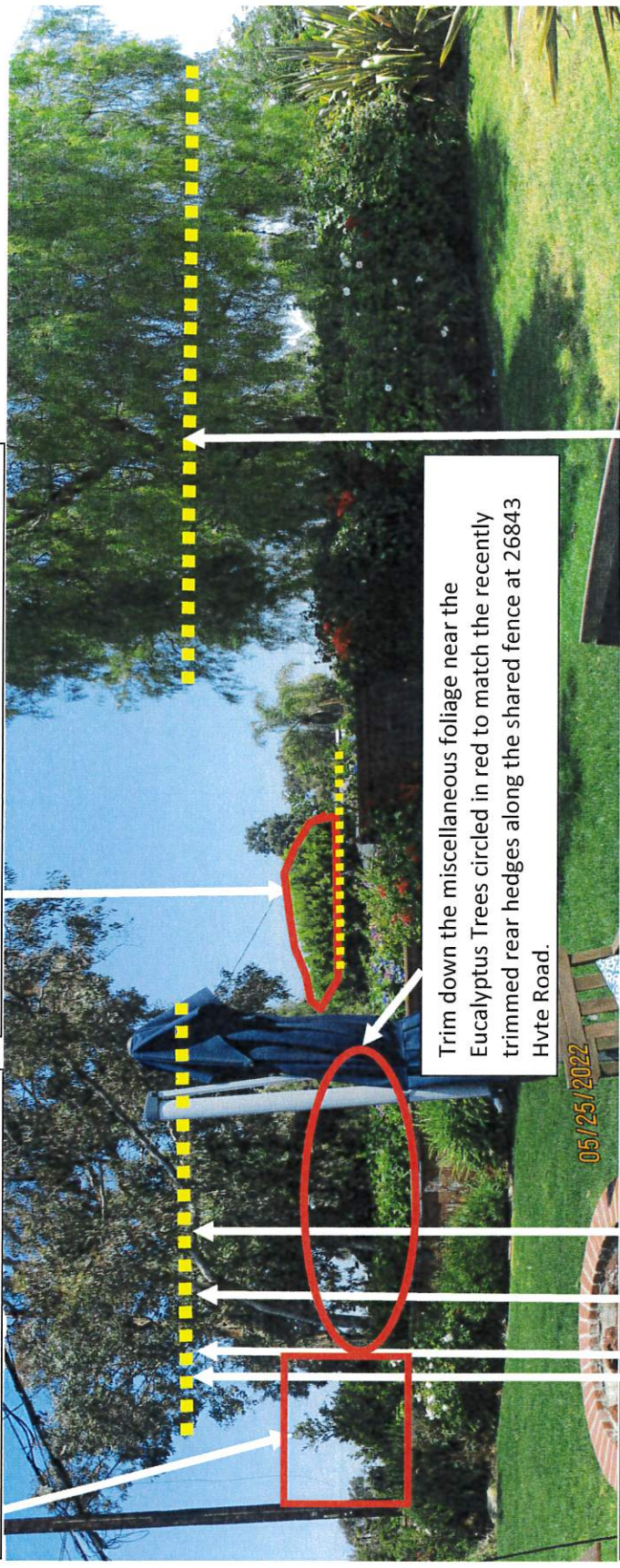


**Figure 3. Trim Diagram.
Staff photograph taken from 6405 Mossbank Drive on May 25, 2022.**

Crown reduce the miscellaneous foliage located between the pole and Eucalyptus Trees outlined in the red box by trimming down to the top of the fence.

Crown reduce the Privet/Ficus-type Trees located in the north side yard outlined in red by trimming down to the top of the chimney at 26843 Hyte Road, which is the dashed line and approximately 10 feet down from the top of the Privet/Ficus-type Trees.



Trim down the miscellaneous foliage near the Eucalyptus Trees circled in red to match the recently trimmed rear hedges along the shared fence at 26843 Hyte Road.

Crown **raise** the Eucalyptus Trees located in the southwest corner of the rear yard at 26843 Hyte Road by trimming **up** to the dashed line, which is approximately 6 feet above the top of the fence.

Crown **raise** the California Pepper Tree located in the rear yard at 26843 Hyte Road by trimming **up** to the dashed line, which is approximately 6 feet above the top of the fence.



Regular and certified mail 7007 2680 0002 7388 3443

June 20, 2022

**NOTICE OF RECEIPT OF
VIEW PRESERVATION APPLICATION NO. PLVP2022-0002**

The City of Rancho Palos Verdes received a Notice of Intent to File a View Preservation Permit Application from Sandy and Kristin Lobenstein, the applicants at 6405 Mossbank Drive, requesting to preserve a view that is significantly impaired by foliage located at 26843 HYTE Road. City Staff has verified that the view, as documented in 2015, is significantly impaired by foliage located at 26843 HYTE Road (see Figures 1 and 2). Pursuant to Section VIII. B and C of the View Preservation Guidelines (attached), you are being requested to crown reduce by trimming down the foliage as described in Figure 3 in order to eliminate the significant view impairment from the viewing area. The purpose of this notice is to give you the opportunity to voluntarily trim the view-impairing trees **within 30 days of this notice or by July 20, 2022.**

If the tree trimming work is not performed **within 30 days of this notice or by July 20, 2022,** then the applicants may file a Formal View Preservation Permit application and the Community Development Director may issue a Notice of Determination. Should the Director make all five mandatory findings pursuant to Section VIII.C.1-5, then the Director will issue a Notice of Determination which may require you to perform the necessary work within a 90-day period. Should you have any questions, please feel free to contact Robert Nemeth in the View Restoration Division at (310) 544-5285 or email Robert Nemeth at RNEMETH@RPVCA.GOV.

Regards,

A handwritten signature in cursive script that reads "Robert Nemeth".

Robert Nemeth
Associate Planner

Cc: Colin and Debbie Wilson 340 Edison Pl, Superior, CO 80027-
Sandy and Kristin Lobenstein, 6481 Canyon Ranch Rd, Frisco, TX 75036-1092

Enc: Figure 1. Documentation of view photograph.
Figure 2. Staff photograph.
Figure 3. Trim Diagram.
Notice of Intent to File View Preservation Permit Application.
Excerpted Section VIII. B and C of the View Preservation Guidelines.

Figure 1. Documentation of view photograph taken from 6405 Mossbank Drive in 2015.

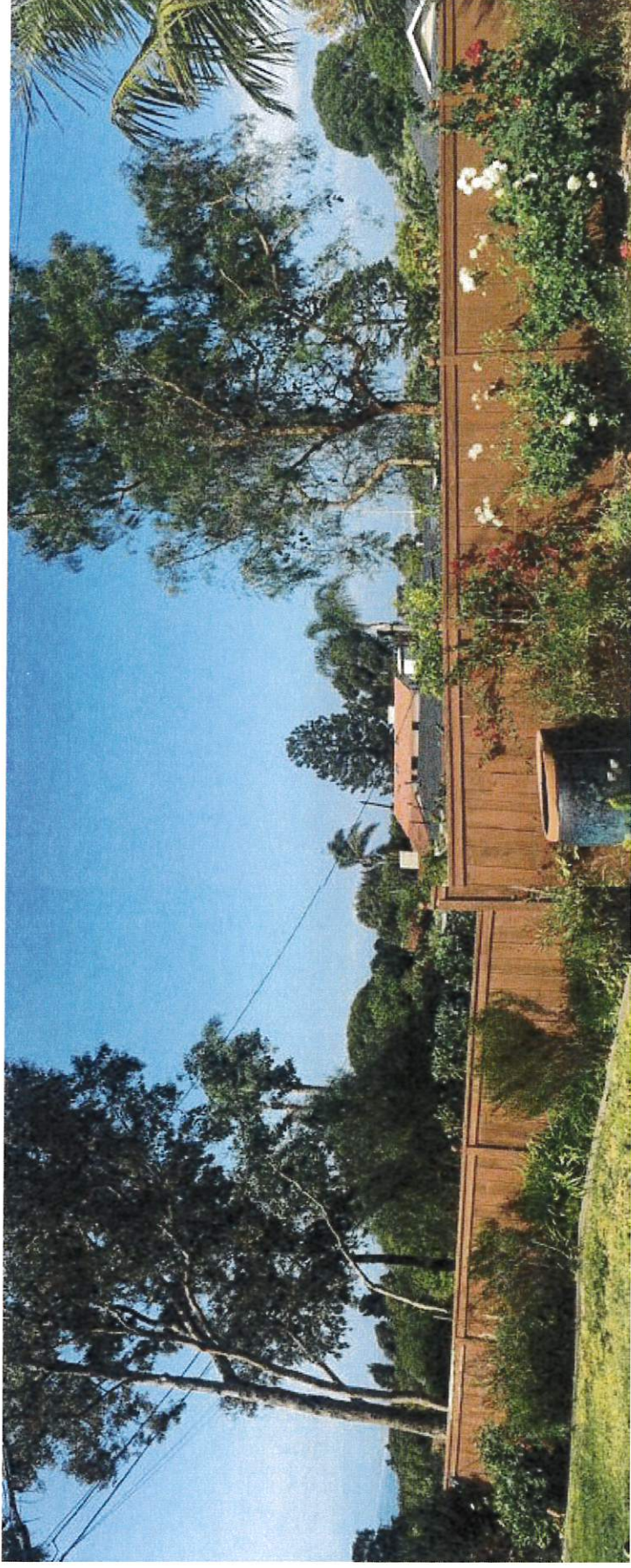


Figure 2. Staff photograph taken from 6405 Mossbank Drive on May 25, 2022.

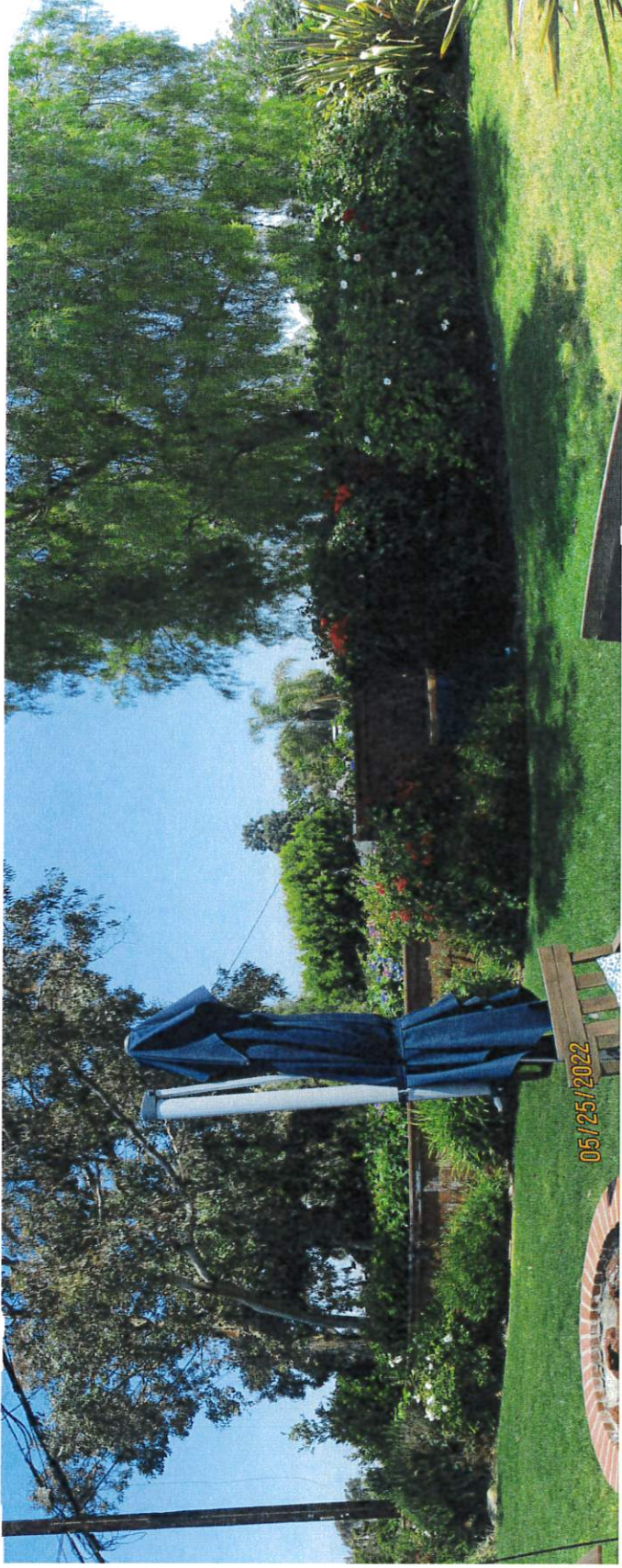


Figure 3. Trim Diagram.
Staff photograph taken from 6405 Mossbank Drive on May 25, 2022.

Crown reduce the miscellaneous foliage located between the pole and Eucalyptus Trees outlined in the red box by trimming down to the top of the fence.

Crown reduce the Privet/Ficus-type Trees located in the north side yard outlined in red by trimming down to the top of the chimney at 26843 Hyte Road, which is the dashed line and approximately 10 feet down from the top of the Privet/Ficus-type Trees.



Trim down the miscellaneous foliage near the Eucalyptus Trees circled in red to match the recently trimmed rear hedges along the shared fence at 26843 Hyte Road.

Crown **raise** the Eucalyptus Trees located in the southwest corner of the rear yard at 26843 Hyte Road by trimming **up** to the dashed line, which is approximately 6 feet above the top of the fence.

Crown **raise** the California Pepper Tree located in the rear yard at 26843 Hyte Road by trimming **up** to the dashed line, which is approximately 6 feet above the top of the fence.

Date Filed:	June 10, 2022
Application No.	PLVP2022-0002

**NOTICE OF INTENT TO FILE
VIEW RESTORATION
OR
VIEW PRESERVATION**

PURPOSE:

View Restoration- To restore views, which are significantly impaired by foliage on private property.

View Preservation- To preserve views, which existed in November 1989, or any time thereafter, and have since become significantly impaired.

Prior to filing this form, all prospective applicants shall first contact the foliage owner(s) to attempt to resolve the view impairment issue. Proof of this attempt in the form of a copy of the registered letter and return receipt sent to the foliage owner must be attached to this application. If no resolution is reached, then prospective applicants may complete and submit this form to the City.

If the application is for View Restoration, then upon receipt of this completed form, a Staff member will schedule a pre-application meeting with all of the applicants and foliage owners involved and with one View Restoration Mediator. The purpose of the pre-application meeting is to discuss the City's view restoration process with all of the property owners involved and to attempt to resolve the view impairment issues in order to avoid the filing of a formal application. If the foliage owner(s) fail to attend a pre-application meeting within 60 days of the date that this form is filed, or if no agreement is reached, then the early neighbor consultation process shall be deemed complete and a formal application may be submitted.

Subsequent to Staff verification of an applicant's documentation of view photograph, View Preservation applications require a site visit by City Staff to verify that a significant view impairment exists. If the subject foliage significantly impairs the view as verified by City Staff, then Staff shall contact the foliage owner requesting that the foliage trimming/removal be performed in a voluntary manner. If the foliage owner(s) does not voluntarily perform the work, then the early neighbor consultation process shall be deemed complete and a formal application may be submitted.

Please indicate the type of application you are filing by checking the appropriate box below:

VIEW RESTORATION PERMIT (VRP)	
VIEW PRESERVATION PERMIT (VPP)	

Submitted: June 10, 2022

Notice of Intent to File

View Restoration Permit No.
or
View Preservation Permit No.

APPLICANT(S) INFORMATION

Applicant No. 1

Name: _____

Address: _____

Telephone: _____ (home) _____ (work)

Please describe your specific efforts to attempt to resolve conflict with each foliage owner.

Applicant No. 2

Name: _____

Address: _____

Telephone: _____ (home) _____ (work)

Please describe your specific efforts to attempt to resolve conflict with each foliage owner.

Please attach additional sheet for more applicants

View Restoration Permit Pre-Application Meeting Dates And Times: Pre-application meetings are held during City Hall business hours, Monday thru Friday. The meetings may occur between the hours of 8:00 AM and 10:00 AM, and again between 2:00 PM and 4:00 PM. Please select three dates and times when all of the applicants will be available and allow at least 1-2 hours for the meeting. **The first date selected must be at least 30 days after this form is submitted to the City.**

<u>Date</u>	<u>Time</u>

Please do not fill out above table if you are a View Preservation permit applicant

The foliage owner(s) will be given 10 business days to choose from one of the meeting dates and times indicated above. Upon selection of a date by the foliage owners, a five-day notice of the pre-application meeting date and time will be given to all parties involved.

FOLIAGE OWNER(S) INFORMATION

Foliage Owner No. 1

Name: _____

Address: _____

Telephone: _____ (home) _____ (work)

Foliage Owner No. 2

Name: _____

Address: _____

Telephone: _____ (home) _____ (work)

Please attach additional sheets for more foliage owners

Please describe each applicant's view, viewing area, and indicate the location, type and approximate height of the foliage that creates significant view impairment.

APPLICANT		VIEWING AREA*	VIEW**
No.	NAME		
1			
2			
3			
4			

*The viewing area is limited to the primary living areas on the main floor of the residence or, if no view is from within the primary structure, to gathering areas outdoors generally within 10 feet of the residence, excluding those areas within the required setbacks.

** Protected views are "far views" which include views of the ocean, offshore islands, the Los Angeles basin, city lights, harbor, shoreline, and prominent landmarks and "near views" which include scenes located on the peninsula including a valley, ravine, equestrian trail, pastoral environment or any natural setting. Views of vacant developable land, distant mountains not normally visible and the sky are not protected.

FOLIAGE OWNER NO. 1		
Name: _____		
Address: _____		
FOLIAGE TYPE	HEIGHT*	APPLICANTS AFFECTED

**Approximate height as measured from the base of the tree*

FOLIAGE OWNER NO. 2		
Name: _____		
Address: _____		
FOLIAGE TYPE	HEIGHT*	APPLICANTS AFFECTED

Sandy Lake

Applicant No. 1 Signature

Aug. 19, 2018

Date

Applicant No. 2 Signature

Date

Pursuant to the View Restoration and Preservation Guidelines, applicant(s) must show proof of contact with the foliage owner(s) prior to submittal of this application.

I/We have made an attempt to contact the foliage owner(s) prior to the submittal of this application and have attached a copy of the registered letter and return receipt sent to the foliage owner.

YES

NO

Colin and Debbie Wilson
340 Edison Place
Superior, CO 80027

May 25, 2022

RE: 26843 HYTE Rd, RPV, CA 90275

Mr. and Mrs. Wilson,

On July 26th 2021, we sent you a request to trim your foliage at 26843 HYTE Rd, RPV, CA 90275, blocking our view at 6045 Mossbank Dr, RPV CA 90275. On July 30th 2021, we sent photos confirming the foliage growth but received no response and no action was taken to remedy the view. On May 10, 2022, we sent you a note via email requesting you trim the foliage and trees adjacent to our property so that we could preserve our view of the coast and San Gabriel Mountain range. Unfortunately, we received no response, so as instructed by the Rancho Palos Verdes View Preservation Department, we are sending this request via registered mail.

As you can see in the attached (Current Photos), the trees and foliage in your backyard are now completely blocking our ocean and city lights view. We request your foliage and trees be trimmed to preserve our view. We've also included the NOR from 2015 showing the foliage height limits for your reference.

We request that the view be cleared within 30 days of receipt of this letter. Please provide to us written email confirmation at KSLOBEN@ME.COM of your agreement to this request by June 3rd, 2022. Please also copy Robert Nemeth (RNEMETH@RPVCA.GOV) on all communications related to this request. If we do not receive a response from you by June 3, 2022, we will file a View Preservation Application with the Rancho Palos Verdes View Preservation Department.

Thank you for your attention to this matter,

Kristin and Sandy

Kristin and Sandy Lobenstein
6481 Canyon Ranch Rd
Frisco, Texas 75036
Email: ksloben@me.com

A



Preservation
Photos

B



Current Photos



June 10, 2022

Dear Sandy Lobenstein:

The following is in response to your request for proof of delivery on your item with the tracking number:
7021 0950 0001 2259 1156.

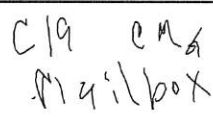
Item Details

Status:	Delivered to Agent for Final Delivery
Status Date / Time:	May 31, 2022, 2:11 pm
Location:	LOUISVILLE, CO 80027
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™

Shipment Details

Weight:	1.0oz
----------------	-------

Recipient Signature

Signature of Recipient: (Authorized Agent)	
Address of Recipient:	340 EDISON PL SUPERIOR, CO 80027

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

the offending foliage to the condition shown in the documented view photograph on file with the City, within 30 days of receiving such notice and maintain such foliage on a schedule equivalent to the minimum trimming maintenance cycle imposed by the Commission or Council for the foliage that is subject to the associated View Restoration Permit.

3. If the maintenance trimming described in Sections VIII-A2 and A3 is not completed by the foliage owner as specified by City Staff, within the stipulated time periods, then the City of Rancho Palos Verdes will utilize the City's code enforcement process to authorize a bonded tree service to perform the work at the subject property at the foliage owner's expense. In the event that the City is required to perform the work, the foliage owner will be billed for all City expenses incurred in enforcing the View Restoration permit. If the foliage owner does not pay the invoice, a lien or assessment may be recorded against the foliage owner's property, pursuant to Title 8, Chapter 24 of the Rancho Palos Verdes Municipal Code.

→ **B. View Preservation In Absence of a View Restoration Permit**

1. An owner of foliage is responsible for protecting any right he or she has to exceed the foliage height limitations that went into effect on November 17, 1989, by submitting the appropriate documentation, which can include photographs.

2. The property owner wishing to protect his/her existing view is responsible for submitting: 1.) documentation of the view, as it existed on or after the effective date of the Ordinance; and/or 2.) documentation of the view impairing foliage as it existed on November 17, 1989. Documentation shall consist of the submittal of a "Documentation of Existing View or Foliage" Form (attached) accompanied by color or black and white photographs, which clearly provide evidence that accurately depicts the view and/or foliage as it existed from the property owner's viewing area on the date the photograph was taken. The submitted documentation shall be verified by City Staff with a visit to the view impaired site. If Staff is able to verify that the photographs accurately depict the view from the property owner's viewing area, as defined in these Guidelines, then the property owner's photographs will be incorporated into the City's files. If said photographs do not accurately depict the view from the "viewing area", then Staff will advise the property owner that the documentation has been rejected. Any verified photographs will be kept on file in the Department of Community Development and shall be used as a bench mark in future view preservation enforcement actions.

3. Once documentation of a view and/or foliage has been submitted to the City and verified by City Staff, a property owner may file a Notice of Intent to File a View Preservation Application requesting one of the following view preservation actions:

a. That foliage which exceeded the lesser of: a) the ridgeline of the primary structure on the property; or b) sixteen (16) feet, and significantly impaired the view from a viewing area of a lot on November 17, 1989 be trimmed to the height that existed on November 17, 1989, as shown in the submitted and verified documentation;

View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010

b. That foliage which exceeds the lesser of: a) the ridgeline of the primary structure on the property; or b) sixteen (16) feet and has grown into a property owner's view, as documented and verified by City Staff on or after the effective date of the ordinance (November 17, 1989), and significantly impairs the view from a viewing area of the lot, be trimmed so as to eliminate the significant view impairment.

4. Upon receipt of a Notice of Intent to File a View Preservation Application, Staff will visit the applicant's property to verify if there is a significant impairment and to eliminate the need to proceed further in the process if there is no significant view impairment. If Staff determines that no significant view impairment exists from the viewing area, then Staff shall advise the applicant that there is no need to proceed with the Notice of Intent to File request. Notwithstanding Staff's initial field determination, the applicant still may formally apply for a View Preservation Permit seeking the Director's Final Determination on the permit request. If the Director's Final Determination in response to said application is that View Preservation action is not warranted, no further action by the foliage owner is necessary in response to the filed application. The Director's Final Determination is appealable to the Planning Commission.

If a significant view impairment is found, then Staff shall issue a written notice to the foliage owner informing him/her that Staff has verified that the documented view is significantly impaired by foliage on the property, and such notice shall request that the foliage owner trim or remove the offending foliage to the condition shown in the provided documented view photograph within 30 days of receiving such notice.

a. If the foliage owner voluntarily performs the necessary work within 30 days of receiving notice, then no further permit processing shall be required.

b. If no work is performed within 30 days of receiving the notice, then the applicant may file a formal application. Once a formal View Preservation Permit application has been submitted, a Notice of the Director's Determination shall be issued to the applicant and foliage owner(s) giving the foliage owner ninety (90) days to perform the necessary work.

c. The Director may require that a long-term foliage maintenance schedule be incorporated into the conditions of approval of an approved View Preservation Permit. The purpose of the maintenance schedule is to dictate the minimum frequency of future trimming (i.e. semi-annual, annual or biennial) based on the growth rates of the subject foliage so as to not significantly impair a view. Alternatively, the Director may specify the amount of allowable growth as measured with respect to a fixed point of reference that will not significantly encroach into the view, and require that when this point is reached, the foliage owner may be required to trim the foliage back to the height established by the Director. In establishing the maintenance schedule, the Director may take into account seasonal dormant periods of the subject foliage, when trimming is least harmful to the foliage.

**View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010**

d. The Director's Determination may be appealed to the Planning Commission by the applicant, the foliage owner or any interested party by filing a written appeal and submitting the appropriate fee, as established by City Council resolution, to the City within fifteen (15) days of the receipt of the Director's Determination Notice. Prior to the public hearing, Commissioners shall conduct a site visit to the applicant's property pursuant to Section IV (E)(5). Commissioners will also visit the foliage owner's property if requested in writing to do so by the foliage owner(s). The decision of the Commission may be appealed to the City Council by the applicant, the foliage owner or any interested party by filing a written appeal and submitting the appropriate fee, as established by City Council resolution, to the City within fifteen (15) days of the Commission's decision.

5. Once the appeal process has been exhausted, the City's View Preservation Determination Decision shall be final. If the City's final determination is that view preservation action is warranted on a particular property, the foliage owner shall be responsible for trimming the foliage, at his/her expense, as so ordered by the City. If the required work as specified herein is not completed, as verified by Staff, within the stipulated time periods, then the City of Rancho Palos Verdes will utilize the City's code enforcement process to authorize a bonded tree service to perform the work at the subject property at the foliage owner's expense. In the event that the City is required to perform the work, the foliage owner will be billed for all City expenses incurred in enforcing the View Preservation permit. If the foliage owner does not pay the invoice, a lien or assessment may be recorded against the foliage owner's property, pursuant to Title 8, Chapter 24 of the Rancho Palos Verdes Municipal Code.

6. Once the initial work associated with a formal View Preservation decision is performed, Staff will document the applicant's view with photographs taken from the applicant's viewing area with a standard camera lens that will not alter the actual image that is being documented from the viewing area. The photographs will be kept on file with the City and copies shall be given to all involved parties to use for future trimming purposes.

7. The filing of an application by a property owner requesting a view preservation action without payment of a fee shall be limited to a maximum of once every twelve (12) months. If a property owner wishes to file an application more frequently than once every twelve (12) months, the property owner may do so upon payment of a fee established by City Council Resolution.

8. Upon receipt of a written complaint from a View Preservation Permit (VPP) applicant or the subsequent owner of an applicant's property, that foliage has exceeded the height limit imposed by a View Preservation Permit, City Staff shall visit the site and examine the photographic documentation on file or other evidence to determine whether the foliage has been maintained in a manner that is consistent with the approved View Preservation Permit (VPP). If foliage, which is the subject of an approved VPP, exceeds the height limits prescribed in the approved VPP, the City shall

**View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010**

order that the foliage owner bring the foliage into compliance within 30 days. If the foliage owner does not comply within the specified time, the City will impose a fine (established by Council Resolution) and the matter will be forwarded to the City Attorney's office. Alternatively, if the foliage does not exceed the height limits prescribed in the approved VPP, the City will impose a fine (established by Council resolution) against the applicant. If City Staff determines that the foliage is in compliance with the VPP, no further action will be taken in response to the complaint.

C. Review Criteria for View Preservation Applications In the Absence of a View Restoration Permit

In order for a View Preservation Application to be approved, the Community Development Director must make the following five findings:

1. The applicant has complied with the early neighbor consultation process and has shown proof of cooperation on his/her part to resolve conflicts.

a. Each applicant must provide evidence of early neighbor consultation with each foliage owner, utilizing the process described below.

b. Evidence of adequate early neighbor consultation shall consist of each applicant filing a "Notice of Intent to File a View Preservation Application" with the City prior to the submittal of a formal View Preservation Application. Said notice shall be on a form provided by the City and shall be signed by the owner of the applicant's property. Each applicant shall indicate, by marking the appropriate box on the "Notice of Intent to File a View Preservation Permit Application" that the applicant has made an attempt to contact the foliage owner prior to submittal and shall submit written proof of that attempt in the form of a copy of a registered letter and the return receipt.

(1). Upon receipt of a signed and complete Notice from an applicant, the Community Development Director shall provide written notification to each foliage owner listed in the Notice, via certified mail, of the pending application. The City's notification letter shall also request that each foliage owner trim or remove the offending foliage to the height and condition shown in the provided documented view photograph within 30 days of receiving such notice.

(2). Once an applicant submits a "Notice of Intent to File a View Preservation Permit Application", and the City provides notification to a foliage owner of the pending application, the early neighbor consultation process shall be deemed to be terminated and the applicant(s) may immediately file a formal View Preservation Application with the City if the foliage owner fails to voluntarily perform the work within 30 days of receiving written notice from the City.

(3). If an appeal hearing is necessary, the applicant may be asked to explain his/her specific efforts to comply with the ordinance requirement for attempting to resolve conflict.

**View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010**

2. Foliage exceeding sixteen (16) feet or the ridge line of the primary structure, whichever is lower, significantly impairs a view from the applicant's viewing area, whether such foliage is located totally on one property, or when combined with foliage located on more than one property.

a. After the location of the "viewing area" on the applicant's property is determined, the Director must find whether foliage, which exceeds the lower of sixteen feet or the ridge line of the primary structure, significantly impairs a view from the "viewing area".

b. To determine which of the two measurements referenced in the paragraph above is the lowest, the sixteen (16) foot height measurement shall be measured from the base of the plant or tree (where it emerges from the ground).

c. For structures with multiple roofline heights that would block the view if the foliage were not present, foliage on the property shall be lowered to the roofline of that portion of the structure that otherwise would block the view. Where a structure with multiple roofline heights does not otherwise block a view, foliage on the property shall be trimmed to the applicable height limit set forth in this paragraph 2.

d. Section 17.76.030 of the City's Development Code limits the height of hedges. A "hedge" is defined by the Code as "shrubby or trees planted and maintained in such a manner as to create a physical barrier." A hedge can be included in a View Preservation Permit application, if the top of the hedge exceeds sixteen feet in height or the ridge line of the primary structure, whichever measurement is lower. In such cases, the Director may require a hedge to be trimmed to the lesser of sixteen (16) feet or the ridge line of the primary structure, if necessary to restore the view. However, if the top of the hedge is below sixteen feet or the ridge line of the primary structure, whichever measurement is lower, these cases shall be referred to the City's Code Enforcement Division for resolution. Foliage which is determined by the Los Angeles County Fire Department to be a fire hazard also shall be referred to the City's Code Enforcement Division for immediate resolution.

e. The Director shall only take action on foliage which significantly impairs a view from the applicant's viewing area. Foliage which does not significantly impair a view may remain in the applicant's view frame. The following criteria may be used to help determine whether a view is being "significantly" impaired by foliage:

(1). **Foliage Position Within the View Frame.** Foliage that is located in the center of a view frame is more likely to be found to create a significant view impairment than foliage located on the outer edge of a view frame.

(2). **Single-component View vs. Multi-component View.** Some view frames contain a combination of different view components, such as a view of the ocean, harbor and City lights (multi-component view); while some view frames consist

**View Restoration and Preservation Permit Guidelines and Procedures
July 20, 2010**

entirely of one component, such as only a view of the ocean (single-component view). Foliage that entirely obscures one of the components of a "multi-component" view is more likely to be found to create a significant view impairment than foliage that impairs the same degree of view of a "single-component" view (see attached diagram).

(3). **Prominent Landmarks.** Greater weight should be given to prominent landmarks or other significant features in the view frame such as the Vincent Thomas Bridge, harbor, shoreline, distant mountain areas, city skylines, and Channel Islands. As a result, foliage which impairs a view of any of these landmarks is more likely to be found to create a significant view impairment.

3. "The foliage to be removed is located on property, any part of which is less than one thousand (1,000) feet from the applicant's property line."

Staff from the Department of Community Development will determine the distance from the applicant's property line to the nearest property line of the site containing the foliage under consideration.

4. The foliage significantly impairing the view did not exist as view impairing vegetation in November 1989 or thereafter.

5. Removal or trimming of the foliage will not cause an unreasonable infringement of the privacy of the occupants of the property upon which the foliage is located."

a. The burden of proving an "unreasonable infringement of indoor and/or outdoor privacy" shall be on the foliage owner. The Director will make a determination on a case-by-case basis.

b. Given the variety and number of options which are available to preserve indoor privacy, greater weight generally will be given to protecting outdoor privacy than to protecting indoor privacy.