

View Restoration, View Preservation, and City Tree Review Permits

In November 1989 the voters in the City of Rancho Palos Verdes passed Proposition M, a View Preservation and Restoration Ordinance (herein the "Ordinance"). The Ordinance establishes two view recovery procedures; one to "Preserve" views which existed at the time or since the Ordinance became effective (November 17, 1989) and the other procedure, to "Restore" a view that existed at the time the affected view lot was legally created. The Ordinance was codified as RPV Municipal Code Section 17.02.040.

The City tree policy was not originally part of the Proposition M. However, in consideration of the Ordinance, the City Council adopted Resolution 89-119 in 1989. This resolution made the City accountable to the spirit of the view restoration process by implementing the City Tree Review Permit policy as a procedure to be used by residents to have view-impairing City trees trimmed or removed. The City Tree Review Permit policy was codified into the RPV Municipal Code as Section 17.76.100.

Foliage on Private Property exceeding 16 feet in height and/or the ridgeline of the foliage owner's residence

(RPV Municipal Code Section 17.02.040)

View Restoration Permit (VRP): Approved and issued by the Planning Commission (PC) in cases where the view was already impaired at the time the Ordinance went into effect but was not impaired when the applicant's lot was created. There are six criteria, which constitute the basis for a decision by the PC. If a VRP is approved, the applicant (not the foliage owner) pays for the cost of performing the necessary work. Once the initial trimming and/or removal work is completed, then the foliage owner is required to maintain the foliage at his or her own expense. In order to initiate the application, the City asks that you make an attempt to work out the issue with the foliage owner. Written proof of your attempt will be asked by the City before you submit any application to the City. If you cannot work out a solution with your neighbor on an informal basis, you may then submit a completed "Notice of Intent to File An Application For View Restoration" form to the City. After your application is received, a pre-application/mediation meeting will be scheduled with all parties involved in order to attempt to resolve the issues between the parties. If no resolution can be made, a "View Restoration Permit Application" may be submitted to the City so that the Planning Commission could review and deliberate on the application request. A non-refundable flat fee of \$5106 is due at the time of submittal. If the permit request is approved by the Planning Commission, then the applicant will be required to pay the costs of performing the required trimming, removal and/or planting replacement foliage.

View Preservation Application (VPP): Pursuant to the Ordinance, foliage owners are required to maintain their foliage at the same height that it was in November 1989 or thereafter so as not to cause a significant impairment of a view. In order to enforce this provision of the Code, the burden of proof rests on the property owners whose views have become significantly impaired. Burden of proof is usually in the form of a photograph documenting an unobstructed view taken on November 17, 1989 or sometime thereafter from the affected property's viewing

area. You may initiate the View Preservation process by submitting a completed "Documentation of Existing View or Foliage" form accompanied by color or black and white photographs. Staff will then complete a site visit to verify that the submitted photographs accurately depict an unobstructed view from the property owner's viewing area. Any Staff-verified photographs will be kept on file in the Community Development Department and can be used if you wish to continue with the View Preservation process.

In order to initiate a View Preservation application, the City asks that you make an attempt to work out the issue with the foliage owner. Written proof of your attempt will be asked by the City before you submit any application to the City. If you cannot work out a solution with your neighbor on an informal basis, you may then submit a completed "Notice of Intent to File An Application For View Preservation" form to the City. There are no City fees involved to initiate this type of a request. After your application is received by the City, City Staff will visit your residence and determine whether the subject foliage creates a significant view impairment. If it is determined there is a significant view impairment, then the City will issue a written notice to the foliage owner informing him/her that of the view impairment and such notice shall request that the foliage owner trim the offending foliage to the condition shown in the applicant-submitted documented view photograph within a 30 day period. If the foliage owner voluntarily performs the necessary work within 30 days of receiving notice, then no further permit processing shall be required.

If no work is performed within 30 days of receiving the notice, then you may file a formal application. Once a formal View Preservation Permit application has been submitted, the Director of Community Development shall make a determination on the request. If the View Preservation Permit application is approved by the Director a "Notice of the Director's Determination" will be issued, giving the foliage owner 90 days to perform the necessary work.

Foliage on Public Property

(RPV Municipal Code Section 17.76.100)

City Tree Review Permit (CTRP): If the foliage that is significantly impairing your view is located on public property, then you may submit a completed "City Tree Review Permit Application For View Restoration" form to the City. A non-refundable flat processing fee of \$688 is due at the time of the application submittal. Pursuant to Section 17.76.100 of the City's Development Code, you should also be aware that the Director of Community Development shall only grant the city tree review permit if it is determined that trees and/or foliage the City-owned foliage significantly impairs a view from a City Code defined viewing area. If the permit application is approved by the Director of Community Development, then the City shall pay for the tree removal costs.

See the View Restoration Guidelines and Procedures for more information. The Guidelines, forms and applications are available at the Community Development Department and on the City's website: <http://www.palosverdes.com/rpv/planning/vrestoration/index.cfm>

Please contact the City's View Restoration Staff at (310) 544-5228 or email at planning@rpv.com if you have any questions.