



City of Laguna Beach

Community Development
Department

INFORMATION GUIDE

VIEW RESTORATION PROCESS

Background

The View Preservation and Restoration Ordinance, LBMC Chapter 12.16 was adopted on June 17, 2014 and later enacted on December 17, 2014. The process is intended to attain an equitable balance between a property owner's loss of views and a vegetation owner's right to the enjoyment of vegetation on their property. It is the city's goal that property owners can resolve issues related to views through neighborly communication, however, should neighborly discussions result in an impasse, a property owner may file a view restoration claim to restore established pre-existing views. The ordinance is not intended to encourage or result in denuding a property of trees, but instead, restore established views that have become significantly impaired by vegetation. The view restoration claim process encompasses three-phases that are listed below.

Phase 1

The initial application, the Notice of Intent to File Phase 1 submittal, is an agreement by the applicant to attend a mediation meeting with the vegetation owner facilitated by the city's contracted mediator. The mediation meeting is an opportunity to discuss the view concerns of the applicant and the trimming concerns of the vegetation owner. Site visits are conducted at both properties by the mediator and city staff prior to the mediation meeting held at City Hall. The mediator is guided by the provisions of the ordinance to reach a private agreement between the parties; however, the mediator shall not have the power to issue binding orders for restoration actions. The filing fee for Phase 1 is \$748 which is paid by the applicant. The Phase 1 filing fee serves as a retainer for the services of the contracted mediator who is paid directly from the filing fee.

Phase 2

Should the parties fail to reach a private agreement in the mediation process, the applicant has the option to file a Formal View Restoration application to request restoration of pre-existing views at a noticed public hearing before the View Restoration Committee. This is Phase 2 of the process. The filing fee for Formal View Restoration, Phase 2, is \$1,048.

In Phase 2, the committee must find that the applicant has;

- completed Phase 1, mediation of the claim,
- established proof of prior communication,
- provided proof of a pre-existing view from the primary residential structure or secondary dwelling unit and
- demonstrated that the impaired view meets the criteria for significant view impairment, LBMC Section 12.16.030.

The Committee, after a site visit to the claimant's property, shall hear public testimony and deliberate the required findings detailed in LBMC Section 12.16.050(3)(D). The Committee will consider adoption of a Resolution to establish a level of trimming to restore the pre-existing view and a maintenance schedule to establish the frequency of future trimmings. The Resolution shall be recorded with the County of Orange and shall be binding on the claimant and the vegetation owner and their heirs and successors. The decision shall be disclosed in any Real Property Report required by LBMC Chapter 14.76. Appeal Process: Any decision of the View Restoration Committee may be appealed to the City Council by either party within 14 calendar days of the date of the decision.

Phase 3.

The remedial actions adopted by Resolution of the View Restoration Committee shall be completed in Phase 3 of the process. The claimant and/or the vegetation owner shall submit estimates to the City for the initial trimming within 30 days of the committee's decision following the 14-calendar day appeal period. The initial trimming shall be performed and/or supervised by an ISA certified arborist. The selected vendor is vetted by city staff to confirm licensing requirements and insurance coverage levels meet city requirements. The claimant shall submit funds to the city in the amount of the lowest estimate to establish a deposit trust account for the cost of the initial trimming. The vegetation owner is notified to schedule the initial trimming which must be completed within 90 days of notification from the city. The city may utilize its code enforcement and/or nuisance abatement process to authorize a bonded tree service to perform the work at the vegetation owner's expense should the vegetation owner fail to comply with the Resolution within the specified time frame.

Upon completion of the initial trimming, staff confirms that the level of trimming is in compliance with the adopted Resolution and compliance photographs are taken to mirror the view corridor from the claimant's property. The compliance photographs, in conjunction with the Resolution and any attached Exhibits, shall be used for determining compliance to the maintenance schedule for all future trimmings.

Exemptions.

The following types of vegetation are exempt from the provisions of the view restoration process.

- Vegetation that does not significantly impair a view as defined in LBMC 12.16.030.
- Vegetation that is less than six feet in height or situated more than five hundred feet from the boundary of the claimant's property.
- City-maintained vegetation which includes vegetation in city parks, on city properties and designated city-maintained street trees.
- Heritage trees listed on the city's official heritage tree list established by the City Council pursuant to Chapter 12.08.
- Vegetation approved through the design review process in which height limits were established.
- Vegetation approved by a hedge height claim processed pursuant to Chapter 12.14.
- Vegetation approved by a view claim processed prior to 12/17/2014 pursuant to Chapter 12.16.
- Vegetation subject to a settlement agreement commenced in a court of competent jurisdiction.