

**City of Culver City, California
City Council Agenda Item Report**

Meeting Date: 03/06/06		Item Number: A-1	
AGENDA ITEM: Introduction and First Reading of an Ordinance to Amend Municipal Code Title 9, General Regulations, Regarding View Preservation (Obstruction from Trees).			
Contact Person/Dept: Jose Mendivil/CDD		Phone Number: (310) 253-5757	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: On 02/20/06, a postcard notice was mailed to all residents and property owners within and generally adjacent to Baldwin Hills (including Hetzler Road, Tomkins Way, Blair Hills, Culver Crest, and Youngsworth Property Owners). A postcard notice was also sent to the Chamber of Commerce, Downtown Business Association and the Culver City Homeowners Association. On 02/20/06, email notification was sent to the Real Estate Advisory Brokers List and the Master Notification List. On 02/16/06, a notice was published in the Culver City News.			
Department Approval: Susan Evans (2/16/06)		CAO Approval: Martin R. Cole for Jerry B. Fulwood (03/01/06)	
City Controller Approval: N/A			

RECOMMENDATION:

Staff recommends that the City Council introduce, for first reading, Ordinance No. 2006-O____, to amend Title 9, General Regulations of the Culver City Municipal Code (CCMC) by adding Chapter 9.12 to include procedures for View Preservation (Obstruction from Trees).

BACKGROUND:

On July 26, 2004, the City Council held a public meeting to consider and discuss the City's ability to adopt regulations to protect views. Pursuant to Council direction, Planning Division staff conducted further research on the issue and the Planning Commission held a Study Session on November 10, 2004 to discuss staff's research, review the draft ordinance and provide input (Attachment 2). On October 24, 2005, the City Council received public comments on a draft ordinance regarding View Preservation, or obstruction from trees, applicable to the hillside areas only (Attachment No. 3). However, they continued this item to November 7, 2005. At the November 7th City Council meeting, the Council continued the item to a date uncertain after they requested that staff make revisions to the ordinance. Changes went before the Council on January 23, 2006. Council continued the

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matter after commenting on these further changes. Before the Council today is a revised ordinance that staff believes addresses the Council's direction.

ANALYSIS:

The draft ordinance (Attachment No. 1) specifically outlines a procedure, or private right action, for hillside area property owners who wish to restore views (blocked by a neighbor's trees and foliage) they claim existed at the time they purchased their property. This private right of action gives an individual a process that includes initial discussions, mediation, arbitration, and court action if necessary, to address a view obstruction caused by trees and foliage from his/her neighbor's property. This ordinance does not require City involvement in a tree obstruction dispute and does not provide a method for an individual to restore a view that may have existed prior to that individual purchasing their property.

ATTACHMENTS:

1. City Council Ordinance No. 2006-O____, View Preservation Ordinance
2. Planning Commission Staff Report dated 11/10/04 and Meeting Minutes Excerpt
3. Map of Hillside Areas in the City

MOTION:

That the City Council:

Introduce, for first reading, Ordinance No. 2006-O____, to amend Title 9, General Regulations of the Culver City Municipal Code (CCMC) by adding Chapter 9.12 to include procedures for View Preservation (Obstruction from Trees).