

VIEW PRESERVATION ORDINANCE

Under the city's new ordinance, Chapter 17.55, View Preservation, trees/vegetation that have grown up to block views over the last 15 years will be subject to removal and/or trimming. The process applies to vegetation within 500 feet of the property owned by the view-seeker.

Under the new process, residents who want to pursue a "view equity claim" should first initiate a discussion with the owners of the trees that are blocking views. They also are to provide their neighbor with a copy of the View Preservation Ordinance and invite them to their home to view the obstruction which is confined to the living/family areas.

If the discussion process does not produce a resolution, the view-seeker must fill out a two-page application for mediation and provide the city with photographic and other evidence showing diminished views.

Applicants will have to pay the city an \$800 fee when filing the claim, plus a \$1,000 deposit for mediation and arborist services. (That compares favorably with Rancho Palos Verdes, which charges \$5,055 for its labor-intensive view restoration process.)

The City will request the neighbor to participate. Voluntary mediation follows. The mediation is chosen by the parties from a list of professional mediators maintained by the city.

If mediation fails, the parties are instructed to proceed to binding arbitration paid for by the view-seeker; however, fees may be apportioned per an agreement reached through arbitration.

If arbitration is not successful, the city-planning director may assess the dispute and issue an advisory-only opinion. It is intended by the ordinance that the planning director's opinion may be used as evidence in an eventual trial.

The final step is the filing of a claim in civil court.

Tree owners will not be able to recover attorneys' fees if they refuse to participate in any of the steps.

ANY AGREEMENT REACHED MUST BE IN WRITING BEFORE ANY TREE/VEGETATION MAY BE REMOVED, DESTROYED OR ALTERED.