INFORMATIONAL GUIDE FOR THE:

City of Laguna Beach

Community Development Department

HEDGE HEIGHT CLAIM PROCESS

Effective January 7, 2011, the City Council amended the Hedge Height Claim Process. The Ordinance continues to limit the heights of hedges that are located in front, side or rear yard setbacks to the maximum fence heights, **only if** they are determined to be a safety hazard and/or adversely impact views from or sunlight to neighboring properties. **The Ordinance amendment does the following**: 1) Prevents removal or alteration of the subject vegetation until the claim has been resolved by the City; 2) Reduces the public hearing noticing distance to 100-feet, thereby reducing the cost of obtaining the noticing package; 3) Provides for an appeal of the staff determination directly to the City Council; and 4) Fifty percent (50%) of the Hedge Height Claim fees will be refunded to the claimant if the claim is ultimately determined to be valid.

Hedge Height Claim Process

The goal of height limits on hedges located in front, side or rear yard setbacks is to ensure that hedges that exceed the allowable fence heights do not present a safety hazard and do not obstruct sunlight to or views across the properties on which they are located. The fence/hedge height limits are specified in Zoning Ordinance Section 25.50.012. Only if the City determines that the vegetation specified in the claim, 1) meets the definition of a "hedge", 2) is located in the front, rear or side yards, and 3) is a safety hazard and/or block views and/or sunlight, will vegetation owners be required to reduce the height of the hedge.

Process for persons impacted by vegetation located in setbacks that exceed the allowable fence height and create a safety hazard and/or view/sunlight blockage:

1. Informally discuss the safety hazard and/or view/sunlight obstruction and any proposed remedial action with the vegetation owner in order to resolve the issue without filing a claim with the City.
2. If Step 1 is unsuccessful, then complete a Hedge Height Claim application form provided by the City and submit the required documentation and fee outlined on the form.
3. Assist City staff by providing access to your home to enable review of the alleged obstruction(s).
4. A noticed public hearing will be scheduled to adjudicate the claim. The claimant should attend the public hearing to provide information and answer questions related to the hearing.
5. Any determination rendered by the Director of Community Development, or his designee at or after the hearing, may be appealed to the City Council within 14 calendar days after the decision.

Process for property owners who have had a Hedge Height Claim filed against their property:

1. Review the claim and supporting documentation provided to the City by the complainant.
2. Hedge owners are prohibited from altering or removing the vegetation that is subject to the claim until the claim has been resolved.

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3. Attend the noticed public hearing to provide information and answer questions related to the administrative review process.

4. Should it be determined that any hedge in a front, side or rear yard exceeds the allowable fence height and is a safety hazard and/or obstructs views and/or sunlight, the vegetation owner will be required to reduce the hedge height as determined by the City.

Hedge Height Claim Application Requirements

Any person directly affected by existing hedge height conditions may file a claim with the City. The offending vegetation must be located within a front, side and/or rear yard setback and must exceed the allowable fence height, as specified in Zoning Ordinance Section 25.50.012.

A Hedge Height Claim sufficient for filing with the City shall consist of all the following items:

1. A completed and signed Hedge Height Claim application, including a written description of the alleged safety hazard, view and/or sunlight blockage from vegetation located in front, side or rear yard setbacks. The claim summary shall also describe the extent to which the safety, view and/or sunlight access has been diminished by vegetation, including the desired height of the non-complying vegetation.
2. Three copies of photographic prints, taken from the impacted property, showing the alleged hedge height impact(s). All copies must be submitted on 8 ½ X 11 paper.
3. Three copies of a plot plan, which details the property boundary, adjacent streets and alleys, and the location of all vegetation alleged to cause a safety hazard, view and/or sunlight obstruction.
4. A public noticing list and a set of addressed envelopes for all parcels/property owners within a 100-foot radius of the vegetation owner's property. The list must be compiled from the latest equalized assessment rolls by a professional listing service and submitted directly to the City. The addressed, stamped envelopes shall include the assessor's parcel number with each address and the City of Laguna Beach return address.
5. A radius map identifying the location of the claimant's property and the vegetation/hedge owner's property to confirm that the vegetation lies within the 100-foot radius must also be submitted with the application.
6. A fee of $690.

After filing a Hedge Height Claim, as outlined above, staff will review the claim and schedule a meeting with the claimant to visit his/her property to evaluate the alleged obstruction(s). A public hearing will be scheduled for administrative review, usually within six (6) weeks of the filing date. Not less than 10 days prior to the scheduled hearing, a written notice of the date, time, and location of the hearing will be sent to the claimant, hedge owner, and all property owners within 100-feet of the hedge owner's property.

The public hearing shall be held regardless of participation by the claimant or vegetation owner. The Director of Community Development or his/her designee will then make a determination for resolution of the Hedge Height Claim. A written determination shall be submitted to the claimant and the hedge owner. Such decision may be appealed to the City Council within 14 calendar days of the staff decision at a fee of $440. Should the Hedge Height claimant prevail in the final claim decision, 50% of the Hedge Height Claim fee shall be refunded to the claimant.

Any required remedial action shall be completed by the hedge owner within 30 days of the City's final determination. Failure of the hedge owner to comply with the final City determination to lower hedge heights shall be subject to enforcement under Municipal Code Chapter 7.24.

CITY OF LAGUNA BEACH • DEPARTMENT OF COMMUNITY DEVELOPMENT • 505 FOREST AVENUE • LAGUNA BEACH • CALIFORNIA • 92651

HEDGE HEIGHT CLAIM

CLAIMANT _____

_____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE NO. _____

ASSESSOR'S PARCEL NO. _____ – _____ – _____

AUTHORIZED AGENT _____

_____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

ALTERNATE PHONE NO. _____

EMAIL ADDRESS _____

VEGETATION OWNER _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE NO. _____

ALTERNATE PHONE NO. _____

ASSESSOR'S PARCEL NO. _____ – _____ – _____

EMAIL ADDRESS _____

Instructions:

Submit three (3) copies of items 1 - 4, which include the written description, photos or color copies and a plot plan:

1) A written description of the alleged safety hazard or view and/or sunlight impacts created by vegetation that is located within the front, side or rear yard setbacks that exceed the maximum fence height(s). This summary shall describe the extent to which the safety, view and/or sunlight access has been diminished by vegetation. The summary shall include the desired height of the alleged non-conforming vegetation.

2) Photographic prints or color copies of photos, taken from the claimant's property clearly illustrating the alleged safety hazard and/or view and/or sunlight impacts. All photographic documents must be submitted on 8½ X 11 paper and in color.

3) A plot plan detailing the property boundary, adjacent streets and alleys, and the location of all vegetation alleged to cause the safety hazard and/or view and/or sunlight obstruction.

4) A radius map identifying the location of the claimant's property to show that the vegetation owner's property lies within 100 feet of the claimant's property.

5) A public noticing list and a set of addressed envelopes for all property owners within a 100-foot radius of the vegetation owner's property. The addressed envelopes shall include the City of Laguna Beach return address and the assessor's parcel number on each address label. The list shall be compiled from the latest equalized assessment rolls and submitted to the City directly from a professional listing service.

6) Submit a $690 fee.

7) It is recommended that the claimant attend the public hearing at which this request will be considered.

STAFF USE ONLY

SUBMITTAL DATE _____

HHC # _____ - _____

COMPLAINANT'S CERTIFICATE

1. I/We understand that there are no assurances at any time, implicitly or otherwise, regarding the decisions or ultimate disposition regarding this claim.
2. I/We hereby certify that to the best of my/our knowledge, the information I/we have presented in this claim and the accompanying materials are true and correct.
3. I/We am/are the record owner(s) of the property described in this claim, and hereby consent to its filing with the City of Laguna Beach.

_____

Signature of Property Owner(s) Date

AUTHORIZATION OF AGENT

I/We am/are the record owner(s) of the property described in this hedge height claim and hereby designate and authorize the agent as listed on this application to act on my/our behalf in all matters pertaining to processing this claim with the City of Laguna Beach.

_____

Signature of Property Owner(s) Date