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Subject: Measure B - Measurable definition of View Corridors/laced trees and Initial Costs to be borne by Owner obstructing view paid for.

Date: Tuesday, February 2, 2016 4:16 PM

From: Kirt Behera <kbehera@aol.com>

To: "hluce@cityofrh.net" <hluce@cityofrh.net>

02/02/1016

Re: Measure B - Measurable definition of View Corridors/laced trees and Initial Costs to be borne by Owner obstructing view paid for.

From
Kirt and Mamata Behera
12 Ringbit Rd East
Rolling Hills, CA 90274

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FEB 02 2016

City of Rolling Hills

By _____

To
City Council
City of Rolling Hills
Rolling Hills, CA 90274

Dear Honorable City Council:

We bought our house in Rolling Hills in 2007 primarily for the 270 degree panoramic view and Measure B may take that away substantially unless view corridors/laced trees are defined very carefully. I had to pay substantial amount (more than a Million \$) for the view. With due considerations for the voters who have passed it (with a very marginal vote!) I would like to propose the following for your objective considerations in order to be fair to the both sides of the voters:

1. Measurable definition of View corridors/laced trees within the scope of Measure B:
Measure B is intended to create view corridors and view through trees. It does not say how big or how much removal etc. In order to be fair to the owners of view which was the primary reason to buy in this city and who paid substantial amount for it, should be given as much panoramic concept view as possible within the scope of the measure. This can be done by a number of corridors and only laced trees in between where all laced trees form 1/3rd of the space taken by the corridors. Number of corridors and laced tree coverage will depend on the total view length. For every laced tree space there will be 3x the space available for a corridor.

It is very simple and does not require any tools to implement this. Simply stand at the viewing point at the primary residence. Stretch out your arm and turn the pointing finger parallel and close enough to you to cover one tree and estimate how many sections (there are only 3 sections on a finger) of your finger are covered by a particular laced tree. The corridor opening next to it should be 3 times from the same level. This will guide how much to be removed or laced etc. Do the same for the entire view in 5-10 minutes. This approach will give a panoramic concept view with corridors space 3 times of the laced tree space. Basically view owner is still loosing about 25% of his views. He still will have the panoramic concept through the open corridors and openings through the laced trees.

This will satisfy Measure B and provide the view owner about 75% of his view that he paid for - a reasonable balance!

2. The view points from the principal residence and patio should be as many as needed to see the views from the different parts of the house, at least 5.

3. The initial costs should be borne by the Owner who let his trees grow and blocked the view of the view owner who had paid for the view when he bought the house with the view. It is not fair to penalize him to pay for it again. For the same reason the view maintenance cost should be borne by the owner whose trees are blocking the view.

4. If new trees are planted and they obstruct the view, it should be cut by the owner of the tree at his costs.

If panoramic views are allowed to be replaced by very few corridors and too many intervening trees, Rolling Hills will soon lose its most critical assets - the GREAT VIEWS we have due to our natural elevations and hence lose Billions of Dollars of property values! It is in your hands!

**Thank you
Sincerely**

Kirt and Mamata Behera

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FEB 08 2016

City of Rolling Hills
By 6:30 PMMEMORANDUM

TO: CITY OF ROLLING HILLS

FROM: ROGER E. HAWKINS

RE: VIEW ISSUES: SUGGESTIONS FOR HANDLING VIEW DISPUTES

DATE: FEBRUARY 8, 2016

When view disputes arise, may I suggest the City staff try to encourage the property owners to resolve their respective differences, so they control the resolution?

If the properties' owners cannot resolve their differences, then actively promote, or even require the disputants, to engage in some form of alternate dispute resolution, e.g., through privately procured mediators who, for a nominal charge, divided between the disputants, can assist the residents in working through their differences. Such mediations can be quickly scheduled. The City might even provide the residents with a suggested list of mediators, experienced in such matters, for retention.

If mediation does not resolve the differences, advise the disputants of the complainants right to seek the advice of counsel, of their own choosing, and their own expense, to seek redress, in civil court. In this way, the City avoids "taking sides," fostering, in fact and in perception, the sense of its neutrality. [In all ~ or virtually all ~ such disputes, it will be the resident complaining of a view impairment who would seek legal redress. The expense of doing so would be sobering and cause the resident to carefully consider whether the expense is worth the price of the potential benefit. However, were the City to undertake to "finance" such litigation, the complainant is not deterred, but encouraged to "go to court," especially if not required to indemnify the City for litigation costs.]

If, in specific instances, the City is moved to side with the complainant, and become embroiled in such litigation, I suggest only doing under a written indemnity agreement from the complainant, with the associated fees and costs, if not indemnified by the owner on demand, constituting a lien on the complainant's residence. In that way, should the property be sold, post-dispute, and the view complainant fail to make good on the promised indemnity, the lien can be enforced when the property is eventually sold. I would make the City's involvement, in such instances, subject to a non-refundable "retainer" from the resident, for no less than \$25,000, to insure the resident is prosecuting his/her claim "in good faith" by a resolute resident, not a claim subsidized by the City, i.e., other residents who, by and large, are unaffected by the outcome of the view dispute, but absolutely affected by the costs of litigation. In this way, the City remains a true impartial in such disputes. Bearing in mind it is not so much a question of who is right or wrong in such instances, but the litigation related expense in finding out who is "right" or "wrong" that is an unreasonable expense for our residents to bear. To automatically side with the view complainant is not to champion the rights of the "little guy" against the "big guy" but, instead, to become embroiled in civil litigation rarely pleasant and always expensive.

This approach collaboration among residents to work out their differences, hopefully to a win:win outcome.

This approach keeps the City neutral in the process with, some staff time aside, minimum expense.

If this approach resolves the problem, the disputants and the City all come out ahead.

And, if this approach does not resolve the problem, more draconian measures – if they are truly warranted in the best judgment of the Council -- can always be considered.

Respectfully submitted,

Roger E. Hawkins
37 Crest Road West
Rolling Hills, CA 90274