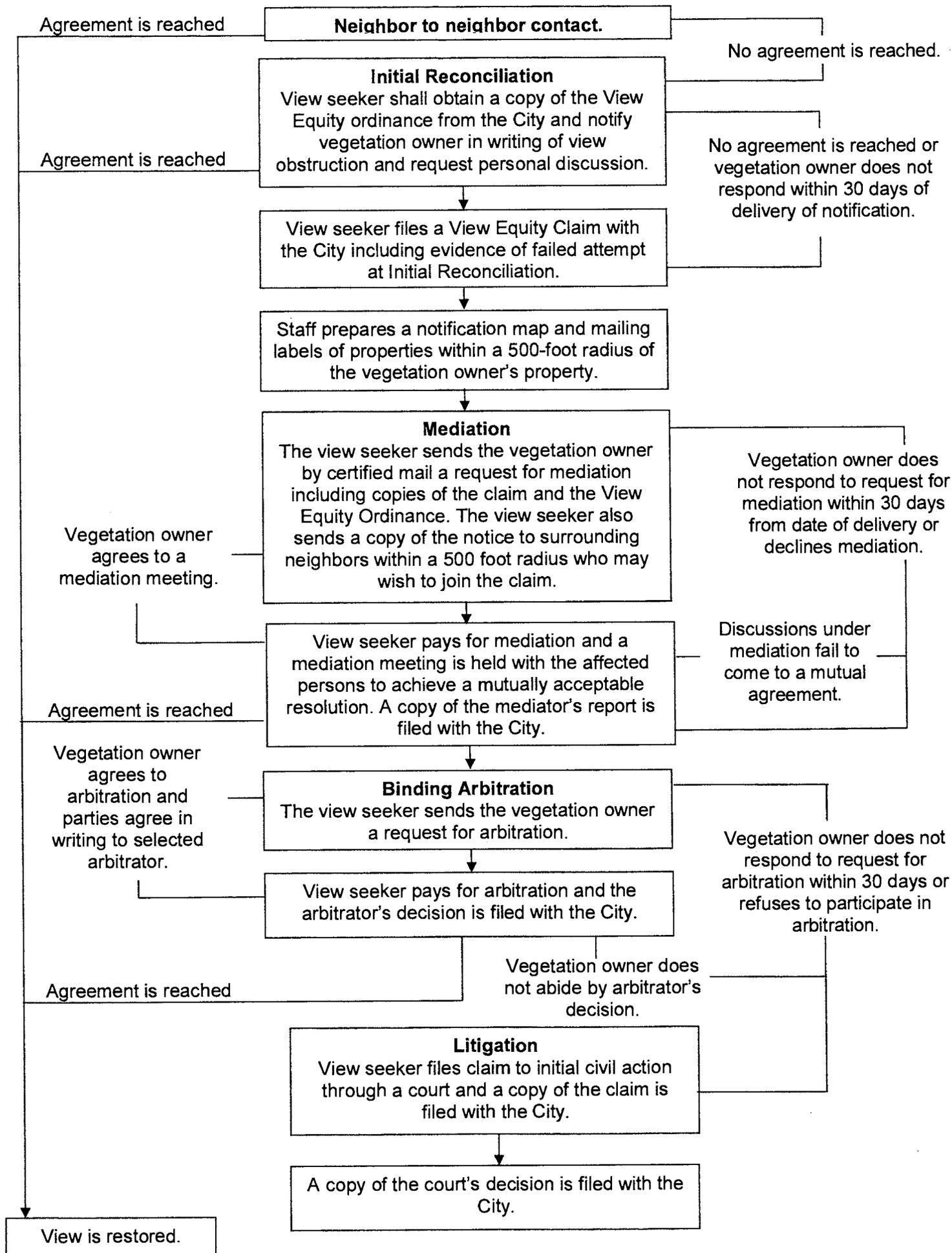
Sincerely,

Judy English

Timeline of Development of the Draft View Equity Ordinance

- **February 26, 2013-** Under Oral Communications, the Council directed staff to return a description of various municipal processes regarding view restoration, including the projected cost to the City and the individual homeowners. The Council also asked that staff return with an item discussing the cost of conducting a survey to measure interest in a view restoration ordinance.
- **October 21, 2014-** Staff presented an item to the Council to consider options for addressing potential view impairment from trees and vegetation.
- **February 11, 2015-** Community outreach at Riviera Homeowners Association Meeting
- **February 19, 2015-** Community outreach meeting at Torrance Airport
- **February 23, 2015-** Community outreach meeting at Katy Geissert Library
- **March 2, 2015-** Community outreach meeting at Torrance Airport
- **March 16, 2015-** Community outreach meeting at Hillside Homeowners Association, Alta Loma Park
- **March 31, 2015-** Community outreach meeting at Katy Geissert Library
- **May 19, 2015-** Staff presented an item recommending the Council to refer the matter of view obstruction by trees and vegetation in the Hillside Overlay District to the Council Community Planning and Design Committee for further action.
- **January 14, 2016-** Staff presented an item to the Council Community Planning and Design Committee requesting the Committee to provide direction regarding the potential adoption of an ordinance designed to preserve views in the Hillside Overlay District. The Committee requested more research from staff and continued the item.
- **March 24, 2016-** Staff presented an item recommending the Council Community Planning and Design Committee to provide direction regarding the potential adoption of an ordinance designed to preserve views in the Hillside Overlay District. The Committee referred the item to City Council.
- **June 28, 2016-** City Council meeting to review and provide direction regarding decision points within the Draft View Equity Ordinance.

View Equity Claim Process



Fernandez, Ana

From: CDD Info
Sent: Monday, September 19, 2016 7:55 AM
To: Cessna, Linda
Cc: Fernandez, Ana
Subject: FW: Tree Ordinance

From: Maro Matthews
Sent: Saturday, September 17, 2016 4:38 PM
To: CDD Info
Subject: Tree Ordinance

9/18/2016

Community Development

Tree ordinance

Again, I would like to reiterate the need for an ordinance to control the view blocking vegetation many of us in the hillside overlay area need to protect our coveted views and property values.

Contrary to what it seems the Planning division would like, we need something that can help the homeowners and be beneficial in achieving the necessary control over determining what vegetation planting and heights will be allowed.

For some reason, it seems Torrance is more about talk than it is about action. Other area cities have things on the books which could be easily patterned by Torrance, but nothing is being done other than hold meetings to say we need this.

Let's be a progressive city and follow through to get this landscape ordinance on the books and with some teeth in it despite what the Planning Departments would like.

Regards

Maro J. Matthews

Redondo Beach, CA 90277

Fernandez, Ana

From: Cessna, Linda
Sent: Monday, September 19, 2016 5:05 PM
To: Fernandez, Ana
Subject: FW: Tree Ordinance for the Hillside Overlay

From: CDD Info
Sent: Monday, September 19, 2016 7:58 AM
To: Cessna, Linda
Subject: FW: Tree Ordinance for the Hillside Overlay

From: li sun
Sent: Sunday, September 18, 2016 1:12 PM
To: CDD Info
Subject: Tree Ordinance for the Hillside Overlay

Dear Members,

First, I really don't think it is necessary for Torrance to introduce this ordinance just for the interest for a very small group of people living in the hillside overlay area. Our city should spend the resources on things that could benefit the majority of the residents such as lowering the water bills. Trees are good for the environment. We did not get much rain for many years, and many trees are dying as a result. We should save the trees instead. Trees clean the air we breathe and everyone needs clean air, not everyone can benefit from the private view in the hillside overlay.

Second, whoever seeking for the "view" should pay for the cost. It is always the rich people who think they are entitled to things that they want. They want to trim the neighbors' trees to get to the "view", then they should pay for the cost. Their neighbors will lose the privacy and should not be burdened with the trimming.

Third, the "view" should be limited to the section looking straight out from one's backyard, not on either sides. People should not expect to get panoramic view, or to look through their neighbor's yard on the sides. My west side neighbor did not want me to build a 6- foot fence between our lots because they wanted to be able to look through my backyard for the "view" while they were sitting down in their house. To me, it was an invasion of my privacy.

Last, the trimming should be limited to no more than once in 5 years. It is inconveniencing the neighbors if it is too frequent.

Thank you for considering.

Li Sun
on Vanderhill Road

Fernandez, Ana

From: Cessna, Linda
Sent: Tuesday, September 20, 2016 5:21 PM
To: Gibson, Jeff; Lodan, Gregg; Fernandez, Ana
Subject: FW: Request for View Preservation according to Sections Sections 91.41.6-91.41.9 of the Hillside Overlay Ordinance
Attachments: IMG_3755.JPG; Scan_0001.pdf; Scan_0002.pdf; Wollner_207ViaAlameda_ViewPreservationLetter2016.docx

From: Gibson, Jeff
Sent: Tuesday, August 23, 2016 2:48 PM
To: Giordano, Mary
Cc: Lodan, Gregg; Santana, Danny; Cessna, Linda; Fellows, John; Sullivan, Patrick
Subject: FW: Request for View Preservation according to Sections Sections 91.41.6-91.41.9 of the Hillside Overlay Ordinance

In the process of reviewing a development application, Community Development Department Staff does not make a subjective evaluation as to whether a property should or should not be included in the Hillside Overlay District. If the applicant's property lies within the Overlay, then the Hillside process is triggered. If the property is outside the District, no discretionary land use entitlement is required. If a Precise Plan is calendared for a hearing, and an objection is received from a resident who lives outside the Overlay District, the Planning Commission or City Council on appeal, are faced with a dilemma about equal property rights, i.e. does the objecting neighbor outside the Hillside Overlay enjoy the same property rights or restrictions as the resident who lives inside the Overlay and wishes to build. There seems to be no clear answer, and both sides on the issue can make reasonable arguments in support of their individual perspective.

When the Hillside Overlay District was established, the City Council made decisions to include certain properties or exclude them based on Staff recommendations, public input and Council judgment at that time. The Hillside Overlay District boundaries have not been significantly altered since adoption of the Ordinance. A majority vote of the City Council can direct Staff to bring a City Council item forward to consider modifications to the ordinance.

Jeffery W. Gibson
Director, Community Development Department
 City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310-618-5983 voice | 310-618-5829 fax | JJGibson@TorranceCA.gov
 | www.TorranceCA.gov | www.Twitter.com/TorranceCA

From: Griffiths, Mike
Sent: Thursday, August 18, 2016 5:06 PM
To: Fellows, John; Gibson, Jeff
Subject: Fw: Request for View Preservation according to Sections Sections 91.41.6-91.41.9 of the Hillside Overlay Ordinance

Here's a fun one.... I would love to hear City's viewpoint on this...

I would have to agree to the principal of this... why would this(these) homes be excluded from HO?

And what options are available to change the HO area boundaries?

Thanks,
 Mike

Mike Griffiths

Councilmember – City Council

City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 voice | 310.618.5841 fax |

MGriffiths@TorranceCA.gov | www.TorranceCA.gov

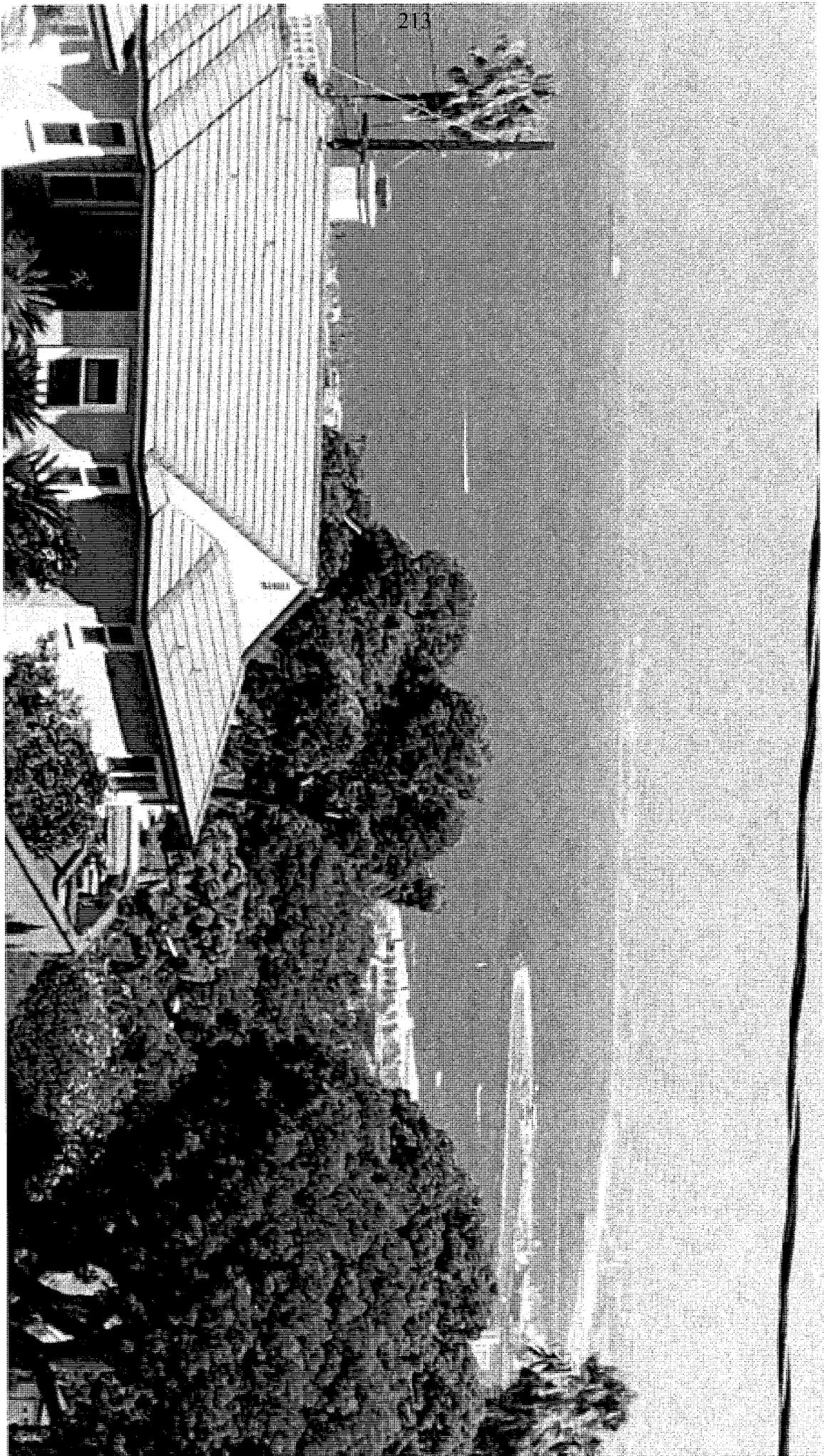
From: Caroline Hohensee <caroline_hohensee@hotmail.com>

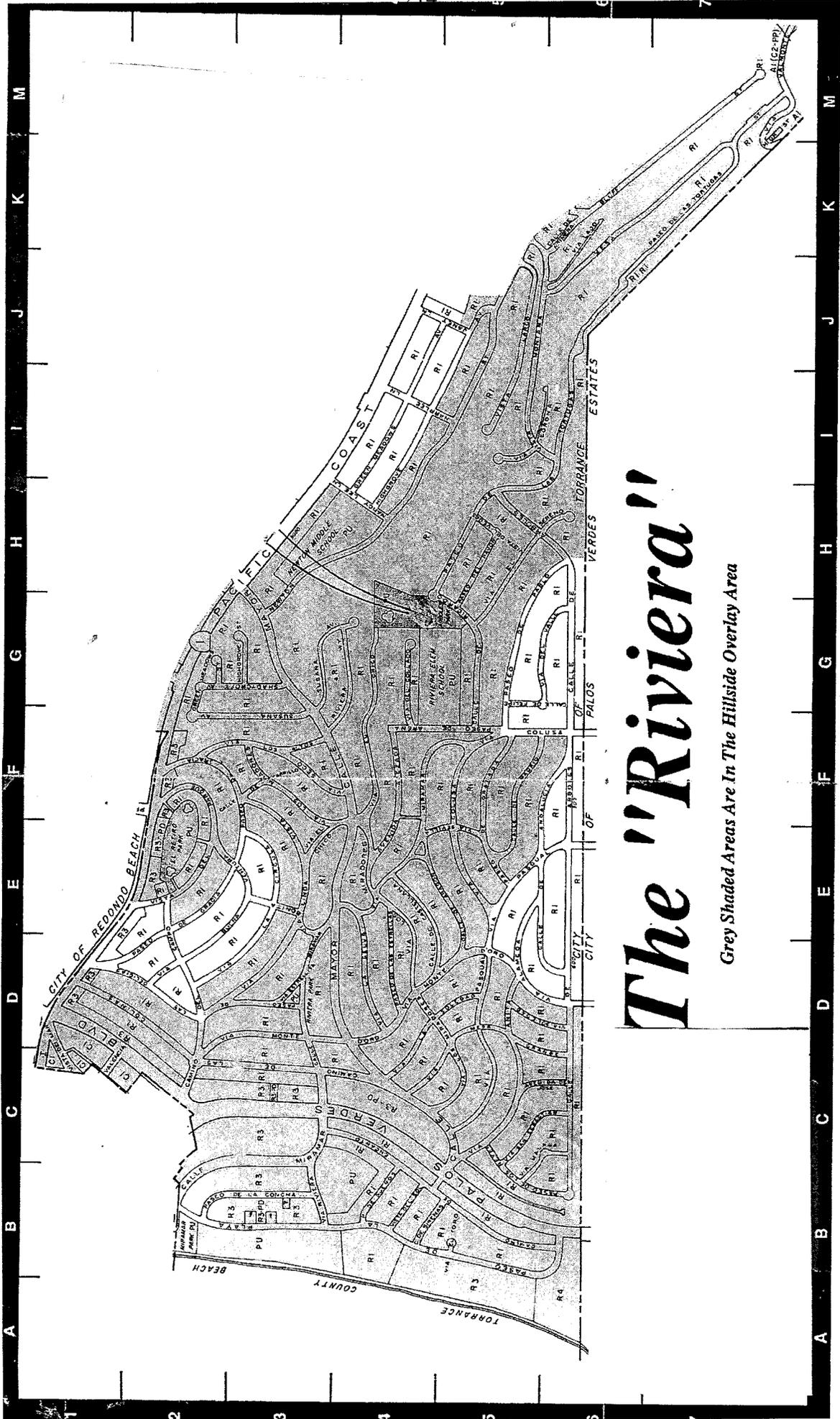
Sent: Thursday, August 18, 2016 12:31 PM

To: Furey, Pat; Ashcraft, Heidi; Goodrich, Tim; Griffiths, Mike; Herring, Milton; Rizzo, Geoffrey; Weideman, Kurt; Gibson, Jeff; Segovia, Felipe

Subject: Request for View Preservation according to Sections Sections 91.41.6-91.41.9 of the Hillside Overlay Ordinance

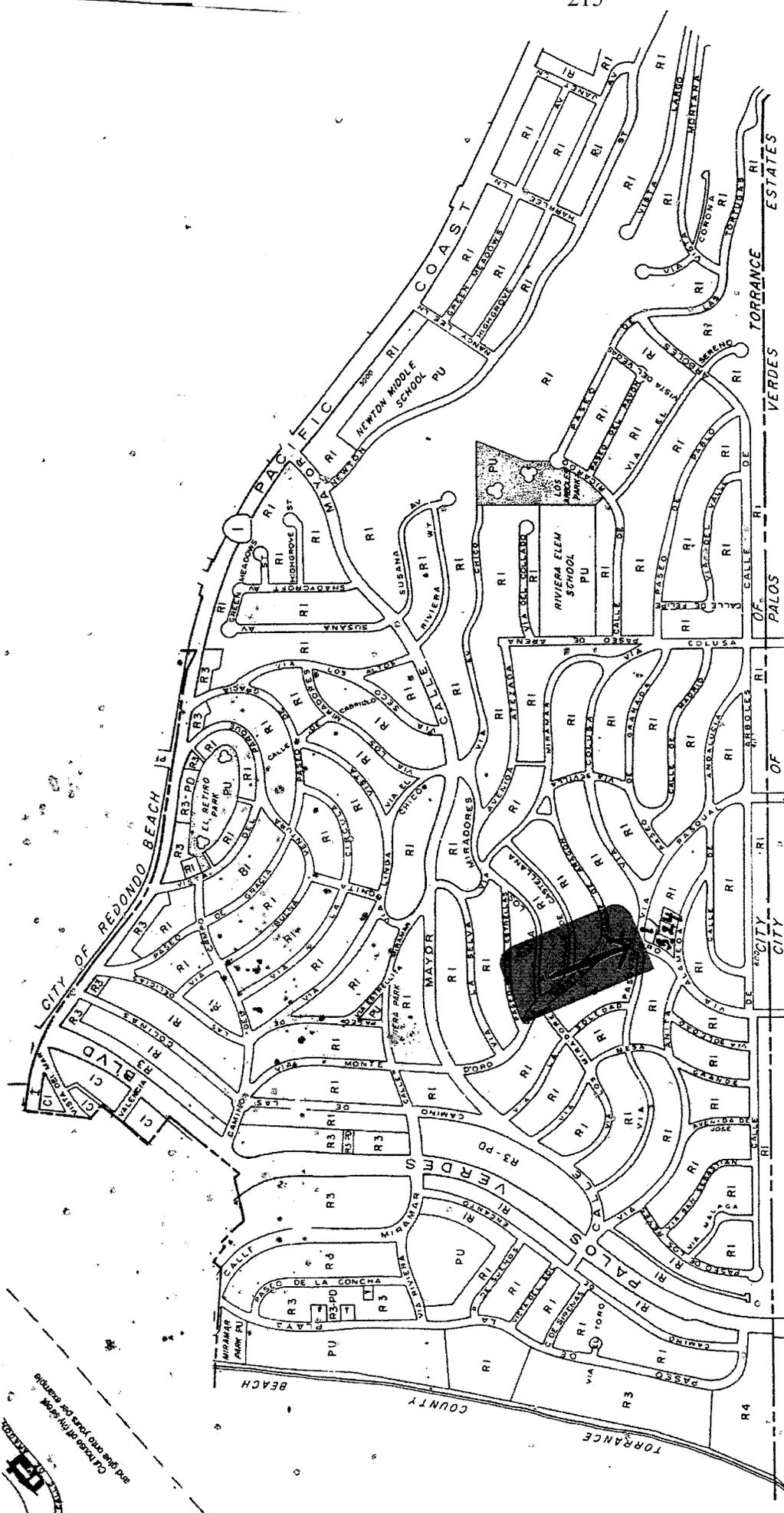
Dear Honorable Representatives of the City of Torrance,
Please find the attached letter and three supporting documents.
Respectfully,
Peter and Jindra Wollner and family





The "Riviera"

Grey Shaded Areas Are In The Hillside Overlay Area



Your street in the Riviera

- 1 = 620 Via Monte D'Oro (Development)
- 2 = 207 Via Alameda (Wolher Family)
- 3 = 628 Via Monte D'Oro (Wells Family)
- 4 = 209 Via Alameda (Zohler Family)

City of Torrance
 Planning Department
 1980

City of Torrance,
 Community Development Department
 3031 Torrance Boulevard, Torrance, CA 90503

August 4, 2016

Re: Request for View Preservation according to Sections 91.41.6-91.41.9 of the Hillside Overlay Ordinance

Dear Mr. Jeffery Gibson, Director of Community Development,
 Mr. Felipe Segovia, Community Regulations Administrator,
 The Honorable Patrick Furey, Mayor of Torrance,
 And Honorable Members of Torrance City Council: Heidi Ann Ashcraft, Tim Goodrich, Mike Griffiths, Milton S. Herring, Geoff Rizzo, Kurt Weideman, Rebecca Poirier, and Dana Cortez,

We, Peter and Jindra Wollner, at 207 Via Alameda respectfully request protection and preservation of our view, our property value, investment, and privacy according to Sections 91.41.6-91.41.9 of the Hillside Overlay Ordinance. An outside developer threatens to build an extra-large 4,000 square foot 2-story spec home that will significantly impact that view, property value, investment and privacy.

When we signed our purchase contract in 1973, we paid for a home with a view. It was unlawful for the Hillside Overlay of 1977, passed four years subsequently, to take away our ability to protect our view by negligently excluding the hillside homes below us from the Hillside Overlay Zone. The intent of the law was to increase view protection, not decrease it.

We have been residents at this location for 43 years and local business owners for 32 years. We have had an unobstructed commanding view of the beach, city and mountains from our home since 1973 (see attached photo, more available). Our family built and remodeled the home ourselves, by hand. It would be tantamount to a taking by condemnation / eminent domain if this outside developer is allowed to build a multi-story residence which compromises our view (from all rooms, for all time).

Four years after purchasing our home, without our knowledge, half of our street, upper Via Alameda, became 'protected' by the Hillside Overlay Zone of 1977 (the East side being able to build up for 2nd story view, while the West side maintains a view from 1st level by protection of the Overlay Zone). Meanwhile, for the lower half, our half, no homes were granted view protection. The homes directly below us on Via Monte D'Oro/Via Pasqual, have homes on the hillside with commanding views behind them, us. Not including them on the Hillside Overlay Zone is illogical and unjust. Following the logic set forth by Sections 91.41.6-9, they should be included in the Zone.

One can see by looking at the Zone map that the 'lines' were drawn for simplification by using blocks and streets (see attached map). Naturally formed hillsides are not that perfect. If some part of a block was on the hillside, then the whole block should have been protected in order to err on the side of too much protection, then not enough. Because there are some hillside homes on our block, our block should have received protection. The three homes listed here are all located on the hillside at the intersection of Via Monte D'Oro and Via Alameda and have commanding views of the beach, city, and mountains: 207 and 209 Via Alameda & 628 Via Monte D'Oro. The homes below them, including 620 Via Monte D'Oro, should have been included in the Hillside Overlay, in the same way that all other Riviera view properties were protected based on Sections 91.41.6-91.41.9 of the Hillside Overlay law:

- **SECTION 91.41.7. PERMITTED DEVELOPMENT – RESIDENTIAL**

d) The Community Development Director has determined **that the proposed development will not have an adverse effect on other properties in the vicinity, and there is no significant public controversy thereon.**

- **SECTION 91.41.6. PLANNING AND DESIGN.**

(Amended by O-3477)

No construction and no remodeling or enlargement of a building or structure shall be permitted unless the Planning Commission (or the City Council on appeal) shall find that the location and size of the building or structure, or the location and **size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions:**

a) The proposed development will not have an **adverse impact upon the view, light, air and privacy of other properties in the vicinity;**

b) The development has been located, planned and designed so as to **cause the least intrusion on the views, light, air and privacy of other properties in the vicinity;**

d) The design will **not have a harmful impact upon the land values and investment of other properties in the vicinity;**

e) Granting such application would not be **materially detrimental to the public welfare and to other properties in the vicinity;**

f) The proposed development will not cause or result in an **adverse cumulative impact on other properties in the vicinity.**

- **SECTION 91.41.9. DEVELOPMENT STANDARDS.** b) For safety, general welfare, aesthetic control, and to help **stabilize land values and investments;**

According to the above-mentioned ‘Sections of the Hillside Overlay Zone’ law (Article 41), the legal intent was indisputably ‘to protect the view of all view homes’ (Hillside Overlay Ordinance, Article 41, Added by 0-2747; Amended by -2760; 0-2961; 0-2982; 0-3027; 0-3110; 0-3126; 0-3144).

When you visit 207 Via Alameda, you will see that our home is obviously located on the Riviera hillside with a downward sloping backyard and downhill driveway to garage. It was one of the original homes on Via Alameda, with the lot chosen by previous owners due to being at the ‘top’ of the hill with a superior view. Homes behind us however are on a flat portion of the hill and have no view. Experts and long-time residents in this area agree that our home should have been protected by the Hillside Overlay Zone, by having the homes below us included in the Zone. As you can see on the map, the upper hillside zoning ‘line’ is a circle following the hilltop gradient starting at Via Alameda, except for the ‘cut out’ where our home is located. This ‘cut out’ cuts down and around 620 Via Monte D’Oro, following the street for convenience instead of the natural hillside gradient causing an inconsistent and unfair protection of view homes.

The Hillside Overlay Zoning map is not available publicly. One sketch of the zone *without* street names was found on the city website, but it is impossible to determine which homes are included and included. We would have contested the Zone many years ago had this information been publicly accessible. This is a violation of the California Public Records Act (Statutes of 1968, Chapter 1473; currently codified as California Government Code §§ 6250 through 6276.48).

Our long time neighbor, Harrison Burris at 620 Via Monte D'Oro, the property being developed, lived in a one story home. Sadly, he passed away suddenly at a rather young age some months ago. In speaking with the developer, Mr. Amir who purchased Mr. Burris' home recently, Mr. Amir told us that he plans to build an extra-large 4,000 square foot home with multiple levels. This would almost quadruple the size of Mr. Burris' home, which was 1,200 square feet. While this might be acceptable in flat areas of the Riviera, it is unacceptable and unlawful on the hillside and would without doubt adversely impact the view, property value, investment, light, air and privacy of our home and our neighbors. This contradicts the legal intent of the Hillside Overlay law.

Mr. Burris' home at 620 Via Monte D'Oro has an ocean view from the first story. Mr. Amir does not need to build a multi-story home to maintain the view. Building a multi-level home to gain additional views, while leaving our property and that of our neighbors with no view is greedy and inconsiderate, and it unjustly and significantly impacts our 1973 purchase of a view property and would significantly decrease our home's value (and that of our neighbors) by at least \$250,000. This proposed over-development at 620 Via Monte D'Oro has created significant controversy among our neighbors. The developer is not nor does he intend to be a resident of this community. He plans to develop the land to maximize profits and, with no consideration for his neighbors, leave behind major emotional, physical and financial damage and adverse effects to the neighborhood residents in his wake.

When we built our 2nd story in 1993, we approached all surrounding neighbors *first* to inquire whether our construction would obstruct their views (Mr. & Mrs. Betty and Art Otto at 210, Mr. & Mrs. Villanueva at 206, Mrs. Emma Mytys at 202 Via Alameda, Mr. & Mrs. Kamensky at 209 Via Alameda, and Mr. & Mrs. McDonald at 628 Via Monte D'Oro). Only after consulting with these neighbors, and these neighbors having no objections to our proposed plans, did we begin construction of our second story.

It was legal error to have not protected our home, and that of our neighbors, and it is not too late to correct that error and provide protection. We respectfully request that the Hillside Overlay Zone be corrected to protect all view properties, especially those purchased prior to the creation of the Hillside Overlay Zone, like ours.

The developer's plans to build a 4,000 square foot 2-story home will have significant adverse cumulative effects not only on one single home, but three in total: Peter & Jindra Wollner, Jeff & Stephanie Wells, and Chris & Staci Zohlen, in terms of the adverse impact on view, property value, investment, privacy, and light.

The Riviera is known for the preservation, protection, and consideration of all homeowners. Please help us maintain these community values. Not doing so would create a legal *precedent* to allow developers to tear down existing homes and replace them with extra-large homes without consideration of major adverse effects on neighbors' view, investment, home value, privacy, air and light. Please consider correcting this before it is too late.

Thank you for your time and consideration in this very important matter. We welcome a visit, and would be happy to answer any questions you may have.

Sincerely,

Peter J. and Jindra Wollner, 207 Via Alameda, Redondo Beach, CA 90277. Telephone: 310-529-9011.

Son: *Peter M. Wollner*, 5009 Paseo del Pavon, Torrance, CA 90505

Daughter: *Caroline Wollner Hekensee*, PhD. 1728 Mountain Park Drive, Charlotte, NC, 28214.

Fernandez, Ana

From: CDD Info
Sent: Wednesday, September 21, 2016 11:20 AM
To: Gibson, Jeff
Cc: Cessna, Linda; Fernandez, Ana
Subject: FW: Draft Ordinance Protecting Views

-----Original Message-----

From: Jim Maxwell
Sent: Wednesday, September 21, 2016 9:49 AM
To: CDD Info
Subject: Draft Ordinance Protecting Views

Dear Mr. Gibson, et al:

As a resident of Torrance I fully support an ordinance that would protect views. In these times of valuable real estate prices, blocked views affect prices dramatically. As we all know, good views enhance prices and the enjoyment of residents. It is felt that the City of Torrance has an obligation to residents to enhance views and enjoyment of those assets, wherever possible. Please pass an ordinance that will help homeowners.

Respectfully yours,
James Maxwell

Fernandez, Ana

From: CDD Info
Sent: Friday, September 23, 2016 7:46 AM
To: Cessna, Linda; Fernandez, Ana
Cc: Gibson, Jeff
Subject: FW: Hillside Tree Ordinance

From: Jacqueline Niederstrass
Sent: Thursday, September 22, 2016 5:01 PM
To: CDD Info
Subject: Hillside Tree Ordinance

Attn: Jeffrey W. Gibson

In regards to the tree trimming ordinance, I believe there are two sides to every situation. When I attended a passed meeting majority of the people speaking were for trees being cut... Whenever a person spoke about how the trees were giving them privacy, the majority boo-ed and hissed.... Intimating the person... There needs to a system where people can have their trees and privacy and also some view.... I know what it is like to have a neighbor watching you at all times... It is an AWFUL feeling... I wish I had trees to block them...Please take in consideration peoples need to have a private space... Being watched at every moment is not fun....

Thank you

Fernandez, Ana

From: CDD Info
Sent: Tuesday, September 27, 2016 7:46 AM
To: Cessna, Linda; Fernandez, Ana
Subject: FW: Hillside Overlay

-----Original Message-----

From: John Young
Sent: Monday, September 26, 2016 4:47 PM
To: CDD Info
Subject: Hillside Overlay

I would like to see an Hillside ordinance in place. My views are important to me and my property value. Thank you please pass this as it will only make our neighborhood better. John Young Torrance ca 90505

Dear Mr. Gibson, ²²²

Sept. 20, 2016

I received notice from you in the mail yesterday on a City Council meeting Oct 4, 2016 to discuss a draft ordinance protecting views in the Hillside Overlay District from obstruction by trees and vegetation.

I am the Owner of three properties in Country Hills in Torrance and am original Owner. The first is 3228 Whiffletree Lane & is across from the Park. It has no view but in the backyard is a steep slope which I have always have been mindful of the homeowner behind to not obstruct their view.

The second home is 3017 Oakwood Lane which is above Rolling Hills Road & overlooks the Park & some City. The neighbor two doors down planted a large tree on their slope and I'm hoping that with an ordinance they are asked to take down the large tree which is also affecting their next door neighbors block wall with the roots.

The third home is 2945 Briarwood Drive which has the best & most expansive view which I am hoping will be preserved with an ordinance to not have the view taken away.

There is no current Homeowners Association in place for Country Hills which is a concern as before we had one and violations were addressed. Country Hills is such a beautiful area in Torrance and I hope it remains a trophy area for Torrance.

Thank You, Jeri Cooper Klamath Falls, Oregon Phone-

September 26 2016

Mayor Patrick Furey

Councilman Mike Griffiths
 Councilman Tim Goodrich
 Councilman Geoff Rizzo
 Linda Cessna Community Development

Councilman Kurt Weiderman
 Councilwoman Heidi Ashcraft
 Councilman Milton Herring

At the last meeting you said City trees will not be included in the view ordinance and will be treated as a separate issue

They have always been a separate issue which the City could have addressed at any time but has refused to do so

Does this mean that you now have a separate and specific PLAN to deal with this issue or is the City still refusing to accept responsibility for City trees which obstruct residents views

The Councilman who was a friend of Governor Dukemejan, another Councilwoman at the same time, Councilman Don Lee, Councilwoman Ashcraft and Linda Cessna have all stood on my balcony and acknowledged that the view obstruction by City trees is excessive

I don't pretend to understand politics or how government works, but I do know right from wrong

How can you possibly support an ordinance which says it is unacceptable and inappropriate for residents to obstruct views while at the same time allowing the City of Torrance to continue to do so

It has taken two long years for you to decide that City trees are a separate issue I'm 80 years old and I would like to ask each one of you Will I live long enough to ever see my ocean and city views again?



Shirley McNair

Redondo Beach 90277



M. L. KUSION, TRUSTEE
Real Estate Management

P.O. Box 674
Palos Verdes Est., CA 90274 10:00 A.M. to 4:30 P.M.

9/23/16

City of Torrance
Community Development Dep.
3031 Torrance Blvd.
CA. 90503.

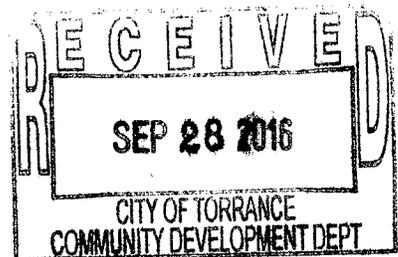
Ref: Protection of views in the Hillside
Upland District from obstruction
by trees and vegetation

I support 100% the passing of an
ordinance protecting views from
obstruction of trees, etc. etc.

A view is an awful thing to lose!!!
Respectfully,

M. L. Kusion

Torrance, CA 90277



Timeline of Development of the Draft View Equity Ordinance

- **February 26, 2013-** Under Oral Communications, the Council directed staff to return a description of various municipal processes regarding view restoration, including the projected cost to the City and the individual homeowners. The Council also asked that staff return with an item discussing the cost of conducting a survey to measure interest in a view restoration ordinance.
- **October 21, 2014-** Staff presented an item to the Council to consider options for addressing potential view impairment from trees and vegetation.
- **February 11, 2015-** Community outreach at Riviera Homeowners Association Meeting
- **February 19, 2015-** Community outreach meeting at Torrance Airport
- **February 23, 2015-** Community outreach meeting at Katy Geissert Library
- **March 2, 2015-** Community outreach meeting at Torrance Airport
- **March 16, 2015-** Community outreach meeting at Hillside Homeowners Association, Alta Loma Park
- **March 31, 2015-** Community outreach meeting at Katy Geissert Library
- **May 19, 2015-** Staff presented an item recommending the Council to refer the matter of view obstruction by trees and vegetation in the Hillside Overlay District to the Council Community Planning and Design Committee for further action.
- **January 14, 2016-** Staff presented an item to the Council Community Planning and Design Committee requesting the Committee to provide direction regarding the potential adoption of an ordinance designed to preserve views in the Hillside Overlay District. The Committee requested more research from staff and continued the item.
- **March 24, 2016-** Staff presented an item recommending the Council Community Planning and Design Committee to provide direction regarding the potential adoption of an ordinance designed to preserve views in the Hillside Overlay District. The Committee referred the item to City Council.
- **June 28, 2016-** City Council meeting to review and provide direction regarding decision points within the Draft View Equity Ordinance. The Council directed staff to make revisions based on the Council's comments and bring back the item.
- **October 4, 2016-** City Council meeting to review the revised draft of the View Equity Ordinance based on the Council's previous comments and direction.

View Equity Claim Process

ATTACHMENT F

