City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

AGENDA
Trees and Views Committee Meeting

TREES AND VIEWS COMMITTEE
Tuesday, October 05, 2021

CITY OF ROLLING HILLS
5:00 PM

Executive Order N-29-20

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020. All Planning Commissioners will participate by teleconference. Public Participation: City Hall will be closed to the public until further notice.
A live audio of the Planning Commission meeting will be available on the City's website (https://www.rolling-hills.org/PC%20Meeting%20Zoom%20Link.pdf).
The meeting agenda is also available on the City's website (https://www.rolling-hills.org/government/agenda/index.php).

Join Zoom Meeting

https://us02web.zoom.us/j/85782776563?pwd=L0VlZE9xRmlpQUsweW1LL0J0RnVoQT09

Meeting ID: 857 8277 6563

Passcode: 206495

Dial by your location

(669) 900-9128

Meeting ID: 857 8277 6563

Members of the public may submit comments in real time by emailing the Planning office at Planning@cityofrh.net. Your comments will become a part of the official meeting record. You must provide your full name but do not provide any other personal information (i.e., phone numbers, addresses, etc) that you do not want to be published.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA**

4. **APPROVAL OF MINUTES**

5. NEW BUSINESS
NONE.

6. OLD BUSINESS

6.A. VIEW PRESERVATION COMPLAINT - 61 EASTFIELD DRIVE (JUGE - COMPLAINANT) AND 59 EASTFIELD DRIVE (TAMAYO/SIERRA - VEGETATION OWNER)
RECOMMENDATION: Direct staff to prepare a resolution.
Juge's Application.pdf
Juge Emails.pdf
Tamayo_Sierra Emails.pdf
Rolling Hills - 6.23.21 Memo re Juge v Tamayo-c1.DOC
Rolling Hills Committee on Trees & Views Hearing Procedure-c1-c1.pdf
17.26.020___Definitions..pdf

7. ITEMS FROM STAFF
NONE.

8. ITEMS FROM THE TREES & VIEWS COMMITTEE

9. ADJOURNMENT
Next meeting: To be determined.

10. ***Notice:***

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

Agenda Item No.: 6.A
Mtg. Date: 10/05/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **VIEW PRESERVATION COMPLAINT - 61 EASTFIELD DRIVE (JUGE - COMPLAINANT) AND 59 EASTFIELD DRIVE (TAMAYO/SIERRA - VEGETATION OWNER)**

DATE: **October 05, 2021**

BACKGROUND:
Subject to other provisions of Chapter 17.26, a property owner may initiate a view impairment complaint by way of the process set forth in Section 17.26.040. The complainant shall follow the process established by Chapter 17.26 in seeking preservation or restoration of a pre-existing view.
A. Initial Reconciliation.
B. Mediation.
C. Advisory Opinion from the CTV. If the complainant is not satisfied by the recommendation of the mediator, the complainant may request a public hearing before the Committee on Trees and Views (See Juge's Application).
D. Review Hearing before the City Council. If either party is not satisfied by the recommendation of the CTV, said party may request a public hearing before the City Council to review the decision of the CTV.
E. Arbitration. If the vegetation owner does not participate in mediation or mediation is unsuccessful or if either or all of the parties disagree with an advisory opinion of the City, and the parties voluntarily pursue resolution by binding arbitration then City will reimburse a portion of the parties' arbitration costs pursuant to City Council resolution. The following provisions establish the procedures required of the parties prior to any City reimbursement related to arbitration.

At the June 1, 2021 Committee on Trees and Views Meeting, staff presented that on October 28, 2020, Mr. Juge (Complainant), the property owner of 61 Eastfield Drive, filed an application with the Planning and Community Services Department requesting for review before the Committee on Trees and Views. Mr. Juge included letters and pictures he has sent to Dr. Tamayo and Mr. Sierra (Vegetation-owners) showing how his views have been affected by the Vegetation-owners' trees and hedges.

Complainant's records show that he purchased his property in 1982. On July 15, 2018, Complainant sent

a letter to Vegetation-owners attempting to discuss the restoration of his views. Communication regarding reconciliation went on until May 26, 2020, when the Complainant asked for mediation. Both parties continued to communicate regarding mediation until October 9, 2020, when Vegetation-owners asked who will be responsible for the mediator's fee. Records show that the Complainant never responded to the question, thus ending all communication between the two parties. Complainant claimed that he met the requirements of the Municipal Code because the mediation phase has exceeded the 60-day period.

RHMC Section 17.26.040 - View impairment dispute resolution process.

1. Mediation.
2. *If the initial reconciliation does not yield a resolution of the complaint, and the complainant wishes to further utilize the procedures under this chapter, then the complainant must request, in writing, that the vegetation owner enter into mediation. The vegetation owner shall have sixty days from the date of the request for mediation to accept or reject the request in writing. The vegetation owner's failure to respond within sixty days will be deemed a formal refusal of mediation and the complainant may proceed to an advisory hearing before the Committee on Trees and Views.*
3. *The participants will have sixty days from the date of the filling of acceptance of mediation to select a mediator. If they cannot agree on a mediator within sixty days, they may jointly request that the City select a mediator. Any mediator which is selected pursuant to this subsection shall be provided with a link to a copy of this chapter.*

Per RHMC, the complainant may proceed to an advisory hearing before the Committee on Trees and Views if Vegetation-owners fail to respond within 60 days. In this case, vegetation-owners responded to Complainant's request for mediation, however, Complainant stopped communicating with Vegetation-owners. Based on the action of the Complainant not responding to the question, the Mediation Phase was not completed.

In addition, Vegetation-owners requested postponement of the public hearing. Mr. Sierra was out of the country and would not have been able to attend the meeting. Lastly, Dr. Tamayo also stated that Mr. Juge never responded to her question and thus, the mediation never occurred.

Rolling Hills Municipal Code Section 17.26.010 states:

"Owners and residents should maintain trees on their property in a healthy condition for both safety reasons and for preservation of outward views. Before planting trees, owners and residents should consider view blockage. By this chapter, the City establishes a process by which persons may seek to preserve and restore views which existed at any time since they purchased the property from unreasonable obstruction by the growth of vegetation. By this chapter the City also establishes a list of factors to be considered in determining appropriate actions to restore views while preserving the rights of property owners by not unreasonably reducing privacy or shade or other benefits provided by vegetation on a property. When a view obstruction dispute arises, the parties should act reasonably to resolve the dispute through friendly communication, thoughtful negotiation, compromise and other traditional means, such as discussions with the appropriate neighbors."

Based on the actions stated above and the goal of the RHMC to resolve disputes through friendly communication, thoughtful negotiation and compromise, Staff recommended to the Committee that the two parties continue and complete the Mediation Phase with the caveat that there will be an end date to the Mediation Phase. This allowed both parties to resolve their dispute or provided them with the

freedom to proceed to the Advisory Phase which also provided both parties with a clear path forward. Staff continued to support and facilitated the process, when needed.

Staff recommended that the Committee on Trees and Views advise the complainant, Mr. Juge, and vegetation owners, Dr. Tamayo and Mr. Sierra, to mediate their dispute and continue the hearing for 60 days from June 1, 2021. Furthermore, staff recommended that the Committee impose the following conditions:

1. City staff will assist the parties, upon joint request, in selecting a mediator – either by suggesting potential mediators or selecting a mediator for them.
2. Neither party may request a CTV hearing before they have had one full day of mediation.
3. If, after the first day of mediation and before the 60 days has expired, one or both of the parties believe that further mediation will be fruitless, one or both parties may submit a request in writing and must, under penalty of perjury, state that they attempted mediation in good faith but that efforts have been and will be fruitless.
4. If only one party requests a hearing, but the other wishes to continue mediation, the party requesting hearing shall so notify the other party. The hearing will move forward on the pre-assigned date or at an earlier date if feasible; however, the non-requesting party may present evidence at the hearing to rebut the requesting party's assertion that mediation was attempted in good faith, and such evidence may go towards determining whether a pre-existing view exists and whether it has been obstructed. *See* RHMC sec. 17.26.050(A) (evaluation factors are non-exclusive).

At the August 17, 2021 Committee Meeting, staff reported that both parties have not settled on a mediator. Mr. Juge sent names of mediators to Dr. Tamayo. Dr. Tamayo did not agree to Mr. Juge's recommendations. Dr. Tamayo reached out to the City for recommendations. The City Attorney's office provided names that were provided to Dr. Tamayo and Mr. Juge. for consideration. As of August 2, 2021, Dr. Tamayo reached out to the mediators and has yet to receive a response from one and the other was out of town for a few days.

The Committee provided a new deadline to resolve the dispute and adjourned the meeting to October 5, 2021. The time extension is intended to provide both parties more time to find a mediator they both can agree on and hopefully, amicably resolve the on-going view dispute.

Following the meeting, staff reached out to both parties asking if staff could provide further assistance. Staff provided additional mediators who are local to the area to both parties. Both parties waited for responses from the local mediators. On September 1, 2021, Dr. Tamayo emailed Mr. Juge and copied city staff stating that they have decided to withdraw their intention to mediate.

Dr. Tamayo and Mr. Sierra claim that the complainant has not made any effort in the past to claim his view. Additionally, they are claiming that the vegetation that the claimant wants trimmed provide privacy between the two subject properties, provide relief from the heat by providing shade to the existing residence and lastly, provide visual screening for the pool area. Dr. Tamayo and Mr. Sierra submitted photos showing that the vegetation have existed for years on the property.

Mr. Juge submitted supporting documents that show the vegetation owner's vegetation did not exist when he first purchased his property. He also provided a photo key of the vegetation he wants trimmed and how low they should be trimmed. He has also stated that he had a previous agreement with the vegetation owners that allowed him to trim the vegetation but later changed their minds.

Both parties have submitted documents supporting claims of view impairment and supporting claims that views did not exist. Submitted documents are included in the attachments. To date, the requirements for reconciliation, mediation and advisory opinion from the committee have been met. This dispute has been going on for years, and the process was further delayed due to the COVID pandemic. Time extensions were also added to meet the mediation requirements of the Municipal Code.

DISCUSSION:

The Committee on Trees and Views must make specific findings in support of their determinations on whether or not there is view impairment. If the Committee finds that a pre-existing view exists and that it has been significantly impaired, restorative recommendations shall be made to abate the view impairment. The Commttee shall take into consideration Section 17.26.050 to determine whether a pre-existing view has been obstructed and Section 17.26.060 for restorative recommendations.
Provided below are definitions, findings, considerations and restorative actions that must be taken into consderation when making a determination on the view complaint. Per the Committee's directions, staff will prepare a resolution reflecting the Committee's decision after deliberation occurs at the October 5, 2021 public hearing. The proposed resolution will be presented at an Adjourned Committee meeting, date to be determined by the Committee during the October 5, 2021 public hearing.

Definitions.
"Pre-existing view" means the view that existed at any time since the complainant's property was most recently purchased for fair market value through an arm's length purchase or sale, as evidenced by a deed. The pre-existing view cannot be the result of a natural disaster or illegal activities.
"View" means a visually impressive scene or vista, such as the Pacific Ocean, off-shore islands, mountains, lights of the Los Angeles basin, the Palos Verdes Hills and canyons, the Los Angeles Harbor and/or Long Beach Harbor, and similar, as observed from a viewing point. A view may include structures or vegetation in the foreground or background of the view seeker's property. A "view" may be observed from one or more viewing point, and may be panoramic.
"View impairment" means any obstruction of a pre-existing view by vegetation on another property within the City that significantly diminishes that pre-existing view.
"Viewing point" means any view from the primary living area or active use area of a primary residence, excluding views from minor rooms, such as garages or closets, and also includes views from accessory buildings or structures, including pool decks and gazebos, but excluding animal pens, aviaries, corrals, greenhouses, porte cocheres, riding rings, run-in sheds, sheds, stable/barns, free-standing storage rooms, and tack rooms.

Findings.
The Committee shall be guided by the provisions of Chapter 17.26, including the evaluation criteria set forth in Section 17.26.050, and the hierarchy of restorative actions set forth in Section 17.26.060, respectively, in attempting to resolve the view impairment complaint. Based on the evidence received and considered, the Committee shall make any of the following findings and adopt an advisory resolution in support of the foregoing determination:
i. That no view exists within the meaning of this chapter;
ii. That a view exists within the meaning of this chapter, but that the view is not significantly impaired; or
iii. That a view exists within the meaning of this chapter and that it is significantly impaired.
The Committee shall make specific written findings in support of the foregoing determinations.

Recommendation.
If the Committee finds that a pre-existing view exists within the meaning of Chapter 17.26 and that it is

significantly impaired pursuant to the conditions outlined in Section 17.26.050, it shall recommend such restorative action as is necessary to abate the view impairment, pursuant to Section 17.26.060 of Chapter 17. The Committee may recommend conditions as are necessary to prevent future view impairments.

17.26.050 - Considerations for applying the view preservation ordinance

A. The following nonexclusive factors, for which the parties can prove by a preponderance of the evidence, are to be considered in determining whether a pre-existing view has been obstructed:

1. The viewing point(s) from which the view is observed;
2. The extent of the view obstruction, both currently and at the maximum height the tree/vegetation is likely to reach (as described by the most current edition of the New Sunset Western Garden Book);
3. The quality of the view, including the existence of landmarks, vistas, or other unique view features;
4. The extent to which trees and/or vegetation have grown to obscure the enjoyment of the view from the claimant's property since the claimant acquired his/her property;
5. The extent to which the vegetation on the property preserves privacy (visual and auditory), wind screening, energy conservation, and/or climate control;
6. The extent to which the vegetation owner can establish the earliest known date when the complained of vegetation was planted or existed on the vegetation owner's real property; and
7. The degree to which the complainant diligently tried to protect and maintain their view through informal agreements with the vegetation owner or prior vegetation owner(s) and to initiate initial discussions with the current vegetation owner; and the degree to which the current vegetation owner has reasonably participated in initial discussions.

B. The following applicable, nonexclusive factors, for which the parties can prove by a preponderance of the evidence, may be considered in determining the appropriate restorative action, if any is necessary:

1. The variety of tree, its projected rate of growth (as described by the most current edition of the New Sunset Western Garden Book) and maintenance requirements;
2. The aesthetic quality of the tree(s), including but not limited to species characteristics, size, growth, form and vigor;
3. Location with respect to overall appearance, design or use of the tree on the vegetation owner's property, including, but not limited to blending, buffering, or reduction in the scale or mass of a structure;
4. Soil stability provided by the tree(s), considering soil structure, degree of slope and extent of the tree's root system;
5. The extent to which the vegetation owner can establish the earliest known date when the complained of vegetation was planted or existed on the vegetation owner's real property;
6. Privacy (visual and auditory) and wind screening provided by the tree(s) to the tree owner and to neighbors;
7. Energy conservation, shade and/or climate control provided by the trees;
8. Wildlife habitat provided by the trees.

17.26.060 - Restorative action.

A. Restorative actions may include, but are not limited to, the following, in order of preference, assuming no countervailing health or safety interest(s) exist (See Attachment 17.26.020 Definitions for graphics):

1. Lacing. Lacing is the most preferable pruning technique that removes excess foliage and can improve the structure of the tree.
2. Crown Raising.
3. Crown Reduction. Crown reduction is preferable to tree removal, if it is determined that the impact of

crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.
4. Heading Back. Heading back is only to be permitted for trees specifically planted and maintained as a hedge, espalier, bonsai, or in pollard form and if restoration actions in subsections (A) through (C) of this section will not accomplish the determined preservation action and the subsequent growth characteristics will not create a future obstruction of greater proportions.
5. Topping. Topping is only to be permitted for trees/vegetation species for which it is appropriate.
6. Removal. Removal may be considered when the above-mentioned restoration actions are judged to be ineffective and may be accompanied by replacement plantings or appropriate plant materials to restore the maximum benefits lost due to vegetation removal.

B. Restorative action shall include written conditions (including ongoing maintenance), directions, and a schedule by which the mandates must be completed, and may be made to run with the land and apply to successors in interest. The complainant may bear the cost of the initial restorative action, unless the parties agree to share the costs in some other manner. Subsequent maintenance of the vegetation in question may be performed at the cost and expense of the owner of the property on which the vegetation is growing, unless otherwise agreed to by the parties or required pursuant to any final arbitration agreement or court order. The vegetation shall be maintained so as not to allow for future view impairments.

C. In cases where restorative action may affect the health of a tree, such actions should be carried out in accordance with standards established by the International Society of Arboriculture for use in the State of California. Severe pruning (heading back and/or topping) should be avoided due to the damage such practice causes to the vegetation's form and health. Where removal is required, replacement by appropriate species should be considered.

FISCAL IMPACT:
None.

RECOMMENDATION:
Direct staff to prepare a resolution reflecting the Committee's decision on the case.

ATTACHMENTS:
Juge's Application.pdf
Juge Emails.pdf
Tamayo_Sierra Emails.pdf
Rolling Hills - 6.23.21 Memo re Juge v Tamayo-c1.DOC
Rolling Hills Committee on Trees & Views Hearing Procedure-c1-c1.pdf
17.26.020___Definitions..pdf

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

REQUEST FOR REVIEW
BEFORE THE COMMITTEE ON TREES AND VIEWS

Following unsuccessful reconciliation efforts and mediation, to request and proceed to a review hearing before the Committee on Trees and Views, the complainant must submit the following:

1. Letter requesting a review hearing before the Committee on Trees and Views.
2. An official record of when the current property owner acquired the property (such as a current title report) and of the view that existed when the current property owner (as identified on a current title report) acquired the property or a record that the view existed at any time since the complainant purchased the property. The pre-existing view cannot be the result of a natural disaster or illegal activities.
3. Documentation showing good faith effort to effect a solution, including reconciliation and mediation efforts and evidence that adequate time was provided to the vegetation owner to respond to said efforts.
4. The attached application form must be fully completed, and must be supplemented by evidence of the alleged view(s) impairment and may include, but is not limited to documentary evidence, (as described in Section 17.26.050 of the View Preservation Ordinance), dated photographs or written declarations.
5. An inventory of the trees and their location on the vegetation owner's property, prepared by a professional arborist or a surveyor is highly recommended; and may be required.
6. Owner's Declaration (attached).
7. Certified Property Owner's List and three (3) sets of self-adhesive mailing labels for all property owners within 1,000 ft. radius from the exterior boundaries of the property under consideration with vegetation, including the owner of the subject property. This information must be as it appears on the latest available assessment roll of the Los Angeles County Assessor. This list shall be certified to be true and correct (complete Certified Property Owner's Affidavit).
8. Application Fee (per Resolution No. 1206).

Review by Committee on Trees and Views Processing fee	$2,000	
Environmental Review Fees:		
Preparation and Staff Review of Initial Study	$200	
Preparation of Negative Declaration or Mitigated Negative Declaration	$1,000	plus fee charged by CA Dept. of Fish & Wildlife, if applicable, as adjusted annually

RECEIVED
OCT 28 2020
City of Rolling Hills
By

6 EASTFIELD DR
ROLLING HILLS, CA, 902

10

DENISE JACOBS
JOSEPH JUGE
61 EASTFIELD DR
ROLLING HILLS, CA 90274-5260

1459
16-24/1220 8602
3541493213

October 28, 2020
Date

Pay to the Order of City of Rolling Hills $2,000.00

Two thousand, and 00/100 Dollars

Security Features Details on Back.

WELLS FARGO Wells Fargo Bank, N.A. California wellsfargo.com

For View Application

Denise Jacobs

⑆122000247⑆ 3541493213⑈ 01459

ELOQUENT®

OFFICIAL RECEIPT

City of Rolling Hills
CALIFORNIA

No. 01005

RECEIVED FROM Joseph Juge

THE SUM OF Two - Thousand 00 DOLLARS $ 2,000 —

FOR View Impact Application

	FUND	AMOUNT
View Impact Application		2,000 —

DATE 10.26.20

CITY CLERK

PROCESS FOLLOWING UNSUCCESSFUL RECONCILIATION AND MEDIATION

Depending on the nature of the complaint, the parties should expect at least three meetings with the Committee on Trees and Views for their review of the facts presented and to make a field trip to view the physical conditions. The applicant or a representative must appear at the Committee on Trees and Views meetings.

Any findings and recommendations of the Committee on Trees and Views shall be advisory and the Committee on Trees and Views shall adopt an advisory resolution in support of their findings.

Following the Committee on Trees and Views advisory decision, if any party does not agree with their recommendation and wish to pursue a review hearing before the City Council, the disagreeing party must notify the City in writing, within 60-dys of the Committee on Trees and Views resolution, on a form provided by the City, that they wish to proceed with a review before the City Council. The request for review by the City Council must also be accompanied by a fee, in the amount established by resolution of the City Council.

At any time during the proceedings, the parties may withdraw the application and pursue a resolution by arbitration. Should the parties voluntarily pursue resolution by binding arbitration, prior to requesting a review by the City Council, then the City will reimburse portion of the parties' arbitration costs, in an amount not to exceed $5,000 total.

Joseph H Juge
61 Eastfield Drive
Rolling Hills, CA 90274

October 25th, 2020

To: Committee of Trees and Views - City of Rolling Hills

Negotiations with neighbors at 59 Eastfield Drive have been unsuccessful regarding restoration of our view.

I am writing to request a Review Hearing before the Committee on Trees and Views.

Sincerely,

Joe Juge
(310) 713-6510
joe@jugecompany.com

61 Eastfield Dr, Rolling Hills, CA 90274-5260, Los Angeles County



5	7,877	70,381	$353,500
Beds	Bldg Sq Ft	Lot Sq Ft	Sale Price
6	2010	SFR	N/A
Baths	Yr Built	Type	Sale Date

Owner Information

Owner Name:	**Juge Joseph H Jr**	Tax Billing City & State:	**Rolling Hills, CA**
Owner Name 2:	**Joseph Joseph**	Tax Billing Zip:	**90274**
Mail Owner Name:	**Joseph H Juge**	Tax Billing Zip+4:	**5260**
Tax Billing Address:	**61 Eastfield Dr**	Owner Occupied:	**Yes**

Location Information

Zip Code:	**90274**	Comm College District Code:	**Los Angeles City**
Carrier Route:	**C010**	Census Tract:	**6705.00**
Zoning:	**RHRAS1**	Topography:	**Rolling/Hilly**
School District:	**Palos Verdes Peninsu**		

Tax Information

APN :	**7567-005-037**	Lot:	**23**
Exemption(s):	**Homeowner**	Water Tax Dist:	**Central And W Basin**
% Improved:	**80%**	Fire Dept Tax Dist:	**Consolidated Co**
Tax Area:	**7084**		
Legal Description:	**RECORD OF SURVEY AS PER BK 58 PG 6 TO 10 OF RECORD OF SURVEYS LOT 23**		

Assessment & Tax

Assessment Year	2018	2017	2016
Assessed Value - Total	$1,670,803	$1,638,043	$1,358,025
Assessed Value - Land	$340,184	$333,514	$326,975
Assessed Value - Improved	$1,330,619	$1,304,529	$1,031,050
YOY Assessed Change ($)	$32,760	$280,018	
YOY Assessed Change (%)	2%	20.62%	

Tax Year	Total Tax	Change ($)	Change (%)
2016	$16,405		
2017	$19,676	$3,272	19.94%
2018	$20,064	$387	1.97%

Special Assessment	Tax Amount
Flood Control 62	$72.85
Rubbish Disposal31	$1,100.00
County Park Dist83	$24.36
Rposd Measure A 83	$118.15
Wb Mwd Stdby Chg80	$39.12
Pvpusd Parceltxm31	$435.11
Trauma/Emerg Srv86	$333.98
La Co Fire Dept 32	$68.73
La West Mosq Ab 31	$11.88
Total Of Special Assessments	$2,204.18

Characteristics

County Land Use:	**Single Family Resid**	Sewer:	**Septic Tank**

Courtesy of Charles Raine, RE/MAX Estate Properties, California Regional MLS
The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality

Universal Land Use:	**SFR**	Heat Type:	**Heated**
Lot Frontage:	**137**	Garage Type:	**Attached Garage**
Lot Depth:	**518**	Parking Type:	**Attached Garage**
Lot Acres:	**1.6157**	Parking Spaces:	**2**
Lot Area:	**70,381**	Roof Material:	**Wood Shake**
Lot Shape:	**Irregular**	Roof Shape:	**Hip**
Style:	**Conventional**	Construction Type:	**Frame**
Building Sq Ft:	**7,877**	Interior Wall:	**Plaster**
Stories:	**1**	Exterior:	**Stucco**
Total Units:	**1**	Floor Cover:	**Ceramic Tile**
Total Rooms:	**5**	Foundation:	**Raised**
Bedrooms:	**5**	Pool:	**Pool**
Total Baths:	**6**	Year Built:	**2010**
Full Baths:	**6**	Effective Year Built:	**2010**
Fireplaces:	**1**	Other Impvs:	**Fence, Addition**
Condo Amenities:	**Security**	Equipment:	**Range Oven, Dishwasher, Microwave**
Condition:	**Average**	Building Type:	**Type Unknown**
Quality:	**Good**	# of Buildings:	**1**
Water:	**Public**		

Estimated Value

RealAVM™ (1):	**$5,033,400**	Confidence Score (2):	**60**
RealAVM™ Range:	**$4,379,058 - $5,687,742**	Forecast Standard Deviation (3):	**13**
Value As Of:	**08/24/2019**		

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.

(2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.

(3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

Last Market Sale & Sales History

Recording Date:	**12/1979**	Deed Type:	**Deed (Reg)**
Sale Price:	**$353,500**	Owner Name:	**Juge Joseph H Jr**
Price Per Square Feet:	**$44.88**	Owner Name 2:	**Joseph Joseph**
Sale Type:	**Full**		

Recording Date	11/12/2014	10/30/2003	07/12/1982	12/1979
Sale Date	09/23/2014	10/03/2003		
Sale Price			$257,500	$353,500
Nominal	Y	Y		
Buyer Name	Juge Joseph Trust	Juge Joseph H Jr	Juge Joseph H Jr	
Seller Name	Juge Joseph H Jr	Juge Joseph H & Marno R	Elgin John E	
Document Number	1202280	3266711	696100	
Document Type	Trustee's Deed(Transfer)	Quit Claim Deed	Deed (Reg)	Deed (Reg)

Mortgage History

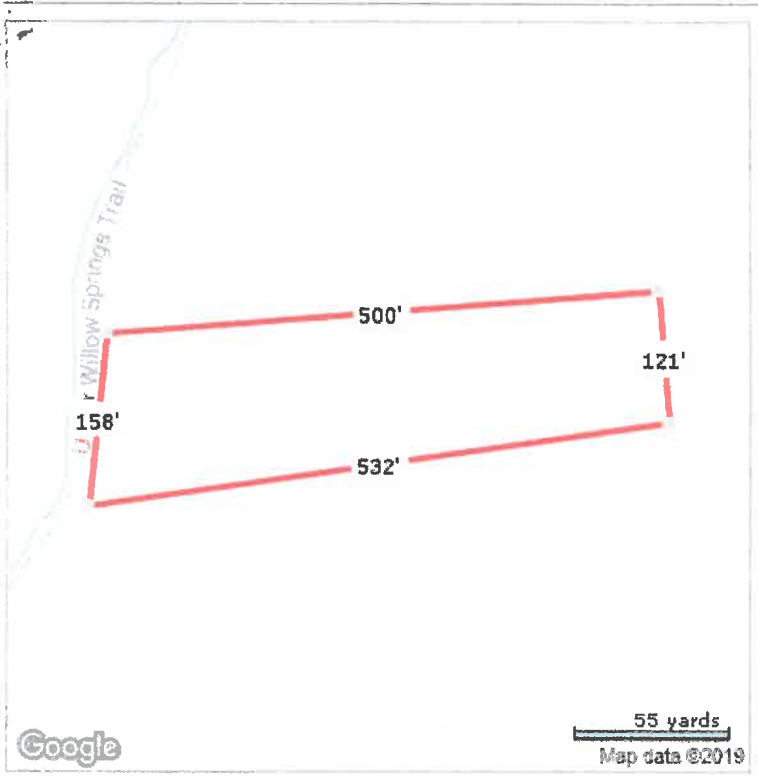
Mortgage Date	01/24/2005	07/12/1982
Mortgage Amount	$500,000	$125,000
Mortgage Lender	Washington Mutual Bk Fa	
Mortgage Code	Conventional	Conventional

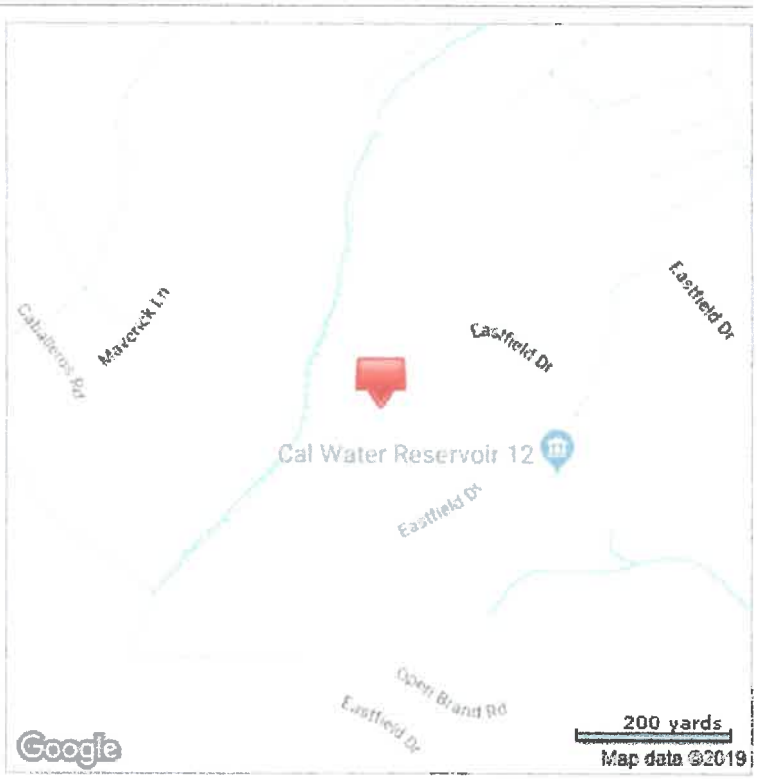
PURCHASE DATE

Courtesy of Charles Raine, RE/MAX Estate Properties, California Regional MLS

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report at the applicable county or municipality

Property Map





*Lot Dimensions are Estimated

03 3266711

EXHIBIT A

3

THOSE PORTIONS OF LOT "H" OF THE RANCHO LOS PALOS VERDES, IN THE CITY OF ROLLING HILLS, ALLOTTED TO JOTHAM BIXBY BY DECREE OF PARTITION IN THE ACTION "BIXBY, ET AL., VS. BENT, ET AL., CASE NO. 2373, IN THE DISTRICT COURT OF THE 17TH JUDICIAL DISTRICT OF SAID STATE OF CALIFORNIA, IN AND FOR SAID COUNTY OF LOS ANGELES AND ENTERED IN BOOK 4 PAGE 57 OF JUDGMENTS, IN THE SUPERIOR COURT OF SAID COUNTY, DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT THE MOST SOUTHERLY CORNER OF THE LAND SHOWN AS PARCEL NO. 23 ON MAP FILED IN RECORD OF SURVEY BOOK 58 PAGES 6 TO 10 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE BOUNDARY OF SAID PARCEL, THE FOLLOWING COURSES AND DISTANCES; NORTH 5 DEGREES 46 MINUTES 30 SECONDS EAST 160.00 FEET; NORTH 85 DEGREES 57 MINUTES 15 SECONDS EAST 472.98 FEET AND NORTH 85 DEGREES 09 MINUTES 09 SECONDS EAST 30.00 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL AND THE CENTERLINE OF ROAD NO. 15-A, AS DESCRIBED IN DECLARATION OF RESTRICTIONS NO. 150-AP, RECORDED IN BOOK 24097 PAGE 227, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL AND THE CENTERLINE OF SAID ROAD NO. 15-A SOUTH 4 DEGREES 50 MINUTES 51 SECONDS EAST 120.00 FEET TO THE MOST EASTERLY CORNER OF SAID PARCEL; THENCE ALONG THE BOUNDARY OF SAID PARCEL SOUTH 85 DEGREES 09 MINUTES 09 SECONDS WEST 30.0 FEET AND SOUTH 81 DEGREES 39 MINUTES 46 SECONDS WEST 503.37 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR ROAD PURPOSES OVER THE ROAD DESCRIBED IN DECLARATION OF RESTRICTIONS NO. 150-AP, RECORDED IN BOOK 24097 PAGE 227, OFFICIAL RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE ABOVE DESCRIBED PARCEL NO. 1.

61 EASTFIELD DR.

APPLICATION

NATURE OF THE COMPLAINT

Describe in detail the nature of the complaint. Include documentation of when the view(s) existed; when the lot with the alleged view was purchased by the complainant; any evidence of the view(s) and any other information you deem relevant to your request.

The complaint is for view restoration. Included are documentation and photographs showing that the view existed when the claimant purchased the property. As well as, photo taken 2010. Please see photos #1-7 and key photo.

What good faith effort to effect a solution to the view impairment with vegetation-owner have you pursued and include evidence that the owner of the vegetation has refused to comply.

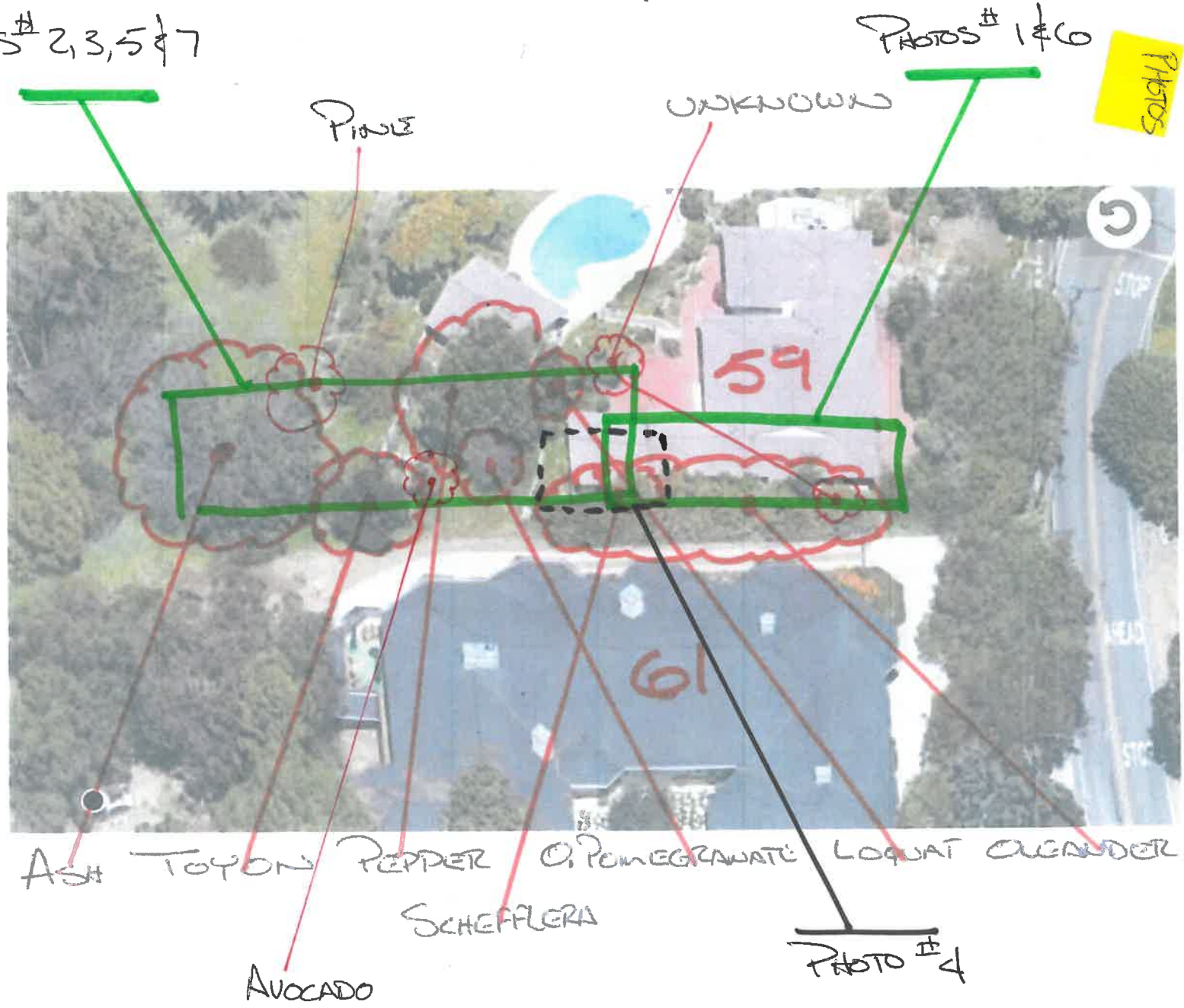
Claimant has made many good faith efforts over the years to bring about a resolution of the view obstruction with the vegetation-owner. Included are letters between claimant and the vegetation owner reflecting that the vegetation owner has refused to participate in the process, and has refused to enter into a mediation or other dispute resolution process to bring about a resolution of the view obstruction as identifed in RHMC 17.26

Provide a list of the trees and vegetation that impair your view and their location on the vegetation owners' property. (A survey of the trees and their exact location, prepared by a professional arborist or a surveyor, is highly recommended).

Toyon, Ash, Calif. Pepper, O. Pomegranate, Loquat, Oleander, Schefflera, Avocado and 2 unknown.

Please see key photo and related photos.

"PHOTO KEY"


PHOTOS # 2, 3, 5 & 7
PHOTOS # 1 & 6
PHOTOS
PINE
UNKNOWN
59
61
ASH
TOYON
PEPPER
POMEGRANATE
LOQUAT
OLEANDER
SCHEFFLERA
AVOCADO
PHOTO # 4

12/2016

Joseph Juge
61 Eastfield Drive
Rolling Hills, CA 90274

December 24, 2016

Dear Mr. Sierra and Ms. Tamayo,

I am putting in writing what I propose to do to restore my view of the city lights and distant mountains.

As we discussed in person, I would like to restore my view and also maintain both your and my privacy.
To that end I would like to reduce the height of the hedge on the south side of your house to the height of the ridge of your roof.
Please see photos #1 and #2. I believe this will improve the hedge to become more dense and increase the privacy for both of us.

At the rear of your house I would like to reduce the crown and thin out the pepper tree. Please see photo #3.

Finally, I would like to cut back the dead branches of the trees/bushes to the west of the pepper tree. Please see photo #4.

You mentioned that you were concerned that I might cut or do something to your trees/hedges that would be unsightly. I want to assure you that it is not in my interest to do any thing that will be unsightly as I will be looking at it every day.

I would appreciate discussing this with both of you as soon as possible.
I would like to do the work in the next two weeks if acceptable to you.

For your convenience I have in included a copy of portions of the city Ordinance regarding "View Preservation" Chapter 17.26

Thank you for your consideration in this matter.

Sincerely,

Joe Juge
Phone: (310) 713-6510

P.S. Please do not hesitate to call or stop by to discuss this matter.

7/20/18

Joe Juge 7/15/18

61 Eastfield Dr.
Rolling Hills, CA 90274

Dear Ms. Tamayo and Mr. Sierra,

I am writing you once again in an attempt to discuss the restoration of our view in a neighborly manner.

If a discussion and resolution is not possible, I will file a complaint with the "City" "View Preservation Ordinances" Chapter 17.26 of the Rolling Hills Municipal Code. According to Section 17.26.050. I am indicating the areas of concern with photos that were dated approximately 3 years after our property was purchased.

I hope we can discuss and resolve this matter without going through the process with the city.

For convenience I have included photos from approximately 3 years after our property was purchased as well as information regarding RHMC Chapter 17.26.

Thank you,

Joe Juge

cc: City of Rolling Hills



8/10/18

August 15, 2018

Beatriz E. Tamayo,M.D.
Julio C. Sierra
59 Eastfield Dr.
Rolling Hills, CA, 90274

Joe Juge
61 Eastfield Dr.
Rolling Hills, CA, 90274

Mr. Juge,

In response to your letter dated 7/15/18, we are currently dealing with the view complaint #30 with the RHCA. We are also waiting for all of your concrete driveway encroaching onto our property to be removed. In the past, you have committed to remove it, but you have failed to comply.

Sincerely,

B. Tamayo, M.D.

Julio Sierra

cc: City of Rolling Hills

9/2019

Joe Juge 9/21/18

61 Eastfield Dr.
Rolling Hills, CA 90274

Dear Ms. Tamayo and Mr. Sierra,

Because you have refused to discuss the restoration of our view, which I requested in writing 7/15/18, I am now requesting that you enter into mediation to resolve this issue.

Thank you,

Joe Juge

cc: City of Rolling Hills

HAND DELIVERED 9/21/18 7
SPOKE WITH SIERRA 6:00 PM

11/2018

November 18, 2018

RECEIVED
NOV 15 2018
City of Rolling Hills
By: _____

Beatriz E. Tamayo, M.D.
Julio C . Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Joseph Juge
61 Eastfield Dr.
Rolling Hill, CA 90274

Mr. Juge,

Regarding your letter of 7/15/18, you indicated that you wanted to discuss the restoration of your view and to file a complaint with the City of Rolling Hills. You referenced the " View Preservation Ordinances" Chapter 17.26 of the Rolling Hills Municipal Code and section 17.26.050, and attached some pictures.

According to Section 17.26.050, you must inciude a number of elements when applying for a view preservation, including a description of the vegetation in question, the viewing point(s), the extent of the view obstruction, etc .(please review full Ordinance No. 354).
Since you purchased your property in 1988, you must explain why, 30 years later, you now file a view complaint based on pictures of those early years. We purchased our property in 2007 and all that vegetation was already there, with the intention to preserve privacy, wind screening, energy conservation and climate control.
You are required to submit in writing, when that vegetation was planted or existed. And most importantly, you must submit WRITTEN EVIDENCE OF YOUR PREVIOUS ATTEMPTS TO PROTECT AND MAINTAIN YOUR VIEW THROUGH AGREEMENTS WITH THE PREVIOUS OWNER.
You have failed to include any REMEDIATION ACTION.
According to Chapter 17.26.060, you are required to include RESTORATIVE ACTIONS for the vegetation in question.

On August 30, 2018, we received a notification from The RHCA of your request to withdrawal your view complaint. According to members of the RHCA, your request was verbal.
There must be commitment from you. You must submit a legal waiver and abandon any use of The RHCA view impairment committee and have your view complaint # 30 permanently CLOSED before we would consider any further discussion of the matter with you via The RH City. This should not be dealt with in multiple courses of action.

NO COMMENT 1/13/19

You have refused to remove the encroaching portions of your concrete driveway on our property, ignoring multiple requests from us and the RHCA. You continue to benefit from our property without paying us any fee. We urge you once more to remove all of your encroachment.

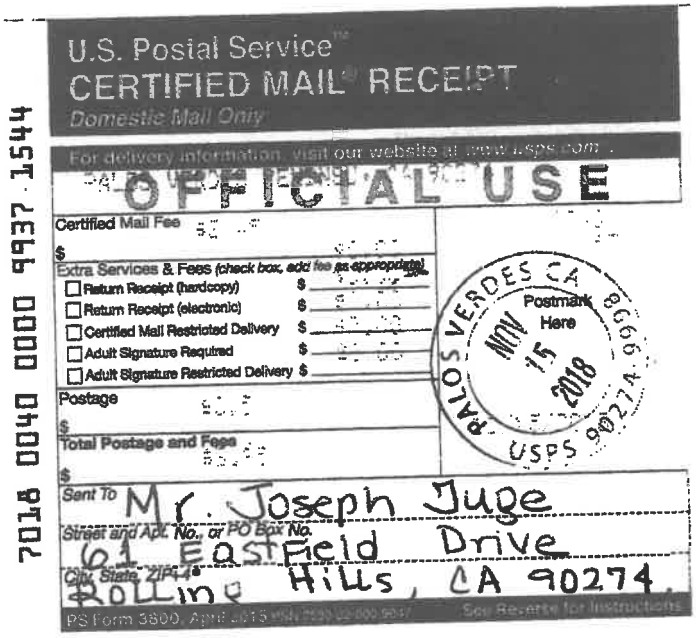
We will discuss your view complaint once you comply completely.

Thank you,

Sincerely,

Beatriz E. Tamayo, M.D.
Julio C Sierra

cc City of Rolling Hills



1/2019

Joe Juge
61 Eastfield Dr.
Rolling Hills, CA 90274

January 13, 2019

Dear Ms. Tamayo and Mr. Sierra,

As I have mentioned, in numerous communications to you, I would much prefer to resolve our view concerns with you in a non-confrontional manner without the involvement of the City.

You have failed to respond to my 9/21/18 request for mediation, pursuant to Section 17.26.05. If you do not respond within 7 days, in the affirmative, that you will resolve our view concerns, I will file a "Request For Review Before the Committee on Trees and Views."

Joe Juge

Mailed
Hand Delivered 1/13/19

3/20 20

JOSEPH H. JUGE
61 EASTFIELD DRIVE
ROLLING HILLS, CA 90274

Mr. Julio Sierra & Dr. Beatriz Tamayo
59 Eastfield Drive
Rolling Hills, CA 90274 March 20, 2020
RE: View Impairment (61Eastfield Dr.)

Dear Mr. Sierra & Dr. Tamayo,

Once again I am contacting you for the purpose of restoring our view. I started contacting you in 2016 requesting discussion and resolution of the issue. You have refused to take part any meaningful discussion. Spring is here again with all its beauty, but your overgrown trees and unsightly Oleander hedges continue to block our once unfettered beautiful view.
Please refer to photo #3, taken about 10 years ago and photo #1 taken in 1988. As you can see there is no Calif. pepper tree in the photos.
Photo #4 is a photo taken March of 2020. This pepper tree is one of the main obstructions to our pre-existing view.

I am requesting that the hedges along the South side of your property be lowered by means of "Topping" and that the height of the hedge not exceed the height of the lower roof ridge of your house.
I am requesting that the height of trees obstructing our view be reduced by "Crown reduction". Both "Topping" and "Crown reduction" are definitions identified in 17.26.020 of the RHMC.

Please refer to: RHMC 17.26 (i.e., https://library.municode.com/ca/rolling hills/codes/code of ordinances?no deld=TIT172O CH17.26VIPR)

"Failure of the vegetation owner to respond to the written request for initial reconciliation within sixty (60) days from the date on the notification shall be deemed formal refusal by the vegetation owner to participate in the initial reconciliation".

17.26050- Considerations for applying the view preservation ordinance.

A. The following nonexclusive factors, for which the parties can provably preponderance of the evidence, are to be considered in determining whether a pre-existing view has been obstructed:

1. VIEWING POINTS: Primary living areas and areas of active use on the north

side of 61 Eastfield Dr.

2. The extent of the view obstruction, both currently and at the maximum height……. The obstruction is considerable. As can bee seen in photo #4 the Calif. pepper tree is about 20' tall and can grow to a height of about 40'. The Oleander is about 10' tall and can grow to about 20'. The vegetation is currently blocking in excess of 60% of the view we enjoyed in the past.

3. View Quality: Distant mountains, downtown L.A., Queen's Necklace. Night lights of the various cities.

4. Extent of vegetation growth: When I acquired 61 Eastfield Dr. The vegetation of concern did not exist, or was at a height that was of no consequence.

5. N/A

6. N/A

7. Attempts to protect and maintain view: The Heaters (previous owners of 59 Eastfield) and I had an informal and neighborly way of dealing with vegetation issues. There was not a problem of obstruction with previous owners.
On multiple occasions I have attempted to discuss and resolve the view obstructions with you. You have, for the most part, refused to participate in any reasonable discussions.
I request that you contact me to discuss and resolve this issue in a neighborly manner.

Joe Juge
310 713-6510
Joe@jugecompany.com

Cc. Elaine Jeng P.E., City Manager

Attachments:

Photo #1. This photo shows no trees, to the West end of the South side of 59 Eastfield. Photo taken 1988.

Photo #2. Shows the South side of 59 Eastfield. The Oleander hedges are nearly at the line of the house eves. Photo taken 1988

Photo #3. Photo shows no Calif. pepper tree to the West end of the South side of 59 Eastfield. Photo taken December 2010.

Photo #4. This photo shows large Calif. pepper tree, to the West end of the South side of 59 Eastfield. Photo taken March 2020.

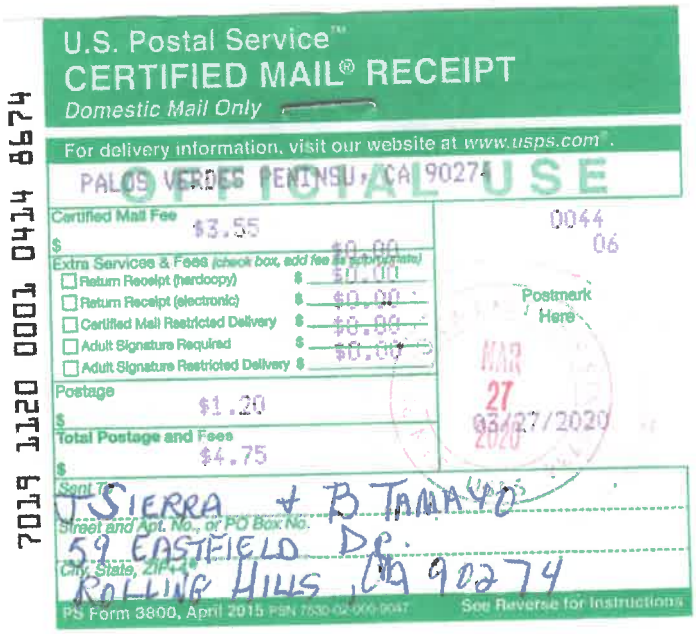

PHOTOS TAKEN 1988
545
AREAS OF NOTE


AREAS OF
NOTE


LOOKING NORTH-WEST @ 59 EASTGLEN
WEST END OF THE HOUSE.
#3
WIDE LOAD

12/2010


LOOKING NORTH-WEST @ 59 EASTFIELD
WEST END OF THE HOUSE.
#4
03/20/2020



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

PALOS VERDES PENINSU, CA 90274

OFFICIAL USE

Certified Mail Fee $3.55
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $0.00
- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $1.20

Total Postage and Fees $4.75

0044
06

Postmark Here

MAR 27 2020

03/27/2020

Sent To
J SIERRA + B TAMAYO
Street and Apt. No., or PO Box No.
59 EASTFIELD DR.
City, State, ZIP+4®
ROLLING HILLS, CA 90274

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1120 0001 0414 8674

May 15, 2020

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Mr. Joseph Juge
61 Eastfield Drive
Rolling Hills, CA 90274

Mr. Juge,

In your letter of March 20, 2020, among other important requirements, you omitted to include any **REMEDIATION ACTIONS ON YOUR BEHALF.** How do you plan to pay for the changes you proposed to our vegetation, both the initial cost and the costs involved in the subsequent maintenance of such changes and, if you plan to pay for replanting any of the vegetation involved in your allegations, knowing that we would only consider a Certified Professional Tree Company to handle our vegetation.

Before even considering your allegations or any of your proposed changes to our vegetation, **A REGISTERED CONSULTING ARBORIST MUST BE CONSULTED** to assess the impact and possible permanent damage the vegetation can suffer if subject any of those changes.

In your letter, you also mentioned your " informal and neighborly way way of dealing with vegetation issues" with the former owner of our property, please expand in your version, which were the terms of that agreement, how long did it last for, what was your part on it, how often did you help trimming the vegetation in question and what kind of view did you help preserve throughout those years, add evidence, pictures of such view, also, when and why did you stop doing it, because, based on our conversations with Mr. John Heater, the former owner of our property, **SUCH AGREEMENT NEVER EXISTED OR ANYTHING EVEN CLOSE TO IT.**

We moved to our current home in February 2007, and you have certainly **NEVER** approached us in regards to that vegetation until now. During that time, you were still living in your barn **AGAINST LOCAL REGULATIONS AND CC & Rs**, while building your main house, your only access to your barn, which is located in the back of your property, is your same driveway on the easement we share, you must have seen that vegetation almost every day on your way in and out of your place for over 30 years, but said or did nothing about it until now **MORE THAN THREE DECADES LATER.** You, obviously, first bought your property, and now, over thirty years later, decided to add it the view, but things don't work out that way.

With your letter, you also provided some pictures taken, according to you, in 1988. Those pictures, your own pictures, are the **CLEAR EVIDENCE** that the vegetation subject of your allegations, **WAS ALREADY THERE**. This is not a surprise to us, our home was built in 1956 and most of its vegetation is also from those days, which means that by the time you bought your property, our vegetation had already been sitting there for over thirty years. It also means that your allegations are directed against **VEGETATION THAT HAS BEEN PRESENT THERE FOR OVER 64 YEARS**. It was not planted there just by chance but for several important and specific reasons. Mr. Heater, the former owner, wrote numerous letters to the RHCA for many years, complaining of the incredible deal of noise, you and your workers produced with your trucks, tractor and heavy machinery during all those long, long years you were building your house, since, despite of being a contractor yourself, **it took you over twenty years to build just one house**. The noise you and your workers made then, persists to current times, ever since we moved to our home back in 2007, we have endured it as well, you do not stop making it not even during week days or weekends, and is even worse lately since the Stay-at-Home Orders and Social Distancing were mandated by The California Governor in response to the coronavirus Pandemic, you bring your workers (employees) on daily bases and continue to work in your garage and driveway on your noisy projects (without social distancing yourselves or wearing any PPE protection), we have recorded multiple videos of your activities there and the loud noise you still make. **YOU SHOW NO RESPECT OR CONSIDERATION FOR OTHERS, PARTICULARLY YOUR NEIGHBORS.**

We have enclosed two letters of Mr. John Heater dated June 15, 2008 and April 26, 1993. In those letters he addresses some of the topics we discuss in this one.

Besides **SOUND BARRIER**, that vegetation fulfills other important functions, our easements are very narrow, like most on Eastfield Drive and, being our 4 bedrooms and two of our bathrooms located next to the easement along the side of your driveway, that same vegetation provide us with very crucial **PRIVACY**. Also, that side of the house is located on a South West direction, facing the sunset, the very same vegetation provide us **SHADE, COOLING** the rooms during summer time, also helps us with **WIND SCREENING AND ENERGY SAVING**.

We are still waiting for you to remove your **ILLEGAL** concrete driveway built on the easement **AGAINST CC & Rs** and for which **YOU HAVE NEVER BEEN GRANTED A PERMIT.** It interferes with our use of the easement and the access to the back of our property. Most importantly, you must remove the large portion of your illegal concrete driveway **ENCROACHING ONTO OUR PROPERTY.** You have received multiple verbal and written requests by us and by the RHCA to do so, but **YOU HAVE FAILED TO COMPLY.**

Thank you.

Sincerely,

B. Tamayo MD.
Beatriz E. Tamayo, M.D.

J SIERRA
Julio C. Sierra

C.C. City of Rolling Hills

5/2020

JOSEPH H. JUGE
61 EASTDFIELD DR.
ROLLING HILLS, CA 90274

Dr. Beatriz Tamayo & Mr. Julio Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

May 19, 2020

Mr. Sierra & Dr. Tamayo

Thank you for your response to my letter of 03/20/20.

In my letter of 03/20/20 I did provide you with the "…Remediation Action..." we are seeking to restore our view.

I am willing to bear the cost of the initial trimming and cutting.

The subsequent maintenance should be yours to bear.

As I understand, there is no requirement to consult an arborist. If you desire or insist, please do so.

Please let me know if you would like to discuss any of the issues relating to RHMC Chapter 17.26 and the restoration of our view.

If I do not receive communication from you within 5 days, I will proceed with a request for mediation, as identified in 17.26.030; knowing we do not have resolution of the issue.

Thank you,

Joe Juge
(310) 713-6510
Joe@jugecompany.com

Cc: City of Rolling Hills



5/2020

JOSEPH H. JUGE
61 EASTFIELD DRIVE
ROLLING HILLS, CA 90274

May 26, 2020

Dr. Tamayo & Mr. Sierra,

Pursuant to RHMC 17.26.040 B Mediation and because we do not have any resolution to the View Complaint filed to restore our view, I am requesting that we enter into mediation to help solve this issue/

Joe Juge
Cc: City of Rolling Hills



7/2020

July 25, 2020

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Mr. Joe Juge
61 Eastfield drive
Rolling Hills, CA 90274

RE: May 26, 2020 Letter

Mr. Juge,

We agree to mediation.

Thank you.

B Tamayo MD
Beatriz E. Tamayo, M.D.

J Sierra
Julio C. Sierra

CC. City of Rolling Hills.

8/2020

Joe Juge
61 Eastfield Drive
Rolling Hills, CA 90274

Mr. J. Sierra & Dr. B. Tamayo
59 Eastfield Drive
Rolling Hills, CA 90274

August 13, 2020

Dear Mr. Sierra & Dr. Tamayo,

Thank you for agreeing to mediate. Here are two mediators for your review: Coleen Berg of Choice Mediation Solutions or Hon. Joyce Fahey @ Signature Resolutions.

We look forward to your response.

Joe Juge & Denise Jacobs
(310) 713-6510



10/2020

October 9, 2020

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Joe Juge
61 Eastfield Drive
Rolling Hills, CA 90274

Mr. Juge,

Before making any choice, we want to know who will be responsible for the mediator's fee.

Thank you.

B. Tamayo, M.D.

J. Sierra

c.c. City of Rolling Hills

Describe how the view is impaired and describe the "viewing points" of your house, accessory structures or yard from which the view is impaired, (see Section 17.26.020-Definitions)

Claimant's view is impaired by the vegetation owner's trees and hedges along the north-facing side of the claiment's property including claiments primary living areas and areas of active use. Claimant is not seeking to restore views from any minor rooms, such as animal pens, corrals, aviaries, or greenhouses.

Describe what view(s) will be restored by remediation of the vegetation.

Claimant's north-facing views from his living areas and areas of active use will be restored when the vegetation is remediated, as shown in the attached photographs.

Describe what action is specifically proposed to restore the view (i.e trimming, lacing, crown reduction or removal of the vegetation).

Claimant proposes to trim the hedges and schefflera along the driveway to 6" below the ridgeline of the vegetation owner's residence.

Claimant promoses to remove calif. pepper, crown and thin ash, toyon and pine to 48" below lower ridgeline. Lower crown of "unknown" trees to 6" below ridgeline. Crown ornamental pomegranate and avocado to 36" below ridgeline.

Describe what, if any, factors described in Sections 17.26.050 and 17.26.060 of the View Preservation Ordinance have you considered in determining whether a pre-existing view has been obstructed and for the appropriate restorative actions you're proposing.

With respect to the factors set forth in section 17.26.050-060, of the View Preservation

Please see seperate sheet.

[Please note that the City may require further information in order to clarify, amplify, correct, or otherwise supplement the application. If the City requires such additional information, it is strongly suggested that you supply that information promptly to avoid any delay in the processing of the application.]

APPLICATION FEE

An application fee of $2,000.00 must accompany the application. Make check payable to the **CITY OF ROLLING HILLS**. (Additional fees may be required).

OWNER'S DECLARATION

REQUEST FOR REVIEW
BEFORE THE COMMITTEE ON TREES AND VIEWS

I (We) declare under penalty of perjury that the foregoing is true and correct.

Executed at 61 Eastfield Dr. Rolling Hills, California,

this 26 day of October, 20 ____

By: _____
Joseph H. Juge Jr.

By: _____
61 Eastfield Dr. Rolling Hills, Ca. 90274

_____
Address

_____

NOTE: The Owner's Declaration can only be used if this application is signed in California. If this application is signed outside of California, the applicant should acknowledge before a Notary Public of the State where the signature is fixed, or before another officer of that State authorized by its laws to take acknowledgments, that he (it) owns the property described herein, and that the information accompanying this application is true to the best of his (its) knowledge and belief. Attach appropriate acknowledgment here.

_____

APPLICANT:_____ DATE FILED:_____

REPRESENTATIVE:_____ FEE:_____

COMPANY NAME:_____ RECEIPT NO:_____

COMPANY ADDRESS: BY:_____

_____

_____

COMPANY PHONE NO. _____

PROPERTY ADDRESS:

_____

_____

CERTIFIED PROPERTY OWNER'S LIST

AFFIDAVIT

REQUEST FOR REVIEW
BEFORE THE COMMITTEE ON TREES AND VIEWS

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Joseph H. Juge Jr., declare under penalty of perjury that the attached list contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County within the area described and for a distance of one thousand (1,000) feet from the exterior boundaries of property legally described as:

See Attachment.

Executed at Rolling Hills, California, this 25 day of October, 20 20.

SIGNATURE

With respect to the factors set forth in section 17.26.050-060 and 17.26.060 of the View Preservation Ordinance, claimant submits that his view of the Queen's necklace along the coast and to the east to downtown Los Angeles is a high-quality scenic view in both daylight and at night.

Claimant's scenic views are almost completely obstructed by the vegetation-owner's trees and hedges along the north-facing side of claimant's property including claimant's primary living areas and areas of active use.

Despite many efforts over the years to have the vegetation-owner maintain his vegetation so as not to obstruct claimant's scenic views, the vegetation-owner's trees, hedges and shrubs have grown to almost completely obstruct claimant's scenic views.

Claimant does not believe that the subject vegetation preserves any privacy for the vegetation owner whatsoever, nor does it provide energy conservation, wind screening, or climate control for any part of the vegetation-owner's primary residence.

Claimant has submitted photographs that show that the subject vegetation has been planted and/or not maintained.

Claimant submits that he has diligently tried to protect and maintain his view through informal agreement with the vegetation owner by initiating discussions and attempting to engage the vegetation-owner in dispute resolution discussions. Claimant submits that the vegetation-owner has not participated in such discussions in a reasonable or good-faith manner.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

NOTICE OF A PUBLLIC HEARING AND NOTICE OF A FIELD TRIP OF THE CITY OF ROLLING HILLS COMMITTEE ON TREES AND VIEWS

NOTICE IS HEREBY GIVEN that a public meeting of the City of Rolling Hills Committee on Trees and Views will be held in the field to view properties in a View Impairment Complaint regarding the following locations:

LOCATION OF TREES: **59 EASTFIELD DRIVE**
PROPERTY OWNER: **DR. TAMAYO AND MR. SIERRA**

COMPLAINANT: **MR. JOE JUGE**
61 EASTFIELD DRIVE

The public hearing will be held on Tuesday, June 1, 2021 with a visit to 61 EASTFIELD DRIVE, (Juge), starting at 4:00 PM.

Following the field trip, the Committee is scheduled to continue to discuss and deliberate this case on Tuesday, June 1, 2021 at 5:00 PM via teleconference at:

https://us02web.zoom.us/j/82138611984?pwd=VytYejR3SWd5SklEMnAwNnFrMExBQT09
Meeting ID: 821 3861 1984 **Passcode: 826470** **By phone: (669) 900-9128**

The complainant alleges view obstruction of his north-facing views from his primary living areas by trees/vegetation located at 59 Eastfield Drive. Complainant proposes for owners of 59 Eastfield Drive to trim: Toyon Ash, Calif. Pepper Tree, O. Pomegranate, Loquat, Oleander, Schefflera, Avocado and 2 unknown trees.

Any person is welcome to attend the hearings and review the complaint prior to the hearings. Pertinent material is available at City Hall, 2 Portuguese Bend Road, Rolling Hills, between the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday. You are invited to provide written comments with regard to this complaint at, or prior to the hearings or provide input at the hearings.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Committee on Trees and Views at, or prior to, the meetings.

Published in the Palos Verdes Peninsula News on Thursday, May 20, 2021

Printed on Recycled Paper

7567-003-008
1
Brown David S & Joan B Trs
4 Hackamore Rd
Rolling Hills CA 90274-5228

7567-003-009
2
Verna Balch & Barrett Maass
6 Hackamore Rd
Rolling Hills CA 90274-5228

7567-003-010
3
Gregory Noel
8 Hackamore Rd
Rolling Hills CA 90274-5228

7567-003-011
4
Ken & Diana Lee
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-012
5
Grubs Trust
205 Via Osuna
Rancho Santa Fe CA 92091-4414

7567-003-013
6
Richard & Patricia Meyer
51 Eastfield Dr
Rolling Hills CA 90274-5259

7567-003-014
7
Richard & Patricia Meyer
51 Eastfield Dr
Rolling Hills CA 90274-5259

7567-003-015
8
Craig Waldman
49 Eastfield Dr
Rolling Hills CA 90274-5259

7567-003-016
9
Violet & David Lin
47 Eastfield Dr
Rolling Hills CA 90274-5259

7567-003-017
10
121 Family Llc
45 Eastfield Dr
Rolling Hills CA 90274-5259

7567-003-018
11
Eastfield Llc
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-019
12
Raif & Soad Yanney
39 Eastfield Dr
Rolling Hills CA 90274-5259

7567-003-020
13
Larry & Ann Schneider
37 Eastfield Dr
Rolling Hills CA 90274-5259

7567-003-021
14
Bern Galvin
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-022
15
Brad Hamlin
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-023
16
Stephen & Rachel Liu
3 Chuckwagon Rd
Rolling Hills CA 90274-5223

7567-003-024
17
James & Joan Donelson
1 Chuckwagon Rd
Rolling Hills CA 90274-5223

7567-003-025
18
Jinlu Hu
35 Eastfield Dr
Rolling Hills CA 90274-5251

7567-003-045
19
Joanne Murdock
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-046
20
Nancy Kimber
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-047
21
Lena Meyer & Celia Barker
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-048
22
Terrance Carroll
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-049
23
Daniel Baer & Chiyoko Kobayashi
2 Innovation Way # 2
Pomona CA 91768-2560

7567-003-050
24
Nicholas & Angela Tonsich
40 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-013
25
Robert Miller
Po Box 5170
Palos Verdes Peninsula CA 90274-9667

7567-004-014
26
Ashvin & Mary Syal
48 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-015
27
Janice Ferris
50 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-016
28
Paul Mayhack
52 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-017
29
Elias & Kostandina Eleftheriou
54 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-018
30
Russell & Julie Coser
56 Eastfield Dr
Rolling Hills CA 90274-5262

STAPLES®
label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette do format 25 mm x 67 mm compatible avec Avery ®5160/8160

7567-004-019
31
Vidya Sircar
58 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-020
32
California Water Service Company
1720 N 1St St
San Jose CA 95112-4508

7567-004-023
33
Fatemeh & Mehdi Hemmat
62 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-024
34
Aaron & Shannon Thomas
66 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-025
35
Robert & Jodi Belke
68 Eastfield Dr
Rolling Hills CA 90274-5262

7567-004-026
36
Phillip & Tawnie Norman
Openbrand Rd
Palos Verdes Peninsula CA 90274-

7567-004-027
37
Alan & Rowena Cherry
2 Openbrand Rd
Rolling Hills CA 90274-5231

7567-004-028
38
Hollie Mcbride
4 Openbrand Rd
Rolling Hills CA 90274-5231

7567-004-029
39
Modjtaba & Fatemeh Tabazadeh
6 Openbrand Rd
Rolling Hills CA 90274-5231

7567-004-030
40
Bonnie Irvine
13 Openbrand Rd
Rolling Hills CA 90274-5231

7567-004-033
41
Ignatius & Roselia Godoy
1 Openbrand Rd
Rolling Hills CA 90274-5231

7567-004-034
42
Michael & Ashley Rosa
3 Openbrand Rd
Rolling Hills CA 90274-5231

7567-004-041
43
Andrew Arvidson
60 Eastfield Dr
Rolling Hills CA 90274-5262

7567-005-027
44
81 Eastfield Llc
31 Whig Rd
Scarsdale NY 10583-3000

7567-005-028
45
Robert & Richard Witmer
79 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-029
46
Tricia & Christopher Olsen
77 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-030
47
Claire Towle
75 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-031
48
Gary Comstock
73 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-032
49
Jamal & Tuba Ghannadi
450 Silver Spur Rd
Rancho Palos Verdes CA 90275-3573

7567-005-033
50
Sandra Sanders
69 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-034
51
Michael & Stephanie Brandmeyer
67 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-035
52
Randolph Tyndall
21250 Hawthorne Blvd Ste 850
Torrance CA 90503-5509

7567-005-036
53
Zan & Linda Calhoun
63 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-037
54
Joseph Juge
61 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-038
55
Beatriz Tamayo & Julio Sierra
59 Eastfield Dr
Rolling Hills CA 90274-5260

7567-005-039
56
Mark & Sandra Fisler
57 Eastfield Dr
Rolling Hills CA 90274-5260

7567-007-012
57
Yuan & Rita Hsu
6 Bowie Rd
Rolling Hills CA 90274-5220

7567-007-013
58
Ross & Anne Smith
4 Bowie Rd
Rolling Hills CA 90274-5220

7567-007-016
59
Albert & Debra Tsai
8 Bowie Rd
Rolling Hills CA 90274-5220

7567-016-016
60
Arthur & Loretta Kaiser
4795 Regent Blvd
Irving TX 75063-2466

STAPLES®
label size 1" x 2 5/8" compatible with Avery ®5160/8160

7567-016-017
61
Haralambos & Sally Haralambos
1 Caballeros Rd
Rolling Hills CA 90274-5285

7567-018-008
62
Milton Mabry
6 Caballeros Rd
Rolling Hills CA 90274-5221

7567-018-009
63
Donne & Elizabeth Moen
8 Caballeros Rd
Rolling Hills CA 90274-5221

7567-018-010
64
Pamela Crane
10 Caballeros Rd
Rolling Hills CA 90274-5221

7567-018-019
65
B & Dorothy Lay
19 Caballeros Rd
Rolling Hills CA 90274-5279

7567-018-020
66
Elizabeth & Louis Altman
904 Silver Spur Rd # 422
Rolling Hills Estates CA 90274-3800

7567-018-022
67
Daniel Bethencourt & Kathleen Hughes
13 Caballeros Rd
Rolling Hills CA 90274-5279

7567-018-023
68
Gordon & Nancy Inman
11 Caballeros Rd
Rolling Hills CA 90274-5279

7567-018-024
69
Robert & V Virtue
4 Maverick Ln
Rolling Hills CA 90274-5230

7567-018-025
70
Deborah Peden
6 Maverick Ln
Rolling Hills CA 90274-5230

7567-018-028
71
Bernard & Janice Howroyd
7 Maverick Ln
Rolling Hills CA 90274-5230

7567-018-029
72
Donald Brogdon
Po Box 2883
Palos Verdes Peninsula CA 90274-8883

7567-018-030
73
Makita Victor K & Sue A Trs
1535 5Th St
Manhattan Beach CA 90266-6339

7567-018-031
74
Sean Tabazadeh
715 S Juanita Ave
Redondo Beach CA 90277-4357

7567-018-032
75
Stanley & Sarah Jung
9 Caballeros Rd
Rolling Hills CA 90274-5285

7567-018-033
76
Il & Hanna Kwon
7 Caballeros Rd
Rolling Hills CA 90274-5285

7567-018-034
77
John & Val Margeta
5 Caballeros Rd
Rolling Hills CA 90274-5285

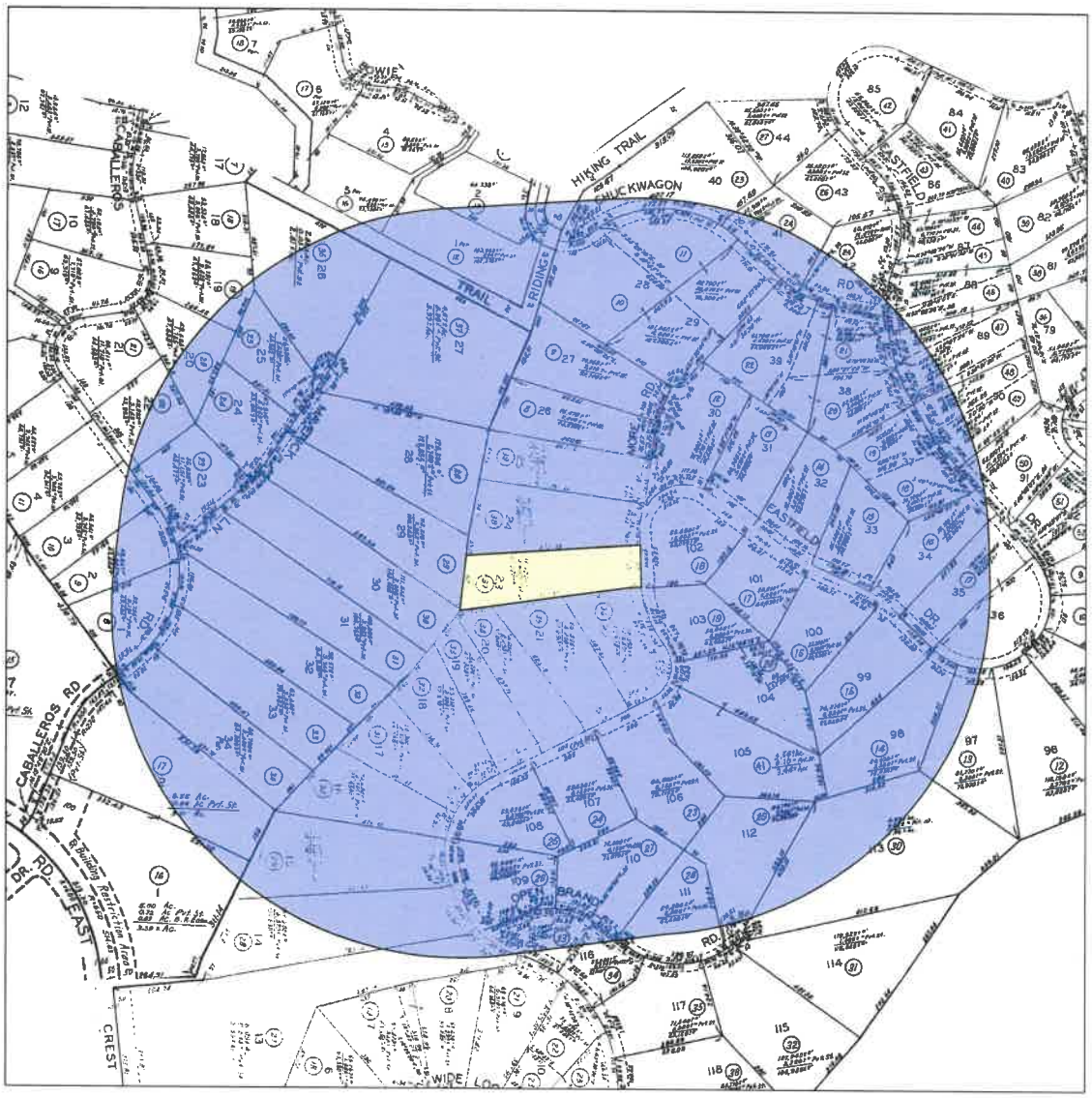
7567-018-036
78
Spencer Karpf
500 N Brand Blvd Ste 1100
Glendale CA 91203-3943

7567-018-037
79
Jack & Louise Shoemaker
9 Maverick Ln
Rolling Hills CA 90274-5230

Scale 1 inch = 335 Feet

0 335 670

N



- NAME ON TITLE —

©2020 Fidelity National Title Company	**1000 FOOT RADIUS MAP**	Drawing Date: October 23, 2020 - FT
		APN : 7567-005-037

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

NOTICE OF A PUBLLIC HEARING AND NOTICE OF A FIELD TRIP OF THE CITY OF ROLLING HILLS COMMITTEE ON TREES AND VIEWS

NOTICE IS HEREBY GIVEN that a public meeting of the City of Rolling Hills Committee on Trees and Views will be held in the field to view properties in a View Impairment Complaint regarding the following locations:

LOCATION OF TREES: **59 EASTFIELD DRIVE**
PROPERTY OWNER: **DR. TAMAYO AND MR. SIERRA**

COMPLAINANT: **MR. JOE JUGE**
61 EASTFIELD DRIVE

The public hearing will be held on Tuesday, June 1, 2021 with a visit to 61 EASTFIELD DRIVE, (Juge), starting at 4:00 PM.

Following the field trip, the Committee is scheduled to continue to discuss and deliberate this case on Tuesday, June 1, 2021 at 5:00 PM via teleconference at:

https://us02web.zoom.us/j/82138611984?pwd=VytYejR3SWd5SklEMnAwNnFrMExBQT09
Meeting ID: 821 3861 1984 **Passcode: 826470** **By phone: (669) 900-9128**

The complainant alleges view obstruction of his north-facing views from his primary living areas by trees/vegetation located at 59 Eastfield Drive. Complainant proposes for owners of 59 Eastfield Drive to trim: Toyon Ash, Calif. Pepper Tree, O. Pomegranate, Loquat, Oleander, Schefflera, Avocado and 2 unknown trees.

Any person is welcome to attend the hearings and review the complaint prior to the hearings. Pertinent material is available at City Hall, 2 Portuguese Bend Road, Rolling Hills, between the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday. You are invited to provide written comments with regard to this complaint at, or prior to the hearings or provide input at the hearings.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Committee on Trees and Views at, or prior to, the meetings.

Published in the Palos Verdes Peninsula News on Thursday, May 20, 2021.

#1
-1987-

#2
-1987-


II
3
-1988-
NO TREE
545


#4
-1988-

NO TREE

#5

- 2010 -



#7
1-2016

#6

– 2018 –



#1
-2016-

From: Joseph Juge
To: Meredith Elguira
Subject: View Preservation 61 Eastfield Dr.
Date: Monday, March 30, 2020 6:10:50 PM
Attachments: PastedGraphic-1.pdf
PastedGraphic-3.pdf
PastedGraphic-2.pdf
PastedGraphic-4.pdf

Meredith,

Here is the letter I sent to Mr. Julio Sierra and Dr. Beatriz Tamayo.

After reading the letter again I have noticed a few typos.

Please let me know if this is sufficient.

Thank you,
Joe

_____
Joseph Juge
President
Juge Company Inc.
General Contractors
Phone: (310) 713-6510
Email: joe@jugecompany.com

Mr. Julio Sierra & Dr. Beatriz Tamayo
59 Eastfield Drive.
Rolling Hills, Ca. 90274
Re: View Impairment (61 Eastfield Dr.) March 20, 2020

Dear Mr. Sierra & Dr. Tamayo,

Once again I am contacting you for the purpose of restoring our view. I started contacting you in 2016 requesting discussion and resolution of the issue. You have refused to take part any meaningful discussion. Spring is here again with all its beauty, but your overgrown trees and unsightly Oleander hedges continue to block our once unfettered beautiful view.
Please refer to photo #3, taken about 10 years ago and photo #1 taken in 1988. As you can see there is no Calif. pepper tree in the photos.
Photo #4 is a photo taken March of 2020. This pepper tree is one of the main obstructions to our pre-existing view.

I am requesting that the hedges along the South side of your property be lowered by means of "Topping" and that the height of the hedge not exceed the height of the lower roof ridge of your house.
I am requesting that the height of trees obstructing our view be reduced by "Crown

reduction". Both "Topping" and "Crown reduction" are definitions identified in 17.26.020 of the RHMC.

Please refer to: RHMC 17.26 (i.e., https://library.municode.com/ca/rollinghills/codes/code of ordinances?no deld=TIT172O CH17.26VIPR)

"Failure of the vegetation owner to respond to the written request for initial reconciliation within sixty (60) days from the date on the notification shall be deemed formal refusal by the vegetation owner to participate in the initial reconciliation".

17.26050- Considerations for applying the view preservation ordinance.

A. The following nonexclusive factors, for which the parties can provably preponderance of the evidence, are to be considered in determining whether a pre-existing view has been obstructed:

1. VIEWING POINTS: Primary living areas and areas of active use on the north side of 61 Eastfield Dr.

2. The extent of the view obstruction, both currently and at the maximum height……. The obstruction is considerable. As can bee seen in photo #4 the Calif. pepper tree is about 20' tall and can grow to a height of about 40'. The Oleander is about 10' tall and can grow to about 20'. The vegetation is currently blocking in excess of 60% of the view we enjoyed in the past.

3. View Quality: Distant mountains, downtown L.A., Queen's Necklace. Night lights of the various cities.

4. Extent of vegetation growth: When I acquired 61 Eastfield Dr. The vegetation of concern did not exist, or was at a height that was of no consequence.

5. N/A

6. N/A

7. Attempts to protect and maintain view: The Heaters (previous owners of 59 Eastfield) and I had an informal and neighborly way of dealing with vegetation issues. There was not a problem of obstruction with previous owners.
On multiple occasions I have attempted to discuss and resolve the view obstructions with you. You have, for the most part, refused to participate in any reasonable discussions.
I request that you contact me to discuss and resolve this issue in a neighborly manner.

Joe Juge
310 713-6510
Joe@jugecompany.com

Cc. Elaine Jeng P.E., City Manager

Attachments:

Photo #1. This photo shows no trees, to the West end of the South side of 59 Eastfield. Photo taken 1988.

Photo #2. Shows the South side of 59 Eastfield. The Oleander hedges are nearly at the line of the house eves. Photo taken 1988

Photo #3. Photo shows no Calif. pepper tree to the West end of the South side of 59 Eastfield. Photo taken December 2010.

Photo #4. This photo shows large Calif. pepper tree, to the West end of the South side of 59 Eastfield. Photo taken March 2020.



#1


PHOTOS TAKEN 1987-1988
AREAS OF MORE


LOOKING NORTH-WEST @ 59 EASTFIELD
WEST END OF THE HOUSE.
#3
WIDE LOAD

12/2010

LOOKING NORTH-WEST @ 59 WESTFIELD
WEST END OF THE HOUSE.

#4



03/20/2020

From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Preservation 61 Eastfield Dr.
Date: Tuesday, March 31, 2020 4:56:09 PM

Meredith,

Resending letter.

Joe

Mr. Julio Sierra & Dr. Beatriz Tamayo
59 Eastfield Drive.
Rolling Hills, Ca. 90274
Re: View Impairment (61 Eastfield Dr.) March 20, 2020

Dear Mr. Sierra & Dr. Tamayo,

Once again I am contacting you for the purpose of restoring our view. I started contacting you in 2016 requesting discussion and resolution of the issue. You have refused to take part any meaningful discussion. Spring is here again with all its beauty, but your overgrown trees and unsightly Oleander hedges continue to block our once unfettered beautiful view.
Please refer to photo #3, taken about 10 years ago and photo #1 taken in 1988. As you can see there is no Calif. pepper tree in the photos.
Photo #4 is a photo taken March of 2020. This pepper tree is one of the main obstructions to our pre-existing view.

I am requesting that the hedges along the South side of your property be lowered by means of "Topping" and that the height of the hedge not exceed the height of the lower roof ridge of your house.
I am requesting that the height of trees obstructing our view be reduced by "Crown reduction". Both "Topping" and "Crown reduction" are definitions identified in 17.26.020 of the RHMC.

Please refer to: RHMC 17.26 (i.e., https://library.municode.com/ca/rollinghills/codes/code of ordinances?no deld=TIT172O CH17.26VIPR)

"Failure of the vegetation owner to respond to the written request for initial reconciliation within sixty (60) days from the date on the notification shall be deemed formal refusal by the vegetation owner to participate in the initial reconciliation".

17.26050- Considerations for applying the view preservation ordinance.

A. The following nonexclusive factors, for which the parties can provably preponderance of the evidence, are to be considered in determining whether a pre-existing view has been obstructed:

1. VIEWING POINTS: Primary living areas and areas of active use on the north side of 61 Eastfield Dr.

2. The extent of the view obstruction, both currently and at the maximum height……. The obstruction is considerable. As can bee seen in photo #4 the Calif. pepper tree is about 20' tall and can grow to a height of about 40'. The Oleander is about 10' tall and can grow to about 20'. The vegetation is currently blocking in excess of 60% of the view we enjoyed in the past.

3. View Quality: Distant mountains, downtown L.A., Queen's Necklace. Night lights of the various cities.

4. Extent of vegetation growth: When I acquired 61 Eastfield Dr. The vegetation of concern did not exist, or was at a height that was of no consequence.

5. N/A

6. N/A

7. Attempts to protect and maintain view: The Heaters (previous owners of 59 Eastfield) and I had an informal and neighborly way of dealing with vegetation issues. There was not a problem of obstruction with previous owners.
On multiple occasions I have attempted to discuss and resolve the view obstructions with you. You have, for the most part, refused to participate in any reasonable discussions.
I request that you contact me to discuss and resolve this issue in a neighborly manner.

Joe Juge
310 713-6510

Joe@jugecompany.com

Cc. Elaine Jeng P.E., City Manager

Attachments:
Photo #1. This photo shows no trees, to the West end of the South side of 59 Eastfield. Photo taken 1988.
Photo #2. Shows the South side of 59 Eastfield. The Oleander hedges are nearly at the line of the house eves. Photo taken 1988
Photo #3. Photo shows no Calif. pepper tree to the West end of the South side of 59 Eastfield. Photo taken December 2010.
Photo #4. This photo shows large Calif. pepper tree, to the West end of the South side of 59 Eastfield. Photo taken March 2020.
Joe

_____
Joseph Juge
President

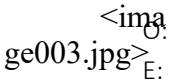
Juge Company Inc.
General Contractors
Phone: (310) 713-6510
Email: joe@jugecompany.com

On Mar 31, 2020, at 3:26 PM, Meredith Elguira <melguira@cityofrh.net> wrote:

Hi Joe, I hope you're doing well. I only received copies of photos. Could you please resend the letter? Thank you.

Meredith T. Elguira
Director

Planning and Community Services
2 Portuguese Bend Road, Rolling Hills CA 90274
O: 310.377.1521 | F: 310.377.7288
E: Melguira@CityofRH.net



From: Joseph Juge <joe@jugecompany.com>
Sent: Monday, March 30, 2020 6:08 PM
To: Meredith Elguira <melguira@cityofrh.net>
Subject: View Preservation 61 Eastfield Dr.

Meredith,

Here is the letter I sent to Mr. Julio Sierra and Dr. Beatriz Tamayo.

After reading the letter again I have noticed a few typos.

Please let me know if this is sufficient.

Thank you,
Joe

Joseph Juge
President
Juge Company Inc.
General Contractors
Phone: (310) 713-6510
Email: joe@jugecompany.com

Mr. Julio Sierra & Dr. Beatriz Tamayo
59 Eastfield Drive.

Rolling Hills, Ca. 90274
Re: View Impairment (61 Eastfield Dr.) March 20, 2020

Dear Mr. Sierra & Dr. Tamayo,

Once again I am contacting you for the purpose of restoring our view. I started contacting you in 2016 requesting discussion and resolution of the issue. You have refused to take part any meaningful discussion. Spring is here again with all its beauty, but your overgrown trees and unsightly Oleander hedges continue to block our once unfettered beautiful view.
Please refer to photo #3, taken about 10 years ago and photo #1 taken in 1988. As you can see there is no Calif. pepper tree in the photos.
Photo #4 is a photo taken March of 2020. This pepper tree is one of the main obstructions to our pre-existing view.

I am requesting that the hedges along the South side of your property be lowered by means of "Topping" and that the height of the hedge not exceed the height of the lower roof ridge of your house.
I am requesting that the height of trees obstructing our view be reduced by "Crown reduction". Both "Topping" and "Crown reduction" are definitions identified in 17.26.020 of the RHMC.

Please refer to: RHMC 17.26 (i.e., https://library.municode.com/ca/rollinghills/codes/code of ordinances?no deld=TIT172O CH17.26VIPR)

"Failure of the vegetation owner to respond to the written request for initial reconciliation within sixty (60) days from the date on the notification shall be deemed formal refusal by the vegetation owner to participate in the initial reconciliation".

17.26050- Considerations for applying the view preservation ordinance.

A. The following nonexclusive factors, for which the parties can provably preponderance of the evidence, are to be considered in determining whether a pre-existing view has been obstructed:

1. VIEWING POINTS: Primary living areas and areas of active use on the north side of 61 Eastfield Dr.

2. The extent of the view obstruction, both currently and at the maximum

height……. The obstruction is considerable. As can bee seen in photo #4 the Calif.
pepper tree is about 20' tall and can grow to a height of about 40'. The Oleander is
about 10' tall and can grow to about 20'. The vegetation is currently blocking in excess
of 60% of the view we enjoyed in the past.

3. View Quality: Distant mountains, downtown L.A., Queen's Necklace. Night lights
of the various cities.

4. Extent of vegetation growth: When I acquired 61 Eastfield Dr. The vegetation of concern did not exist, or was at a height that was of no consequence.

5. N/A

6. N/A

7. Attempts to protect and maintain view: The Heaters (previous owners of 59 Eastfield) and I had an informal and neighborly way of dealing with vegetation issues.
There was not a problem of obstruction with previous owners.
On multiple occasions I have attempted to discuss and resolve the view obstructions
with you. You have, for the most part, refused to participate in any reasonable discussions.
I request that you contact me to discuss and resolve this issue in a neighborly manner.

Joe Juge
310 713-6510

Joe@jugecompany.com

Cc. Elaine Jeng P.E., City Manager

Attachments:
Photo #1. This photo shows no trees, to the West end of the South side of
59 Eastfield. Photo taken 1988.
Photo #2. Shows the South side of 59 Eastfield. The Oleander hedges
are nearly at the line of the house eves. Photo taken 1988
Photo #3. Photo shows no Calif. pepper tree to the West end of the South
side of 59 Eastfield. Photo taken December 2010.
Photo #4. This photo shows large Calif. pepper tree, to the West end

of the South side of 59 Eastfield. Photo taken March 2020.

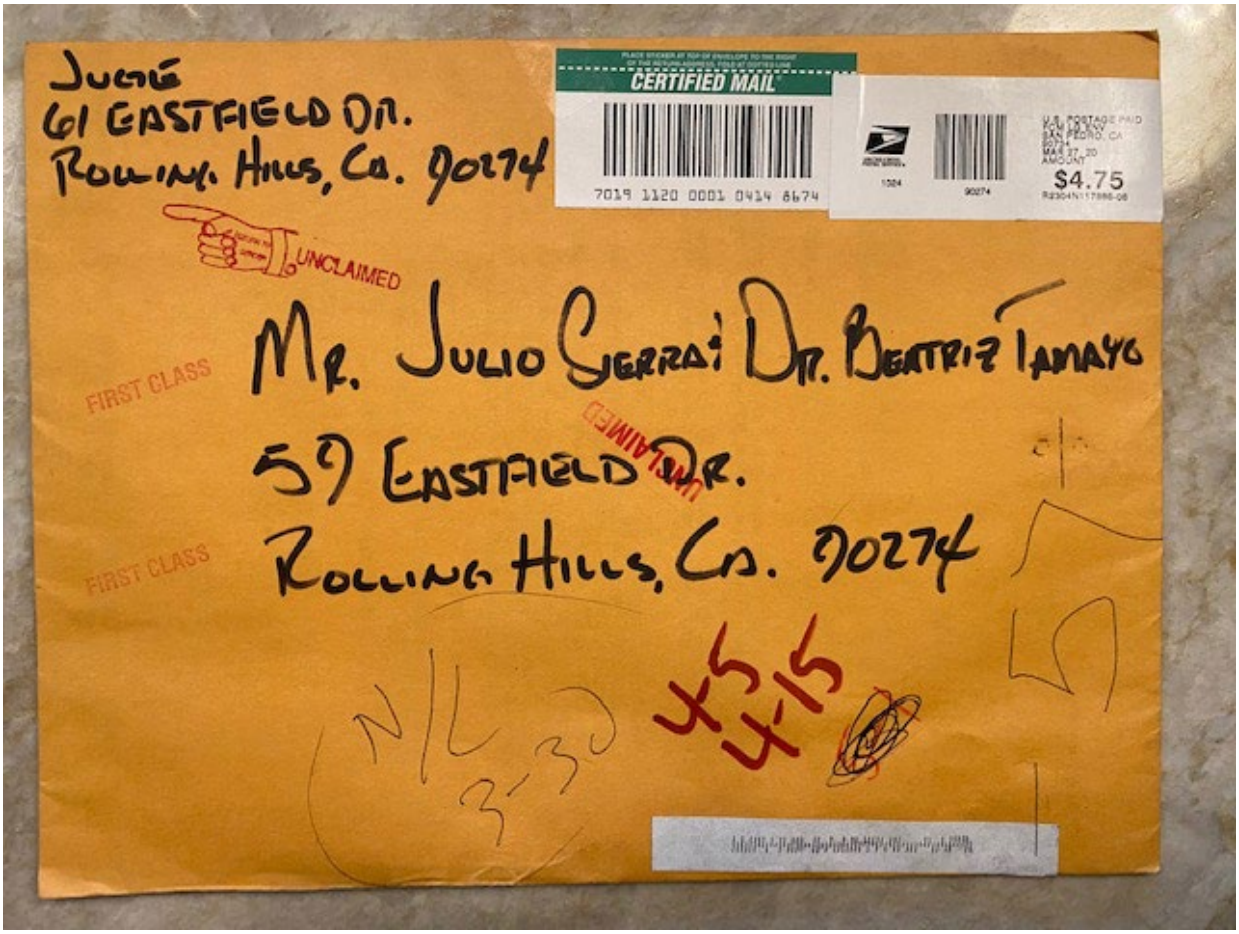
From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Preservation
Date: Thursday, April 29, 2021 9:03:56 AM

1:30 will be fine.
Thanks
Sent from my iPhone

> On Apr 28, 2021, at 6:36 PM, Meredith Elguira <melguira@cityofrh.net> wrote:
>
> Hi Joe,
> Would 1:30 PM tomorrow work for you? Please advise. Thank you.
>
> Meredith T. Elguira
>
> ---
>
> **From:** Joseph Juge <joe@jugecompany.com>
> **Sent:** Wednesday, April 28, 2021 12:06 PM
> **To:** Meredith Elguira <melguira@cityofrh.net>
> **Subject:** Re: View Preservation
>
> Meredith,
> When would you like to come for the photos?
> Joe
>
> Sent from my iPhone
>
> > On Apr 26, 2021, at 5:39 PM, Meredith Elguira <melguira@cityofrh.net> wrote:
> >
> > Hi Joe, sorry I missed your call. The Planning Commission appointed the committee last Tuesday. I will be scheduling the field trip week of May 10th. The field trip will most likely occur in late afternoon. I will confirm the time once I receive confirmation from the three committee members. I will need to visit your property this week to take pictures of the view from the rooms that are impacted. Please advise on your availability. Thank you.
> >
> > Meredith
> >
> > Sent from Mail for Windows 10

From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Preservation 61 Eastfield Dr.
Date: Tuesday, May 12, 2020 6:48:14 PM

Meredith,
This was returned to us today. As I mentioned to you, we put a copy in the mailbox of your neighbors, Sierra and Tamayo.
Thanks,
Joe



Sent from my iPhone

> On Mar 31, 2020, at 4:56 PM, Joseph Juge <joe@jugecompany.com> wrote:
>
> Meredith,
>
> Resending letter.
>
> Joe

Mr. Julio Sierra & Dr. Beatriz Tamayo
59 Eastfield Drive.
Rolling Hills, Ca. 90274
Re: View Impairment (61 Eastfield Dr.) March 20, 2020

Dear Mr. Sierra & Dr. Tamayo,

Once again I am contacting you for the purpose of restoring our view. I started contacting you in 2016 requesting discussion and resolution of the issue. You have refused to take part any meaningful discussion. Spring is here again with all its beauty,
but your overgrown trees and unsightly Oleander hedges continue to block our once unfettered beautiful view.
Please refer to photo #3, taken about 10 years ago and photo #1 taken in 1988. As you
can see there is no Calif. pepper tree in the photos.
Photo #4 is a photo taken March of 2020. This pepper tree is one of the main obstructions to our pre-existing view.

I am requesting that the hedges along the South side of your property be lowered by means of "Topping" and that the height of the hedge not exceed the height of the lower
roof ridge of your house.
I am requesting that the height of trees obstructing our view be reduced by "Crown reduction". Both "Topping" and "Crown reduction" are definitions identified in 17.26.020
of the RHMC.

Please refer to: RHMC 17.26 (i.e., https://library.municode.com/ca/rollinghills/codes/code of ordinances?no deld=TIT172O CH17.26VIPR)

"Failure of the vegetation owner to respond to the written request for initial reconciliation within sixty (60) days from the date on the notification shall be deemed
formal refusal by the vegetation owner to participate in the initial reconciliation".

17.26050- Considerations for applying the view preservation ordinance.

A. The following nonexclusive factors, for which the parties can provably preponderance of the evidence, are to be considered in determining whether a pre-existing view has been obstructed:

1. VIEWING POINTS: Primary living areas and areas of active use on the north side of 61 Eastfield Dr.

2. The extent of the view obstruction, both currently and at the maximum height……. The obstruction is considerable. As can bee seen in photo #4 the Calif. pepper tree is about 20' tall and can grow to a height of about 40'. The Oleander is about 10' tall and can grow to about 20'. The vegetation is currently blocking in excess

of 60% of the view we enjoyed in the past.

3. View Quality: Distant mountains, downtown L.A., Queen's Necklace. Night lights
of the various cities.

4. Extent of vegetation growth: When I acquired 61 Eastfield Dr. The vegetation of concern did not exist, or was at a height that was of no consequence.

5. N/A

6. N/A

7. Attempts to protect and maintain view: The Heaters (previous owners of 59 Eastfield) and I had an informal and neighborly way of dealing with vegetation issues.
There was not a problem of obstruction with previous owners.
On multiple occasions I have attempted to discuss and resolve the view obstructions with you. You have, for the most part, refused to participate in any reasonable discussions.
I request that you contact me to discuss and resolve this issue in a neighborly manner.

Joe Juge
310 713-6510

Joe@jugecompany.com

Cc. Elaine Jeng P.E., City Manager

Attachments:
Photo #1. This photo shows no trees, to the West end of the South side of
59 Eastfield. Photo taken 1988.
Photo #2. Shows the South side of 59 Eastfield. The Oleander hedges are nearly at the line of the house eves. Photo taken 1988
Photo #3. Photo shows no Calif. pepper tree to the West end of the South
side of 59 Eastfield. Photo taken December 2010.
Photo #4. This photo shows large Calif. pepper tree, to the West end of the South side of 59 Eastfield. Photo taken March 2020.
Joe

_____
Joseph Juge
President
Juge Company Inc.
General Contractors
Phone: (310) 713-6510
Email: joe@jugecompany.com

On Mar 31, 2020, at 3:26 PM, Meredith Elguira <melguira@cityofrh.net> wrote:

Hi Joe, I hope you're doing well. I only received copies of photos. Could you please resend the letter? Thank you.

Meredith T. Elguira
Director

Planning and Community Services
2 Portuguese Bend Road, Rolling Hills CA 90274
O: 310.377.1521 | F: 310.377.7288
E: Melguira@CityofRH.net



From: Joseph Juge <joe@jugecompany.com>
Sent: Monday, March 30, 2020 6:08 PM
To: Meredith Elguira <melguira@cityofrh.net>
Subject: View Preservation 61 Eastfield Dr.

Meredith,

Here is the letter I sent to Mr. Julio Sierra and Dr. Beatriz Tamayo.

After reading the letter again I have noticed a few typos.

Please let me know if this is sufficient.

Thank you,
Joe

_____
Joseph Juge
President
Juge Company Inc.
General Contractors
Phone: (310) 713-6510
Email: joe@jugecompany.com

Mr. Julio Sierra & Dr. Beatriz Tamayo
59 Eastfield Drive.
Rolling Hills, Ca. 90274
Re: View Impairment (61 Eastfield Dr.) March 20, 2020

Dear Mr. Sierra & Dr. Tamayo,

Once again I am contacting you for the purpose of restoring our view. I started
contacting you in 2016 requesting discussion and resolution of the issue. You have
refused to take part any meaningful discussion. Spring is here again with all its beauty,
but your overgrown trees and unsightly Oleander hedges continue to block our once
unfettered beautiful view.
Please refer to photo #3, taken about 10 years ago and photo #1 taken in 1988. As you
can see there is no Calif. pepper tree in the photos.
Photo #4 is a photo taken March of 2020. This pepper tree is one of the main
obstructions to our pre-existing view.

I am requesting that the hedges along the South side of your property be lowered by
means of "Topping" and that the height of the hedge not exceed the height of the lower
roof ridge of your house.
I am requesting that the height of trees obstructing our view be reduced by "Crown
reduction". Both "Topping" and "Crown reduction" are definitions identified in 17.26.020
of the RHMC.

Please refer to: RHMC 17.26
(i.e., https://library.municode.com/ca/rollinghills/
codes/code of ordinances?no deld=TIT172O CH17.26VIPR)

"Failure of the vegetation owner to respond to the written request for initial
reconciliation within sixty (60) days from the date on the notification shall be deemed
formal refusal by the vegetation owner to participate in the initial reconciliation".

17.26050- Considerations for applying the view preservation ordinance.

A. The following nonexclusive factors, for which the parties can provably
preponderance of the evidence, are to be considered in determining whether a pre-
existing view has been obstructed:

1. VIEWING POINTS: Primary living areas and areas of active use on the north
side of 61 Eastfield Dr.

2. The extent of the view obstruction, both currently and at the

maximum
height……. The obstruction is considerable. As can bee seen in photo #4 the Calif.
pepper tree is about 20' tall and can grow to a height of about 40'. The Oleander is
about 10' tall and can grow to about 20'. The vegetation is currently blocking in excess
of 60% of the view we enjoyed in the past.

3. View Quality: Distant mountains, downtown L.A., Queen's Necklace. Night lights
of the various cities.

4. Extent of vegetation growth: When I acquired 61 Eastfield Dr. The vegetation
of concern did not exist, or was at a height that was of no consequence.

5. N/A

6. N/A

7. Attempts to protect and maintain view: The Heaters (previous owners of 59
Eastfield) and I had an informal and neighborly way of dealing with vegetation issues.
There was not a problem of obstruction with previous owners.
On multiple occasions I have attempted to discuss and resolve the view obstructions
with you. You have, for the most part, refused to participate in any reasonable
discussions.
I request that you contact me to discuss and resolve this issue in a neighborly manner.

Joe Juge
310 713-6510

Joe@jugecompany.com

Cc. Elaine Jeng P.E., City Manager

Attachments:
Photo #1. This photo shows no trees, to the West end of the South side of
59 Eastfield. Photo taken 1988.
Photo #2. Shows the South side of 59 Eastfield. The Oleander hedges
are nearly at the line of the house eves. Photo taken 1988
Photo #3. Photo shows no Calif. pepper tree to the West end of the South

side of 59 Eastfield. Photo taken December 2010.

Photo #4. This photo shows large Calif. pepper tree, to the West end
of the South side of 59 Eastfield. Photo taken March 2020.

From: Joseph Juge
To: Meredith Elguira
Subject: Tamayo & Sierra letter 05-19-2020.rtf
Date: Wednesday, May 20, 2020 8:16:05 AM
Attachments: Tamayo & Sierra letter 05-19-2020.rtf

Meredith,
I am forwarding to you the letter that I sent to Beatriz and Julio, regarding our view restoration.
Thank you,
Joe

Sent from my iPhone

JOSEPH H. JUGE
61 EASTDFIELD DR.
ROLLING HILLS, CA 90274

Dr. Beatriz Tamayo & Mr. Julio Sierra
59 Eastfield Drive
Rolling Hills, CA 90274 May 19, 2020

Mr. Sierra & Dr. Tamayo
.
Thank you for your response to my letter of 03/20/20.

In my letter of 03/20/20 I did provide you with the "…Remediation Action..." we are seeking to restore our view.

I am willing to bear the cost of the initial trimming and cutting.

The subsequent maintenance should be yours to bear.

As I understand, there is no requirement to consult an arborist. If you desire or insist, please do so.

Please let me know if you would like to discuss any of the issues relating to RHMC Chapter 17.26 and the restoration of our view.

If I do not receive communication from you within 5 days, I will proceed with a request for mediation, as identified in 17.26.030; knowing we do not have resolution of the issue.

Thank you,

Joe Juge
(310) 713-6510
Joe@jugecompany.com

Cc: City of Rolling Hills

From: Joseph Juge
To: Meredith Elguira
Subject: Request for mediation (Juge/Tamayo)
Date: Tuesday, May 26, 2020 6:22:37 PM

Meredith,
I am forwarding to the letter requesting mediation. We have no resolution.
Thank you,
Joe

JOSEPH H. JUGE
61 EASTFIELD DRIVE
ROLLING HILLS, CA 90274

May 26, 2020

Dr. Tamayo & Mr. Sierra,

Pursuant to RHMC 17.26.040 B Mediation and because we do not have any resolution to the View Complaint filed to restore our view, I am requesting that we enter into mediation to help solve this issue.

Joe Juge
Cc: City of Rolling Hills

Sent from my iPhone

From: Joseph Juge
To: Meredith Elguira
Subject: 61 Eastfield
Date: Monday, June 29, 2020 2:38:20 PM

Meredith,
I would appreciate it if you will call me when you have the time.
I would like to get a better understanding regarding what is needed for the “Administrative Approval”
Thanks,
Joe

_____
Joseph Juge
President
Juge Company Inc.
General Contractors
Phone: (310) 713-6510
Email: joe@jugecompany.com

From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Case
Date: Friday, July 30, 2021 6:14:21 PM

No, nothing yet.
Dr. Tamayo has not responded to my letter asking if she has chosen a mediator yet.
As you know, she rejected the mediators we submitted.
Thank,
Joe

Sent from my iPhone

> On Jul 30, 2021, at 6:05 PM, Meredith Elguira <melguira@cityofrh.net> wrote:
>
> Hello Dr. Tamayo and Mr. Juge, I wanted to get an update on whether or not the mediation is taking place. Is there anything staff can do to help facilitate the process? Please advise.
>
> Best regards,
> Meredith T. Elguira

From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Case
Date: Monday, August 2, 2021 7:32:18 PM

Meredith,
I did not see the email from Dr. Tamayo.
Will you please provide it?
Thank you,
Joe

Sent from my iPhone

> On Aug 2, 2021, at 5:05 PM, Meredith Elguira <melguira@cityofrh.net> wrote:
>
> Dr. Tamayo,
>
> This is to confirm receipt of your email. Thank you.
>
> Meredith T. Elguira
>
> ---
>
> **From:** Beatriz Tamayo <b.tamayomd@yahoo.com>
> **Sent:** Monday, August 2, 2021 4:41 PM
> **To:** Meredith Elguira <melguira@cityofrh.net>
> **Subject:** Re: View Case
>
> Ms. Elguira,
>
> We're still waiting for Ms. Bonapart from Mill Valley, CA, to reply to to our message left at her office mailbox. As per Mr. Hildreth from Sonora, CA, he did reply already but he said that he wouldn't be available for the next few days due to a personal trip.
>
> Thank you.
>
> B. Tamayo, M.D./ Julio C Sierra
>
> Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.
>
> On Monday, August 2, 2021, 08:55:39 AM PDT, Meredith Elguira <melguira@cityofrh.net>

wrote:

Good Morning,

I hope you both had a good weekend.

The sixty days of mediation period has ended, please provide an update. If no progress was made, we will schedule this case to be heard by the Committee on Trees and Views. The tentative meeting date is August 16, 2021. Please advise on the status.

Thank you,

Meredith T. Elguira

From: Meredith Elguira
Sent: Friday, July 30, 2021 6:05 PM
To: Joseph Juge <joe@jugecompany.com>; Beatriz Tamayo <b.tamayomd@yahoo.com>
Subject: View Case

Hello Dr. Tamayo and Mr. Juge, I wanted to get an update on whether or not the mediation is taking place. Is there anything staff can do to help facilitate the process? Please advise.

Best regards,

Meredith T. Elguira

From: Joseph Juge
To: Meredith Elguira
Cc: Beatriz Tamayo
Subject: Re: Case View - Mediation Phase
Date: Thursday, August 19, 2021 9:36:05 AM

Meredith,
I am not interested in using mediation services in Northern California using Zoom.
I would like to have a local mediator. Someone that will actually view the conditions as part of the mediation.
Thank you,
Joe

Sent from my iPhone

> On Aug 18, 2021, at 10:37 AM, Meredith Elguira <melguira@cityofrh.net> wrote:
>
> Hello Dr. Tamayo and Mr. Juge,
>
> I'm reaching to check if you would like additional mediators to contact. Please let me know how the City can help expedite the process and facilitate mediation.
>
> Best,
> Meredith T. Elguira

From: Joseph Juge
To: Brian Byun; Meredith Elguira
Subject: Re: Case View - Mediation Phase
Date: Monday, August 23, 2021 11:24:19 AM

Meredith,

I have contacted Coleen Berg, Gayle Eskridge and Susan Feder.

Coleen Berg:
She is available for mediation with about a weeks notice. Her fee is $175/hr.

Gayle Eskridge:
No information on her available yet. Her fee is $500/hr.

Susan Feder:
May be available after October for in person mediation. Her fee is $4,900/day.
She may consider actually viewing the condition outside and conducting the mediation outside.

Thank you,
Joe
Sent from my iPhone

> On Aug 20, 2021, at 2:55 PM, Brian Byun <Brian.Byun@bbklaw.com> wrote:
>
> Dear Mr. Juge and Dr. Tamayo:
>
> The City has identified the following additional mediators who could potentially mediate your dispute:
>
> 1. **Coleen Berg** with Choice Mediation (Website). Based on this 2016 LA Times article, we reached out to the City of Laguna Beach, which recommended Ms. Berg for view impairment disputes. She specializes in neighbor-to-neighbor disputes, including view impairment, and has assisted residents in Rancho Palos Verdes, Beverly Hills, Laguna Beach, and Malibu. She can be contacted at 310-512-6078, and/or ChoiceMediation@yahoo.com. She indicated that she is willing to conduct the mediation in person. NB: This was one of Mr. Juge's two mediator suggestions in his letter dated August 13, 2020.
>
> 2. **Gayle L. Eskridge** (Website). She is based in Torrance, and indicated that she is willing to conduct in-person mediations. Her website indicates she has experience mediating tree/view disputes, and that she is a licensed real estate broker.

3. **Susan Feder** (Website). While it appears she is based in San Francisco, she indicates that she mediates disputes in Sacramento and Los Angeles as well. She has experience with neighbor-to-neighbor tree and view disputes under local ordinances that require dispute resolution for view impairment issues.

We highly encourage you to select a mediator and schedule a mediation session as soon as possible.

Thank you,

Brian Byun
Of Counsel
brian.byun@bbklaw.com
T: (619) 525-1360 C: (619) 204-3220
www.BBKlaw.com

From: Meredith Elguira <melguira@cityofrh.net>
Sent: Thursday, August 19, 2021 9:54 AM
To: Joseph Juge
Cc: Beatriz Tamayo
Subject: Re: Case View - Mediation Phase

Thank you, Mr. Juge. I will reach out to our City Attorney for more names for consideration.

Get Outlook for iOS

From: Joseph Juge <joe@jugecompany.com>
Sent: Thursday, August 19, 2021 9:35:56 AM
To: Meredith Elguira <melguira@cityofrh.net>
Cc: Beatriz Tamayo <b.tamayomd@yahoo.com>
Subject: Re: Case View - Mediation Phase

Meredith,
I am not interested in using mediation services in Northern California using Zoom.
I would like to have a local mediator. Someone that will actually view the conditions as part of the mediation.
Thank you,
Joe

Brian Byun
Of Counsel
brian.byun@bbklaw.com
T: (619) 525-1360 C: (619) 204-3220
www.BBKlaw.com

On Aug 18, 2021, at 10:37 AM, Meredith Elguira <melguira@cityofrh.net> wrote:

Hello Dr. Tamayo and Mr. Juge,

I'm reaching to check if you would like additional mediators to contact. Please let me know how the City can help expedite the process and facilitate mediation.

Best,
Meredith T. Elguira

This email and any files or attachments transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and immediately delete the email you received.

From: Joseph Juge
To: Beatriz Tamayo
Cc: Brian Byun; Meredith Elguira
Subject: Trees/view
Date: Monday, August 23, 2021 4:37:30 PM

Dr. Tamayo,

I am forwarding to you the information I gathered on the three mediators identified by Brian Byun, from the
city attorneys office.

Please review and provide me with your thoughts on the mediators and how you might like to proceed with this process.

Thank you,
Joe

I have contacted Coleen Berg, Gayle Eskridge and Susan Feder.

Coleen Berg:
She is available for mediation with about a weeks notice. Her fee is $175/hr.

Gayle Eskridge:
No information on her available yet. Her fee is $500/hr.

Susan Feder:
May be available after October for in person mediation. Her fee is $4,900/day.
She may consider actually viewing the condition outside and conducting the mediation outside.

Thank you,
Joe

Sent from my iPhone

From: Joseph Juge
To: Beatriz Tamayo
Cc: Meredith Elguira; Brian Byun; Denise Jacobs
Subject: Mediation
Date: Sunday, August 29, 2021 4:45:25 PM

Dr. Tamayo,

Thank you for the information regarding your travel plans and that you will wait until after October 5th to start them. I think that will allow more than enough time to mediate the issues at hand.

Have you determined which mediator you would prefer to use from the list provided by the City Attorney?

We have all of September and four days in October to resolve the issue in mediation before your travels begin. I understand the mediation should take one to two days at most.

Based on your email, I gather that you intend to be present at the October 5th hearing before the CTV. I am very pleased to hear that.

Both Denise and I agree with your statement: “We’d be very affected by any postponement or delay of that date.” We have been waiting since 12/20/2016 to resolve this issue.

I see no reason for your lack of desire “…..to initiate any mediation at this time.” I have no doubt it can be done with in the 35 days from September 1st. - October 4th. unless it is to again prolong the process.

Please, let’s just get this done.

Joe Juge/Denise Jacobs Sent from my iPhone

From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Case Hearing Date and Time
Date: Monday, September 13, 2021 4:54:19 PM

Good most anytime.

Sent from my iPhone

> On Sep 13, 2021, at 12:34 PM, Meredith Elguira <melguira@cityofrh.net> wrote:
>
> Hello Mr. Juge,
>
> Please provide your availability for an earlier hearing date. I have also asked Dr. Tamayo for her availability. As soon as I have the dates that coincide, I will inform both parties and I will notice the hearing. Thank you.
>
> Meredith T. Elguira

From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Case Hearing Date and Time
Date: Wednesday, September 15, 2021 3:53:50 PM

Meredith,
I am very surprised about that.
Thank you,
Joe

Sent from my iPhone

> On Sep 15, 2021, at 1:28 PM, Meredith Elguira <melguira@cityofrh.net> wrote:
>
> Hello Mr. Juge,
> I have not received a response from Dr. Tamayo and due to the noticing requirements, we won't be able to move it up any sooner. We will keep the 5th of October date for the hearing as stated at the previous meeting.
>
> Best,
> Meredith
>
> Get Outlook for iOS
>
> ---
>
> **From:** Joseph Juge <joe@jugecompany.com>
> **Sent:** Monday, September 13, 2021 4:54:13 PM
> **To:** Meredith Elguira <melguira@cityofrh.net>
> **Subject:** Re: View Case Hearing Date and Time
>
> Good most anytime.
>
> Sent from my iPhone
>
> > On Sep 13, 2021, at 12:34 PM, Meredith Elguira <melguira@cityofrh.net> wrote:
> >
> > Hello Mr. Juge,
> >
> > Please provide your availability for an earlier hearing date. I have also asked Dr. Tamayo for her availability. As soon as I have the dates that coincide, I will inform both parties and I will notice the hearing. Thank you.
> >
> > Meredith T. Elguira

From: Joseph Juge
To: Meredith Elguira
Subject: Certified Mail
Date: Tuesday, September 21, 2021 4:56:56 PM

Meredith,
We received the notice.
Thanks,
Joe

Sent from my iPhone

From: Joseph Juge
To: Meredith Elguira
Subject: Re: View Case
Date: Monday, August 2, 2021 1:05:14 PM

We had a good weekend, thank you.
There has been no medication.
Joe

Sent from my iPhone

> On Aug 2, 2021, at 8:55 AM, Meredith Elguira <melguira@cityofrh.net> wrote:
> There
>
> Good Morning,
>
> I hope you both had a good weekend.
>
> The sixty days of mediation period has ended, please provide an update. If no progress was made, we will schedule this case to be heard by the Committee on Trees and Views. The tentative meeting date is August 16, 2021. Please advise on the status.
>
> Thank you,
> Meredith T. Elguira
>
> ---
>
> **From:** Meredith Elguira
> **Sent:** Friday, July 30, 2021 6:05 PM
> **To:** Joseph Juge <joe@jugecompany.com>; Beatriz Tamayo <b.tamayomd@yahoo.com>
> **Subject:** View Case
>
> Hello Dr. Tamayo and Mr. Juge, I wanted to get an update on whether or not the mediation is taking place. Is there anything staff can do to help facilitate the process? Please advise.
>
> Best regards,
> Meredith T. Elguira

From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Elaine Jeng
Subject:	View Preservation 61 Eastfield Drive
Date:	Sunday, April 26, 2020 1:19:16 PM
Attachments:	Letter to Meredith.PDF

Hi Ms. Elguira,

Please see attached letters in response to your recent email.

Thank You.

Beatriz E. Tamayo, M.D.

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

April 26, 2020

Beatriz E. Tamayo, MD.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Meredith Elguira
Planning and Community Services Director,
City of Rolling Hills
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear Ms. Elguira,

Thank you for sending along a copy of the letter Mr. Joe Juge sent us dated March 20, 2020.

As we want to make sure the provisions set forth in Chapter 17.26- VIEW PRESERVATION of the Municipal code are followed step by step and, due to past mistakes in properly following its clearly defined process, please tell us your understanding of where in this process we are now.

Also, please provide us a copy of the check written by Mr. Joe Juge to the City of Rolling Hills in payment of the fee to initiate same process.

In this new era of social distancing, we want to know if the city still encourages residents to meet together "amicably" to discuss their conflicts. Please advise us whether new guidelines or protocols, if any, have been implemented by the city to facilitate residents to discuss their problems without risking our health, particularly when it involves matters related to outdoor activities and view points which is the case of view impairment allegations. How should we, the residents, be advised to proceed in those specific situations without violating the Stay at Home Orders.

The City of Rolling Hills has implemented measures to protect their staff from direct contact with the public. Are there any similar measures directed to the general public and particularly the residents to protect themselves and at the same time preventing the spread of the coronavirus in the community when trying to resolve their conflicts.

Thank you.

Sincerely,

B Tamayo MD.
Beatriz E. Tamayo, M.D.

J Sierra
Julio C. Sierra

cc Ms. Elaine Jeng, City Manager

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

NOTICE OF A PUBLLIC HEARING AND NOTICE OF A FIELD TRIP OF THE CITY OF ROLLING HILLS COMMITTEE ON TREES AND VIEWS

NOTICE IS HEREBY GIVEN that a public meeting of the City of Rolling Hills Committee on Trees and Views will be held in the field to view properties in a View Impairment Complaint regarding the following locations:

LOCATION OF TREES:	**59 EASTFIELD DRIVE**
PROPERTY OWNER:	**DR. TAMAYO AND MR. SIERRA**
COMPLAINANT:	**MR. JOE JUGE**
	61 EASTFIELD DRIVE

The public hearing will be held on Tuesday, January 21, 2020 with a visit to 61 EASTFIELD DRIVE, (Juge), starting at 7:30 A.M., and proceed to the property where the trees are located at 59 EASTFIELD DRIVE (TAMAYO & SIERRA).

Following the field trip, the Committee is scheduled to continue to discuss and deliberate this case at City Hall, City Council Chambers, 2 Portuguese Bend Road, Rolling Hills, CA on Tuesday, January 21, 2020 at 5:00 PM.

The complainant alleges view obstruction of his north-facing views from his primary living areas by trees/vegetation located at 59 Eastfield Drive. Complainant proposes for owners of 59 Eastfield Drive to trim the hedge and schefflera along the driveway six inches (6") below roof ridgeline, reduce crown and thin pepper trees to six inches (6") below roof ridgeline, proposes to remove dead branches from the ash tree, trim down the trees along his rear driveway by two-feet (2'-0"), and trim loquat tree to six inches (6") below roof ridgeline.

Any person is welcome to attend the hearings and review the complaint prior to the hearings. Pertinent material is available at City Hall, 2 Portuguese Bend Road, Rolling Hills, between the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday. You are invited to provide written comments with regard to this complaint at, or prior to the hearings or provide input at the hearings.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Committee on Trees and Views at, or prior to, the meetings.

Published in the Palos Verdes Peninsula News on Thursday, January 2, 2020.

From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Elaine Jeng
Subject:	61 Eastfield Dr.
Date:	Tuesday, May 19, 2020 8:30:27 PM
Attachments:	Mr. Juge"s letter.PDF City of RH letter.PDF

Ms. Elguira,

Attached please find a copy of the letter we mailed to Mr. Juge in response to his March 20, 2020 one.

A hard copy was also mailed to you last 5/16/2020.

Thank you.

Beatriz E. Tamayo, M.D.

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

NOTICE OF A PUBLLIC HEARING AND NOTICE OF A FIELD TRIP OF THE CITY OF ROLLING HILLS COMMITTEE ON TREES AND VIEWS

NOTICE IS HEREBY GIVEN that a public meeting of the City of Rolling Hills Committee on Trees and Views will be held in the field to view properties in a View Impairment Complaint regarding the following locations:

LOCATION OF TREES:	**59 EASTFIELD DRIVE**
PROPERTY OWNER:	**DR. TAMAYO AND MR. SIERRA**
COMPLAINANT:	**MR. JOE JUGE**
	61 EASTFIELD DRIVE

The public hearing will be held on Tuesday, January 21, 2020 with a visit to 61 EASTFIELD DRIVE, (Juge), starting at 7:30 A.M., and proceed to the property where the trees are located at 59 EASTFIELD DRIVE (TAMAYO & SIERRA).

Following the field trip, the Committee is scheduled to continue to discuss and deliberate this case at City Hall, City Council Chambers, 2 Portuguese Bend Road, Rolling Hills, CA on Tuesday, January 21, 2020 at 5:00 PM.

The complainant alleges view obstruction of his north-facing views from his primary living areas by trees/vegetation located at 59 Eastfield Drive. Complainant proposes for owners of 59 Eastfield Drive to trim the hedge and schefflera along the driveway six inches (6") below roof ridgeline, reduce crown and thin pepper trees to six inches (6") below roof ridgeline, proposes to remove dead branches from the ash tree, trim down the trees along his rear driveway by two-feet (2'-0"), and trim loquat tree to six inches (6") below roof ridgeline.

Any person is welcome to attend the hearings and review the complaint prior to the hearings. Pertinent material is available at City Hall, 2 Portuguese Bend Road, Rolling Hills, between the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday. You are invited to provide written comments with regard to this complaint at, or prior to the hearings or provide input at the hearings.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Committee on Trees and Views at, or prior to, the meetings.

Published in the Palos Verdes Peninsula News on Thursday, January 2, 2020.

May 15, 2020

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Mr. Joseph Juge
61 Eastfield Drive
Rolling Hills, CA 90274

Mr. Juge,

In your letter of March 20, 2020, among other important requirements, you omitted to include any **REMEDIATION ACTIONS ON YOUR BEHALF.** How do you plan to pay for the changes you proposed to our vegetation, both the initial cost and the costs involved in the subsequent maintenance of such changes and, if you plan to pay for replanting any of the vegetation involved in your allegations, knowing that we would only consider a Certified Professional Tree Company to handle our vegetation.

Before even considering your allegations or any of your proposed changes to our vegetation, **A REGISTERED CONSULTING ARBORIST MUST BE CONSULTED** to assess the impact and possible permanent damage the vegetation can suffer if subject any of those changes.

In your letter, you also mentioned your " informal and neighborly way way of dealing with vegetation issues" with the former owner of our property, please expand in your version, which were the terms of that agreement, how long did it last for, what was your part on it, how often did you help trimming the vegetation in question and what kind of view did you help preserve throughout those years, add evidence, pictures of such view, also, when and why did you stop doing it, because, based on our conversations with Mr. John Heater, the former owner of our property, **SUCH AGREEMENT NEVER EXISTED OR ANYTHING EVEN CLOSE TO IT.**

We moved to our current home in February 2007, and you have certainly **NEVER** approached us in regards to that vegetation until now. During that time, you were still living in your barn **AGAINST LOCAL REGULATIONS AND CC & Rs**, while building your main house, your only access to your barn, which is located in the back of your property, is your same driveway on the easement we share, you must have seen that vegetation almost every day on your way in and out of your place for over 30 years, but said or did nothing about it until now **MORE THAN THREE DECADES LATER.** You, obviously, first bought your property, and now, over thirty years later, decided to add it the view, but things don't work out that way.

With your letter, you also provided some pictures taken, according to you, in 1988. Those pictures, your own pictures, are the **CLEAR EVIDENCE** that the vegetation subject of your allegations, **WAS ALREADY THERE**. This is not a surprise to us, our home was built in 1956 and most of its vegetation is also from those days, which means that by the time you bought your property, our vegetation had already been sitting there for over thirty years. It also means that your allegations are directed against **VEGETATION THAT HAS BEEN PRESENT THERE FOR OVER 64 YEARS**. It was not planted there just by chance but for several important and specific reasons. Mr. Heater, the former owner, wrote numerous letters to the RHCA for many years, complaining of the incredible deal of noise, you and your workers produced with your trucks, tractor and heavy machinery during all those long, long years you were building your house, since, despite of being a contractor yourself, **it took you over twenty years to build just one house**. The noise you and your workers made then, persists to current times, ever since we moved to our home back in 2007, we have endured it as well, you do not stop making it not even during week days or weekends, and is even worse lately since the Stay-at-Home Orders and Social Distancing were mandated by The California Governor in response to the coronavirus Pandemic, you bring your workers (employees) on daily bases and continue to work in your garage and driveway on your noisy projects (without social distancing yourselves or wearing any PPE protection), we have recorded multiple videos of your activities there and the loud noise you still make. **YOU SHOW NO RESPECT OR CONSIDERATION FOR OTHERS, PARTICULARLY YOUR NEIGHBORS.**

We have enclosed two letters of Mr. John Heater dated June 15, 2008 and April 26, 1993. In those letters he addresses some of the topics we discuss in this one.

Besides **SOUND BARRIER**, that vegetation fulfills other important functions, our easements are very narrow, like most on Eastfield Drive and, being our 4 bedrooms and two of our bathrooms located next to the easement along the side of your driveway, that same vegetation provide us with very crucial **PRIVACY**. Also, that side of the house is located on a South West direction, facing the sunset, the very same vegetation provide us **SHADE, COOLING** the rooms during summer time, also helps us with **WIND SCREENING AND ENERGY SAVING**.

We are still waiting for you to remove your **ILLEGAL** concrete driveway built on the easement **AGAINST CC & Rs** and for which **YOU HAVE NEVER BEEN GRANTED A PERMIT.** It interferes with our use of the easement and the access to the back of our property. Most importantly, you must remove the large portion of your illegal concrete driveway **ENCROACHING ONTO OUR PROPERTY.** You have received multiple verbal and written requests by us and by the RHCA to do so, but **YOU HAVE FAILED TO COMPLY.**

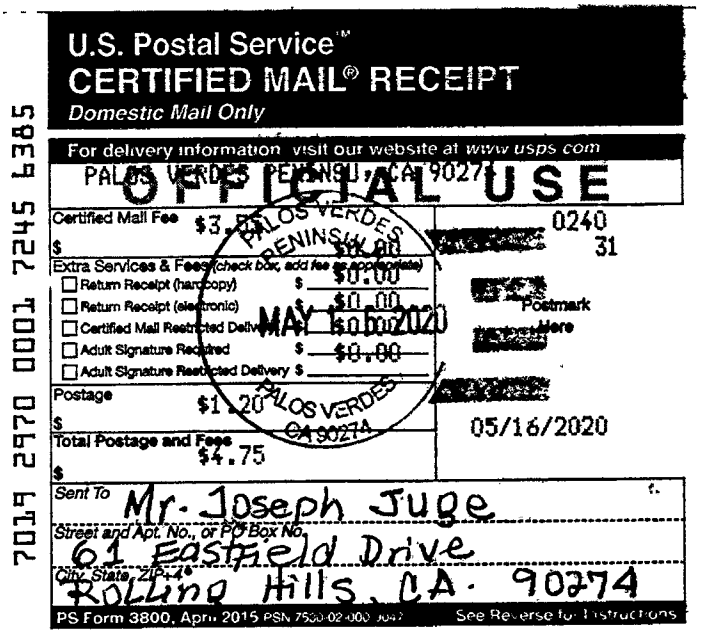
Thank you.

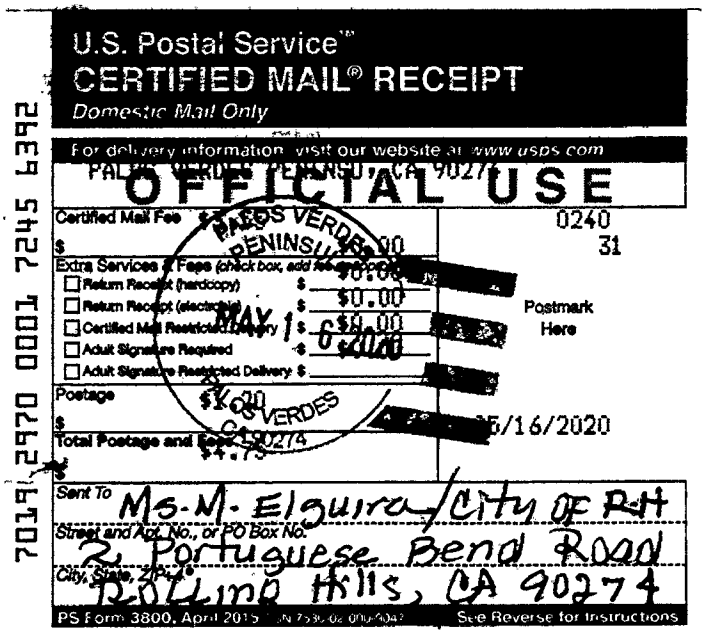
Sincerely,

B. Tamayo M.D.
Beatriz E. Tamayo, M.D.

J Sierra
Julio C. Sierra

C.C. City of Rolling Hills


U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com
PALOS VERDES PENINSULA, CA 90274
OFFICIAL USE
Certified Mail Fee $3.45 0240
$ 31
Extra Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy) $ $0.00
Return Receipt (electronic) $ $0.00
Certified Mail Restricted Delivery $ $0.00
Adult Signature Required $ $0.00
Adult Signature Restricted Delivery $
Postage $1.20
Total Postage and Fees $4.75
05/16/2020
Postmark Here
PALOS VERDES PENINSULA CA 90274
MAY 16 2020
Sent To Mr. Joseph Suge
Street and Apt. No., or PO Box No. 61 Eastfield Drive
City, State, ZIP+4® Rolling Hills, CA. 90274
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions
7019 2970 0001 7245 6385


U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com
PALOS VERDES PENINSULA, CA 90274
OFFICIAL USE
Certified Mail Fee $3.45 0240
$ 31
Extra Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy) $ $0.00
Return Receipt (electronic) $ $0.00
Certified Mail Restricted Delivery $ $0.00
Adult Signature Required $ $0.00
Adult Signature Restricted Delivery $
Postage $1.20
Total Postage and Fees $4.75
05/16/2020
Postmark Here
PALOS VERDES PENINSULA CA 90274
MAY 16 2020
Sent To Ms. M. Elguira / City of R.H.
Street and Apt. No., or PO Box No. 2 Portuguese Bend Road
City, State, ZIP+4® Rolling Hills, CA 90274
PS Form 3800, April 2015 See Reverse for Instructions
7019 2970 0001 7245 6392

John N. Hester
1222 Arcadia Place NW Bainbridge Island WA 98110

15 June, 2008

Rolling Hills Community Association
#1 Portuguese Road
Rolling Hills, CA 90274

Re: Julio Sierra, 59 Eastfield Drive

Dear Friends,

Mr. Sierra has written me that he is having a problem with his neighbor, Mr. Joe Juge limiting his access to the rear part of his property via access on the easement between their homes which Mr. Juge has paved over for his principal driveway.

At the beginning when it became clear to me that Mr. Juge had such plans I personally explained to him that we always used that easement when Mr. Robert Kadau lived there and that I needed to continue that access unimpeded, in accordance with the Association's clearly spelled out regulations regarding easement integrity.

MR. JUGE CLEARLY UNDERSTOOD THIS AND DID NOT, COULD NOT, RESIST MY USE OF THAT EASEMENT. He certainly has no reason to now suddenly feign ignorance of this matter in his dealings with a different neighbor. I assume the Association's CC#R's have not changed in this regard.

As to Mr. Juge's statement that I approved his designs, the only thing I approved was letting him not have to face the concrete wall along the driveway with flag stone. That was the ONLY thing I ever approved on his behalf. As an aside, I am still convinced that the then-architectural committee was grossly negligent in ever approving his massive construction plans on the narrow lot he owned.

Mr. Sierra also has determined by a survey of his property that Juge has encroached in some manner. This would not be the first time as on one prior occasion we required Juge to remove a portion of a stone wall and associated rest area which he had ignorantly constructed on our property.

I trust my recollections on this matter should be of assistance in your making your decision on this controversy.

Sincerely,

John N. Hester

c/c Julio Sierra

Home 206-780-0308 Cell 206-293-1492

jnh

Heater 24-EF

john n heater

April 26, 1993

Mr. Joe Juge
61 Eastfield Drive
Rolling Hills, CA 90274

Dear Joe,

On April 20th we had South Bay Engineering re-establish the lot line between our property and yours. As a result of this survey it is clear that some of your construction, rock-work and plantings, just below the start of the slope to the West, and your grading further down the slope, has infringed upon our property.

We would appreciate your removing the rock-work and the plantings from our property at an early date. In addition we want the slope of the grade along the property line restored to its former condition.

Also, as a matter of principle, it is proper for us both to keep the easements along our property lines clear of any form of obstruction.

We are writing this letter to document the above described encroachments so that there can be no future claims by either you or any subsequent owners of your adjoining property that we voluntarily or by neglect ever ceded usage rights to the portions of our land so affected.

Sincerely,

John N. Heater
Doreen C Heater

59 eastfield drive
rolling hills ca 90274
home (310) 377-2841
office (310) 544-1178

From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Elaine Jeng
Subject:	Notice of public hearing June 1, 20201
Date:	Tuesday, May 25, 2021 7:07:46 PM
Attachments:	July 252020.pdf October 92020.pdf Court case.pdf Court case 2.pdf

---

Dear Ms. Elguira,

We received yesterday a notice of public hearing and field trip of the CTV scheduled for June 1, 2021 at 61 Eastfield Drive, in relation to mr. Juge's alleged view impairment complaint. According to the chapter 17.26 of the municipal code, view preservation, a public hearing before the CTV shall take place only after the mediation has been unsuccessful. We have not tried mediation yet although it was proposed by Mr.Juge and we agreed to it in writing (see attachments).

As per our telephonic conversation this morning, Mr. Juge claims he didn't receive our last letter we sent him via certified mail. I wonder why you didn't provide him with a copy of such letter that you have in file as the City receives copies of each letter we mail to Mr. Juge also via certified mail (see attachments).

After we mailed him our last letter of October 9, 2020, we didn't hear from Mr. Juge any longer regarding his alleged view complaint. We assumed he was busy enough taking us to court in a case that he ultimately lost (see attachments).

In addition, that public hearing must be postponed as my husband is currently out of the country and won't be back until the end of June and I want him to attend that meeting.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

2. Respondent is awarded the sum of $5,250.00 in attorney's fees and $65.00 in costs for a total of $5,315.00.

3. Payment shall be made payable to the Law Office of Edgar Coronado. Payment shall be received by Respondent's counsel by no later than Monday, December 28, 2020.

IT IS SO ORDERED.

DATE: DEC 3 0 2020

Colin Leis

Honorable Colin P. Leis
Judge of the Superior Court

Edgar I. Coronado (SBN: 177297)
LAW OFFICES OF EDGAR I. CORONADO
3620 Pacific Coast Highway Suite 200
Torrance, California 90505
Telephone: 424-350-7731
Telecopier: 562-309-8378

Attorneys for Respondent:
JULIO SIERRA

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

DEC 30 2020

Sherri R. Carter, Executive Officer/Clerk of Court
By: Jackie Zamora, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

In re Matter of:

JOE JUGE

Petitioner,

v.

JULIO SIERRA

Respondent.

CASE NO.:20STR002763

ORDER AFTER HEARING ON RESPONDENT'S REQUEST FOR ATTORNEY'S FEES AND COSTS [CCP §527.6(s)]

Respondent's motion for attorney's fees and costs was heard on December 7, 2020 at 8:30 AM in Department 41 of the above referenced court, the Honorable Colin P. Leis, Judge of Los Angeles County Superior Court presiding. Petitioner's counsel, Charles Peterson Esq., was present via LA Court Connect. Respondent's counsel, Edgar Coronado Esq., was present via LA Court Connect. Neither party was present at the hearing. Having considered the moving and responsive pleadings and declarations in support thereof and arguments of counsel, the Court finds and orders as follows:

1. Respondent's request for attorney's fees and costs pursuant to CCP §527.6(s) is granted.

July 25, 2020

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

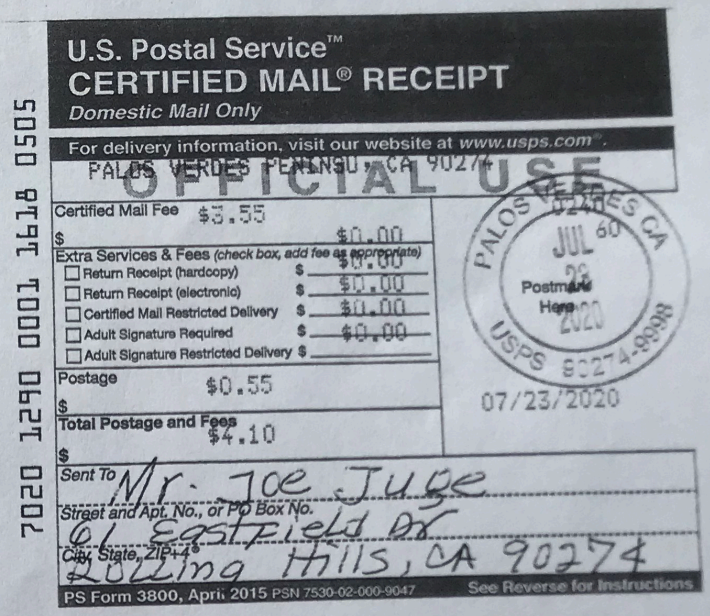
Mr. Joe Juge
61 Eastfield drive
Rolling Hills, CA 90274

RE: May 26, 2020 Letter

Mr. Juge,

We agree to mediation.

Thank you.



Beatriz E. Tamayo, M.D.

Julio C. Sierra

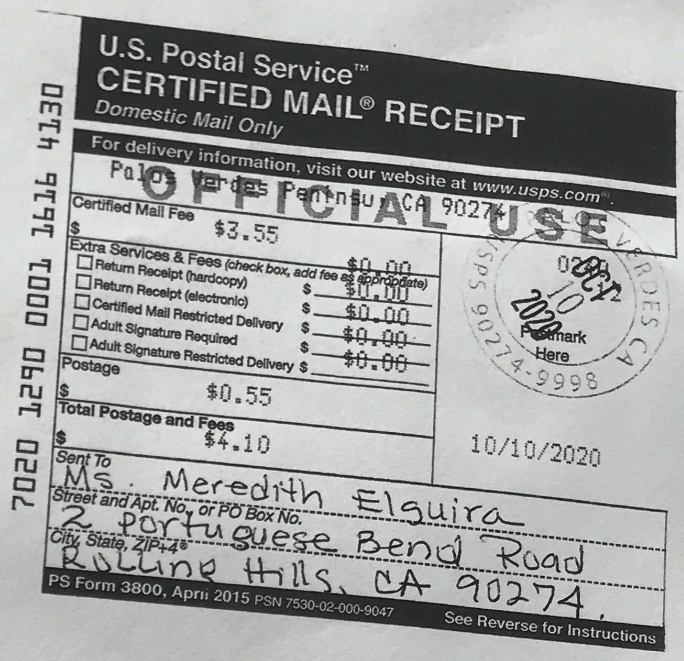


CC. City of Rolling Hills.

October 9, 2020

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Joe Juge
61 Eastfield Drive
Rolling Hills, CA 90274



Mr. Juge,

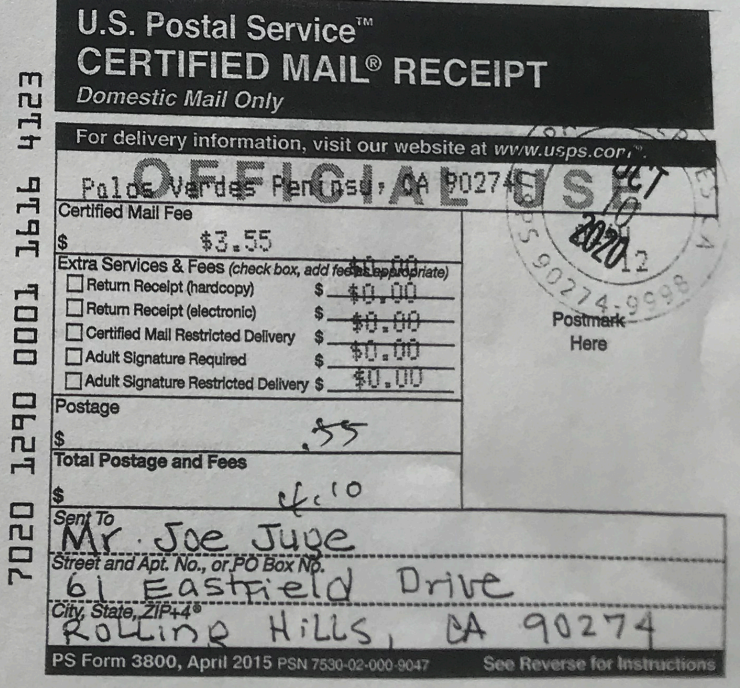
Before making any choice, we want to know who will be responsible for the mediator's fee.

Thank you.

B Tamayo MD
B. Tamayo, M.D.

J. Sierra

c.c. City of Rolling Hills



From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Elaine Jeng; Jim Black
Subject:	61 Eastfield View Impairment Complaint
Date:	Tuesday, June 1, 2021 5:11:19 PM
Attachments:	Letter to City of RH.pdf

Dear Ms. Elguira,

Attached please find a letter regarding Mr. Joe Juge's View Complaint.

Thank You.

Beatriz E. Tamayo, M.D.

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive Rolling Hills, CA 90174
b.tamayomd@yahoo.com

June 1, 2021

VIAS U.S.MAIL and EMAIL

Meredith Elguira
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear Ms. Elguira,

After reading the letter that Mr. Jenkins office, the City Attorney addressed to Mr. Juge last May 28, 2021, we were surprised to find out that Mr. Juge had filed a View Impairment Complaint with The City on October 25, 2020. Based on this information, we have a number of questions we now ask you to please answer:

- Why until now, more than seven months after Mr. Juge filed that application with the city, no one from the city staff has notified us or sent us a copy of it for our review knowing that his application is regarding vegetation in our property ?

- Why Mr. Juge's application was accepted by the the City prior not only to mediation (having taken place or proven unsuccessful), but also prior to The Public Hearing before the CTV ?

- Was such application already returned to Mr. Juge, knowing that it is incomplete, (based on same City Attorney's letter) with a letter asking him to complete it within 60 days?

- Being such application dated October 25, 2020, hasn't it by now expired?

- From the very beginning, this View impairment complaint has been poorly handled by the city staff (see attached paper dated January 2, 2020) and

evidently until recently that remains to be the same way. The process outlined (and required) by The RHMC must consistently be followed step by step. Shouldn't staff continue to seek direction from The Council for the proper implementation of the RHMC?

Lastly, please provide us with a copy of the View Impairment Complaint submitted by Mr. Juge on October 25, 2020, and also a copy of the check for the $ 2,000 dollar fee that must have been submitted along with the application in order to be accepted by the city.

Thank you.

Sincerely,

B Tamayo, M.D.

Beatriz E. Tamayo, M.D.

CC: Elaine Jeng , City manager, at ejeng@cityofrh.net (via email only)
Dr. James Black, Mayor Pro Tem, at Jblack@cityofrh.net (via email only)
Beatriz Dieringer, City Mayor, at bdieringer@cityofrh.net (via email only)

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

NOTICE OF A PUBLLIC HEARING AND NOTICE OF A FIELD TRIP OF THE CITY OF ROLLING HILLS COMMITTEE ON TREES AND VIEWS

NOTICE IS HEREBY GIVEN that a public meeting of the City of Rolling Hills Committee on Trees and Views will be held in the field to view properties in a View Impairment Complaint regarding the following locations:

LOCATION OF TREES: 59 EASTFIELD DRIVE
PROPERTY OWNER: DR. TAMAYO AND MR. SIERRA
COMPLAINANT: MR. JOE JUGE
61 EASTFIELD DRIVE

The public hearing will be held on Tuesday, January 21, 2020 with a visit to 61 EASTFIELD DRIVE, (Juge), starting at 7:30 A.M. and proceed to the property where the trees are located at 59 EASTFIELD DRIVE (TAMAYO & SIERRA).

Following the field trip, the Committee is scheduled to continue to discuss and deliberate this case at City Hall, City Council Chambers, 2 Portuguese Bend Road, Rolling Hills, CA on Tuesday, January 21, 2020 at 6:00 PM.

The complainant alleges view obstruction of his north-facing views from his primary living areas by trees/vegetation located at 59 Eastfield Drive. Complainant proposes for owners of 59 Eastfield Drive to trim the hedge and schefflera along the driveway six inches (6") below roof ridgeline, reduce crown and thin pepper trees to six inches (6") below roof ridgeline, proposes to remove dead branches from the ash tree, trim down the trees along his rear driveway by two-feet (2'-0"), and trim loquat tree to six inches (6") below roof ridgeline.

Any person is welcome to attend the hearings and review the complaint prior to the hearings. Pertinent material is available at City Hall, 2 Portuguese Bend Road, Rolling Hills, between the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday. You are invited to provide written comments with regard to this complaint at, or prior to the hearings or provide input at the hearings.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Committee on Trees and Views at, or prior to, the meetings.

Published in the Palos Verdes Peninsula News on Thursday, January 2, 2020.

MEETING CANCELLED

Printed on Recycled Paper

From:	Beatriz Tamayo
To:	Jana Cooley; Sean Cardenas; Gregg Kirkpatrick
Cc:	Michael Jenkins; Brian Byun; Bea Dieringer; Jim Black; Elaine Jeng; Meredith Elguira
Subject:	61 Eastfield Drive
Date:	Thursday, July 8, 2021 8:14:54 PM
Attachments:	Letter to CTV.PDF

Dear Ms. Jana Cooley, Mr. Sean Cardenas and Mr. Gregg Kirkpatrick,

Enclosed please find our letter in response to 61 Eastfield View impairment Complaint and also a link with supporting photos for your review.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.
Julio C. Sierra

https://drive.google.com/drive/folders/1sCJMalzv8TFviA1t7-2muU-A7mbHIaCU?usp=sharing

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90174
b.tamayomd@yahoo.com

July 8, 2021

VIAS U.S.MAIL and EMAIL

Committee on Trees and Views
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear CTV members:

The Municipal Code chapter 17.26.020 - Definitions , describes "View" as a visually impressive scene or vista, such as the Pacific Ocean, off-shore islands, mountains, lights of Los Angeles basin, the Palos Verdes hills and canyons, the Los Angeles Harbor, and similar, as observed from a viewing point.

Also describes "Viewing point" as any view from the primary living area or active use area of a primary residence, excluding views from minor rooms, such as garages or closets, and also includes views from accessory buildings or structures, including pool decks and gazebos, but excluding animal pens, aviaries, corrals, greenhouses, porte cocheres, riding rings, run-in sheds, sheds, stable/barns, free-standing storage rooms, and tack rooms.

Based on these fundamental descriptions, NONE of the pictures presented by Mr. Juge in his view impairment allegations complies with the definitions. You don't see in any of his pictures The Pacific Ocean, or the city lights, or Los Angeles Harbor, etc. He even claims he could see the Queen's necklace, but again, none of his pictures supports his allegations.

Prior to any view impairment allegation, evidence of a pre-existing view must be fully demonstrated. Mr. Juge is yet to present one.

Moreover, none of his pictures from 1987-1988 were taken from any qualifying living space, none from a bedroom or a living room, etc.

The lack of images in accordance with the RHMC chapter 17.26.020 Definition of View, must render all of Mr. Juge's view complaint allegations legally invalid.

All Mr. Juge has presented so far are a handful of pictures of what appears to be the exterior area of a demolished house, taken, according to him, in 1987-1988. (in some of those pictures our home is also seen, however, it's far from fitting in the RHMC definition of a View). He's also presented plentiful of pictures mostly from 2018-2020 showing what he makes look like a "sudden" view impairment. Certainly, he must explain what happened between 1988 and 2018 since it's clear that the vegetation he complains about, wasn't planted in the year 2018.
Mr. Juge's failure to present any evidence of what happened during those 30 "silent" years suggests only one thing: there isn't any.

Besides all these inconsistencies, Mr. Juge is also not comparing apples to apples : All of his pictures from 1987-1988 were taken from ground level and from different spots of his property as compared with the ones from 2018-2020 which were taken from a living room that did not exist until 2010 when Mr. Juge finished the construction of his new home since it took him over 20 years to build it. His new house extends farther towards the west side of his property, the whole terrain where his new house now sits was considerably elevated prior to it's construction and in addition to that, his new home is a two-story house with the garages on the first floor and the living spaces on the second floor (see attached pictures). Therefore, the angles, view points and hights of the photos taken on 1987-1988 are completely different to the ones from 2018-2020.

In an additional note, Mr. Juge mentions in his allegations our oleanders, but as you can see in his own pictures, their hight barely reach our home's rooftop, because, they started (mysteriously) to wilt ever since Mr. Juge came up with his view impairment allegations.
Mr. Juge also provided a copy of the MLS listing of his property, in which it's clear that his property is not listed as having any view.

We're attaching a photo taken on February 2007, the month and year we purchased our property. The picture was taken the day the escrow papers were signed, both parties met at the property to sign those papers

simultaneously. After finishing, we posed for that picture. The picture was taken by my husband, you can see from left to right: our daughter, and behind her, Mr. John Heater, the former property owner, next to him is our son, then me at the center, then our realtor and Mr. Heater's maid. At the back, is our master bedroom, located on the south west of the property, next to 61 Eastfield driveway. The most important piece of evidence we want you to notice are the trees next to the master bedroom: The pepper tree and the loquat tree, both mentioned in Mr. Juge's allegations. The pepper tree's branches are well above our home's rooftop. It's evident in this picture that those trees were mature trees at the time we purchased our property.

Mr. Heater, also allowed us to take pictures of his home the way it looked when it was listed for sale (see attachments), in those pictures, it's seen, through his windows, some of the vegetation mentioned on Mr. Juge's allegations. Also in 2007, soon after we purchased the property, we took pictures of its surroundings. In those pictures you can see the California Pepper tree, the Oleanders, the Loquat, the Avocado tree, the Toyon Ash, the Schefflera, the Pomegranate and many others. It's clear in those pictures that by then 2007, all that vegetation was already mature vegetation. (see attached pictures).

Attached , there's also a picture taken by the geotechnical engineer on January 26, 2007 during his inspection of our property. In that photo, you also see our master bedroom and next to it the pepper tree and the loquat tree. The hight of the pepper tree in that picture, is quite considerable in reference to our home's rooftop.

Before buying our home, we inquired at the City of RH and at the RHCA regarding any pending or past complaint against the property, but found none. We visited the property in several occasions prior to submitting an offer. Besides the regular home inspection, we requested three additional ones: pool inspection, geotechnical inspection and chimney inspection. We were present during each of those inspections as also was Mr. Heater who lived permanently there. Each time we visited the home, we were able to talk in person with Mr. Heater about different matters related to the property, yet not once, any kind of agreement with any neighbor to trim or maintain the property's vegetation was ever mentioned by Mr. Heater.

Soon after we purchased our home, we started trimming and maintaining all its vegetation at our own expense as we continue to do throughout the 14 years we've lived at the property and without any neighbor's assistance.

Is all this intended to "restoring" a yet to be proven view, or is it more about CREATING a view to a new home?

Thank you.

Respectfully,

Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc: Michael Jenkins, ESq., City Attorney ,at michael.jenkins@bbklaw.com (via email only)
Brian W. Byun, Esq,. Deputy City Attorney, at Brian.byun@bbklaw.com (via email only)
Beatriz Dieringer, City Mayor, at bdieringer@cityofrh.net (via email only)
James Black, M.D., Mayor Pro tem, at jblack@cityofrh.net (via email only)
Elaine Jeng, City Manager, at ejeng@cityofrh.net (via email only)
Meredith Elguira, Planning and Community Services Director, at melguira@cityofrh.net (via email only)

From: Beatriz Tamayo
To: Meredith Elguira
Cc: Elaine Jeng
Subject: 61 Eastfied Dr
Date: Tuesday, July 13, 2021 1:23:50 PM
Attachments: mediation.pdf

Dear Ms. Elguira,

Attached please find our letter to Mr. Juge in response to sharing mediation costs.

We're also asking the City to please select a mediator for us.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.

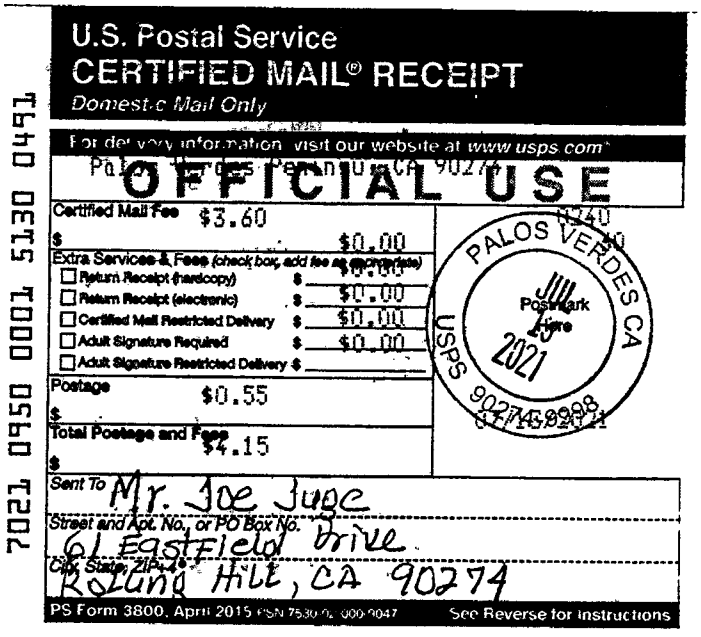
Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

July 12, 2021

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

Mr. Joe Juge
61 Eastfield drive
Rolling Hills, CA 90274

RE: June 2, 2021 Letter



Mr. Juge,

We agree to equally **share the mediator's fee, as advised by the Committee** on Views and Trees in its **Memorandum of June 23, 2021. We, however,** did not approve any of your **proposed candidates.**

In accordance **with Chapter 17.26.040 of the RHMC, we request that the City** select a different **mediator for us.**

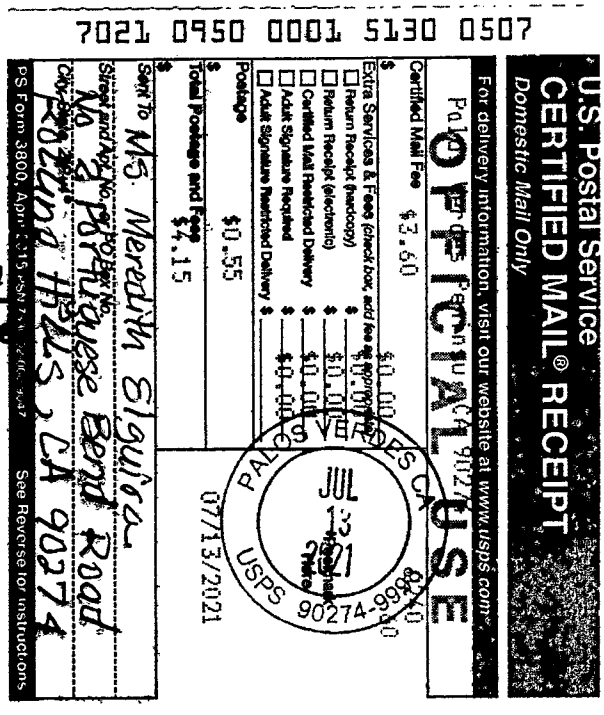
Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc. City of Rolling Hills.



From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Elaine Jeng; Michael Jenkins
Subject:	Re: Committee on Trees and Views (CTV) Hearing Procedures
Date:	Tuesday, July 20, 2021 6:10:49 PM
Attachments:	scheduled summer activities.pdf

Ms. Elguira,

Thank you for the Memorandum written by the City Attorney's office on July 16, 2021 regarding The CTV Hearing Procedures.

We received only 3 pages, please let us know if we missed any page(s).

We want to ask you if the hearing was already scheduled for August 9.

In accordance with the chapter 17.26.040 of the RHMC, section 4. a. Notice required. "The City shall provide notice of the hearing a minimum of fifteen days prior to the hearing. The hearing shall not proceed unless proof is shown that the vegetation owner received notice of the hearing as provided herein:

i. Notice shall be given by certified mail, return receipt requested, to the owner of the vegetation and to the complainant"

Because it's summer time, we had activities scheduled months in advance and, we'd kindly ask you to please take them into consideration when choosing the Hearing's date. Activities such as pre-paid reservations for short vacation trips and also for a medical procedure:

August 5-10 trip to Westwood, CA

August 17-18 Medical procedure (Julio)

September 5-9 Trip to Las Vegas. NV.

September 12-14, Trip to San Francisco.

I also need to reschedule my patients shall you choose an office day and Julio needs to request time/day off at his work in order for us to be able to attend the meeting.

We're attaching our lodging confirmations.

We thank you in advance for the consideration you give to our request.

Sincerely,

Beatriz E. Tamayo, M.D./ Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly

prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Monday, July 19, 2021, 05:55:13 PM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Good Afternoon Dr. Tamayo,

The City's City Attorney's Office put together the hearing procedures for CTV, per the requirements of the City's Municipal Code. This will be the procedures we will comply with when conducting CTV hearings. Please let me know if you have any questions.

Best regards,

Meredith T. Elguira

RE: Reservation at Log cabin between Lake Almanor and Eagle Lake for Aug 5 - 10, 2021

From Airbnb (express@airbnb.com)

To julsOus@yahoo.com

Date. Thursday, February 18, 2021, 03:01 PM PST

External images are now more secure, and shown by default. Change in Settings

airbnb

RE: Reservation at Log cabin between Lake Almanor and Eagle Lake for Aug 5 - 10, 2021



Mark
3 verifications · 506 reviews

LASSEN WEST RV VILLAGE
464-875 MOONEY RD
WESTWOOD, CA 96137
(530) 256-2589

Julio,
Thank you for choosing to stay with us. We are looking forward to your visit. We know you will enjoy exploring our area.
If you will be arriving after our office closes; please be sure to call before 6:00 pm to make arrangements for late arrival.
Late departures must be pre-approved by the office.
See you soon!!!!

2021). Is this okay?

Jul 16, 2021

Reservation Details

Guest name:
julio sierra

Check-in:
Sun, Sept 5, 2021

Check-out:
Thu, Sept 9, 2021

Property Name:
Bally's Las Vegas Hotel & Casino

Booking Number:
3577572659

Total guests:
2

Total rooms:
1

© Copyright Booking.com 2021
This email was sent by Booking.com

Booking.com will receive and process replies to this email as set forth in the Booking.com Privacy Statement. The content of the message from Bally's Las Vegas Hotel & Casino was not generated by Booking.com, meaning Booking.com cannot be held accountable for the content of the message.

Why did I receive this message?
This message is inappropriate or contains spam

Expedia

Stay in South San Francisco

Sep 12, 2021 - Sep 14, 2021

La Quinta Inn & Suites by Wyndham San Francisco Airport N

Confirmation: 88671EC088570

Expedia itinerary: 72130916781631

Reservation details

Check-in

Sun, Sep 12

3:00 PM

Check-out

Tue, Sep 14

noon

Check-in and special instructions

Check-in time starts at 3:00 PM

Check-in time ends at 2:00 AM

Minimum check-in age is: 18

Front desk staff will greet guests on arrival. For more details, please contact the property using the information on the booking confirmation.

Masks are compulsory at the property for guests without full COVID-19 vaccination.

Due to COVID-19, this property's food and beverage options may be limited pursuant to local regulations.

This property offers airport shuttle service 4 AM to midnight.

Location

20 Airport Blvd, South San Francisco, CA, 94080 United States of America

Room details

Room, 2 Queen Beds, Non Smoking

Reserved for

Julio C Sierra

Requests

Non-Smoking

All special requests (such as in-room amenities, bed type, and smoking preference) are shared with the hotel, but requests are not guaranteed and may incur additional charges. We recommend you confirm them directly with the hotel before travel.

Change and cancellation rules

We understand that sometimes plans fall through. We do not charge a cancel or change fee. When the property charges such fees in accordance with its own policies, the cost will be passed on to you. La Quinta Inn & Suites by Wyndham San Francisco Airport N charges the following cancellation and change fees.

Please note: If you choose to cancel a booking that is eligible for a refund it may take up to 30 days for it to process.

The room/unit type and rate selected are non-refundable. Should you change or cancel this reservation for any reason, your payment will not be refunded.

No refunds will be issued for late check-in or early check-out.

Stay extensions require a new reservation.

Pricing

Room price	
Sun, Sep 12	$99.75
Mon, Sep 13	$103.55
Taxes and fees	$33.95
Other	
2,253 Expedia Rewards points applied	-$16.10

Total	**$221.15** **Paid to Expedia** **[AmericanExpress 3005]**

From: Beatriz Tamayo
To: Meredith Elguira
Subject: Re: Letter to neighbors at 59 Eastfield Dr.
Date: Monday, July 26, 2021 2:01:39 PM

Thank you Meredith.

Sincerely,

B. Tamayo, M.D.

Sent from Yahoo Mail for iPhone

On Monday, July 26, 2021, 12:52 PM, Meredith Elguira <melguira@cityofrh.net> wrote:

> Dr. Tamayo,
>
> I was asked to forward this email to you and Mr. Sierra. I do not have Mr. Sierra's email address. Please share with him. Thank you.
>
> Meredith T. Elguira
>
> ---
>
> **From:** Denise Nettleton Jacobs <48denisela@gmail.com>
> **Sent:** Friday, July 16, 2021 1:57 PM
> **To:** Meredith Elguira <melguira@cityofrh.net>
> **Cc:** Joe Juge <joe@jugecompany.com>
> **Subject:** Letter to neighbors at 59 Eastfield Dr.
>
> Meredith, we sent a certified hard copy of this letter to the neighbors today. Please forward this email on to Dr. Tamayo and Mr. Sierra.
>
> Thank you,
>
> Joe Juge & Denise Jacobs

Joe Juge

61 Eastfield Drive

Rolling Hills, CA 90274

Beatriz E. Tamayo, MD

Julio C. Sierra

59 Eastfield Drive

Rolling Hills, CA 90274

RE: July 12, 2021 Letter

July 16th, 2021

Dr. Tamayo & Mr. Sierra,

You have rejected the mediators we suggested.

I believe the time for the mediation process is closing quickly.

Have you selected any mediators you think would be acceptable?

Thank you.

Sincerely,

Joe Juge

Cc: City of Rolling Hills

From: Beatriz Tamayo
To: Meredith Elguira
Subject: Re: View Case
Date: Monday, August 2, 2021 4:41:10 PM

Ms. Elguira,

We're still waiting for Ms. Bonapart from Mill Valley, CA, to reply to to our message left at her office mailbox. As per Mr. Hildreth from Sonora, CA, he did reply already but he said that he wouldn't be available for the next few days due to a personal trip.

Thank you.

B. Tamayo, M.D./ Julio C Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Monday, August 2, 2021, 08:55:39 AM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Good Morning,

I hope you both had a good weekend.

The sixty days of mediation period has ended, please provide an update. If no progress was made, we will schedule this case to be heard by the Committee on Trees and Views. The tentative meeting date is August 16, 2021. Please advise on the status.

Thank you,

Meredith T. Elguira

From: Meredith Elguira
Sent: Friday, July 30, 2021 6:05 PM
To: Joseph Juge <joe@jugecompany.com>; Beatriz Tamayo <b.tamayomd@yahoo.com>
Subject: View Case

Hello Dr. Tamayo and Mr. Juge, I wanted to get an update on whether or not the mediation is taking place. Is there anything staff can do to help facilitate the process? Please advise.

Best regards,

Meredith T. Elguira

From:	Beatriz Tamayo
To:	Jana Cooley; Sean Cardenas; Gregg Kirkpatrick
Cc:	Michael Jenkins; Brian Byun; Bea Dieringer; Jim Black; Elaine Jeng; Meredith Elguira
Subject:	61 Eastfield Drive (2)
Date:	Wednesday, August 4, 2021 10:53:51 PM
Attachments:	Letter to CTV (2).PDF

Dear CTV members,

We're enclosing a second letter and additional pictures in response to the 61 Eastfield Drive View impairment complaint for your review.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.
Julio C. Sierra

https://drive.google.com/drive/folders/1SYXGIBGfp7APdpFkLIdyLsmxHkxRXtG-?usp=sharing

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90174
(b.tamayomd@yahoo.com)

August 4, 2021

VIA US MAIL AND VIA EMAIL

Committee on Trees and Views
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear CTV members:

During the upcoming Public Hearing regarding 61 Eastfield view impairment complaint, we may not have enough time to present all our arguments in response that complaint and highlight the importance of our vegetation mentioned there. Due to that, we decided to send this letter and pictures as supporting evidence to be added to the same file and for you to review it in advance.

Eastfield Drive easements are very narrow, and to make things worse, Mr. Juge built his concrete driveway on his easement, bringing our homes closer together; a group of his employees show up to work in his garage and on his driveway Mondays to Fridays 7am to 3-4 pm for a number of years making a lot of noise. Because of the proximity between our homes, all that noise is easily heard from our property, being a long lasting and still ongoing nuisance. They also walk on his driveway on regular bases and drive their trucks on their way in and out of Mr. Juge's property.

Our home is an L-shaped house with all the bedrooms and bathrooms located along that same easement side, our vegetation on that area then fulfills a double function as it helps us preserve our property's privacy, serving also as a sound barrier.

Our master bedroom is located on the south west of our property and receives direct sun light during the afternoon hours, the heat is excessive there each summer. Our trees and vegetation located on that area next to our master bedroom provide us with shade and also help us save energy. They're also helpful with wind screening during winter. The back of our property is a steep terrain and all those same trees also help to stabilize the soil.

Finally, some of the other trees and shrubs located on the same area are fruit trees (avocado and pomegranate).

It's important to remark that not only all that vegetation mentioned by Mr. Juge in his complaint was already there as mature vegetation in 2007, but also during the same time Mr. Juge's home was still under construction as it had been for the previous two decades. Mr. Juge was still living in his barn located on the north west side of his property, where he lived until he completed the construction of his house in 2010. In other words, all that vegetation mentioned in his complaint **PRECEDED** the construction of his new house.

There's not a single piece of evidence proving that Mr. Juge ever participated in maintaining the vegetation he mentions in his complaint, he hasn't shown any pictures of the view he claims he helped "preserve". All he has presented so far are allegations but not any evidence as required by the RHMC chapter 17.26.050.A. "**NONEXCLUSIVE FACTORS**, for which the parties can prove BY A PREPONDERANCE OF THE EVIDENCE, are to be considered in determining whether a pre-existing view has been obstructed"

We have lived in our property for 14 years, for the first 11 years were never contacted by Mr. Juge in regards to our vegetation, only during the last three ones we started receiving his letters with allegations of a view impairment. All the correspondence we exchanged during this time was C.C. to the City of Rolling Hills, in none of his letters, Mr. Juge ever mentioned any kind of agreement with our property's former owner to maintain that vegetation and we, certainly never had any kind of agreement with Mr. Juge to maintain our vegetation.

Thank You.

Sincerely,

Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc: Michael Jenkins, ESq., City Attorney ,at michael.jenkins@bbklaw.com (via email only)

Brian W. Byun, Esq,. Deputy City Attorney, at Brian.byun@bbklaw.com (via email only)

Beatriz Dieringer, City Mayor, at bdieringer@cityofrh.net (via email only)

James Black, M.D., Mayor Pro Tem, at jblack@cityofrh.net (via email only)

Elaine Jeng, City Manager, at ejeng@cityofrh.net (via email only)

Meredith Elguira, Planning and Community Services Director, at melguira@cityofrh.net (via email only)

From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Michael Jenkins; Elaine Jeng; Jim Black; Bea Dieringer
Subject:	Notice Required
Date:	Thursday, August 12, 2021 1:30:12 PM
Attachments:	City of RH Letter of Public Hearing.pdf

Dear Ms. Elguira,

Every single resident of Rolling Hills must abide by the rules of the RHMC. But the City and the City staff as well.

This is the third attempt by the City of Rolling Hills to schedule a CTV Public Hearing regarding 61 Eastfield view impairment complaint, scheduled for August 17, 2021. In none of the three, the City has complied with the requirements of the provisions of Chapter 17.26 section 17.26.040. C.4.a .i, of the Rolling Hills Municipal Code:

"Notice Required. The City shall provide notice of the hearing a minimum of fifteen days prior to the hearing."

"Notice shall be given by certified mail, return receipt requested to the owner of the tree.."

Please explain why the City staff is not acting in compliance with the laws in RH.

Please also confirm that ALL meetings of the CTV are open to the public and that the City will not hold secret meetings.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.
Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.


CITY OF ROLLING HILLS, CALIFORNIA
City of Rolling Hills
2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
LOS ANGELES CA 900
7 AUG 2021 PM 9 L
UNITED STATES POSTAGE
PITNEY BOWES
02 1P
$ 000.51 0
0000925068
AUG 06 2021
MAILED FROM ZIP CODE 90274
OFFICAL PUBLIC NOTICE
7567-005-038
55
Beatriz Tamayo & Julio Sierra
59 Eastfield Dr
Rolling Hills CA 90274-5260
90274-526059

From:	Beatriz Tamayo
To:	Brian Byun
Cc:	Elaine Jeng; Michael Jenkins; Jim Black; Bea Dieringer; Meredith Elguira
Subject:	Re: Committee on Trees and Views Meeting (CTV)
Date:	Sunday, August 15, 2021 3:50:47 PM
Attachments:	Committee on Trees and Views Agenda Packet 08.17.21-c1.pdf

Dear Mr. Byun,

Thank you for your prompt response. We'll be discussing the status of the case with the CTV members Next Tuesday.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D./Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Sunday, August 15, 2021, 01:33:24 PM PDT, Brian Byun <brian.byun@bbklaw.com> wrote:

Dear Dr. Tamayo,

Thank you for your email. As I believe Ms. Elguira relayed to you over the phone, the public hearing notice was sent in error. As you can see from the attached agenda, which was posted on Friday, there will be no public hearing – just an update to the Committee, scheduled at the request of the Chair, on the status of your mediation with Mr. Juge.

Having not heard otherwise, I assume you and Mr. Juge are still in the process of selecting a mediator and scheduling a mediation. The ordinance contemplates that the parties will complete mediation before a hearing is conducted by the Committee and we are deferring scheduling a hearing until that happens. I suggest that you and Mr. Juge direct your attention to completing mediation at which you may consider addressing all of the issues in dispute between you.

If you'd like to discuss any of this further, please feel free to call me at either of the numbers

below.

Thank you,

Brian

Brian Byun
Of Counsel
brian.byun@bbklaw.com
T: (619) 525-1360 C: (619) 204-3220
www.BBKlaw.com

From: Beatriz Tamayo <b.tamayomd@yahoo.com>
Sent: Saturday, August 14, 2021 10:08 AM
To: Meredith Elguira <melguira@cityofrh.net>
Cc: Elaine Jeng <ejeng@cityofrh.net>; Michael Jenkins <Michael.Jenkins@bbklaw.com>; Brian Byun <Brian.Byun@bbklaw.com>; Jim Black <jblack@cityofrh.net>; Bea Dieringer <bdieringer@cityofrh.net>

Subject: Re: Committee on Trees and Views Meeting (CTV)

CAUTION - EXTERNAL SENDER.

Dear Ms. Elguira,

The information in your email is in conflict with previous information provided to us by the City staff and recent discussions we had with you via email:

1- You now say that the August 17 meeting is not a public hearing but the paper we received by mail clearly states NOTICE OF A PUBLIC HEARING (see copy of paper attached).

2- You also say that the purpose of the meeting is to provide an update to the CTV members and to discuss further mediation efforts, however, we had already provided you with an update which you were

expected to communicate to the CTV members (see attached August 2 emails). Besides, The City Attorney's office in its June 23 Memorandum clearly set August 4, 2021 as the deadline for mediation and none of the parties requested any additional time for mediation (see attached Memorandum).

3- You say that we won't be able to litigate our dispute with the CTV member on August 17.

4- In accordance with the RHMC chapter 17.26.040.C, the next step after mediation failure is the Public Hearing before the Committee on Threes and views.

5- Besides, we had previously requested no meeting to be held on August 17-18 due to a medical procedure scheduled for Julio months in advance, our request was evidently ignored (see attached July 20 emails)

In summary, the purpose of the August 17 meeting remains unclear and unjustified.

Please clarify.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D./ Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Thursday, August 12, 2021, 06:50:52 PM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Good Evening Dr. Tamayo and Mr. Juge,

I have been advised by our legal counsel to provide both parties with the information below and to inform you that the meeting on Tuesday, August 17, 2021 at 4 PM via Zoom is not a public hearing.

It will only be an update item before the CTV to let them know the status of mediation efforts; and there will be no site visit / field trip prior to the meeting. The public can make public comment as they do for any other open meeting agendized item, and you can provide an update on your mediation efforts, but you should not anticipate that you will have an opportunity to litigate your dispute on August 17 or that the CTV will take action and render a decision in any way.

The expectation is for both parties to mediate before the matter comes back to the CTV, and that time should be devoted to working on selecting a mediator and scheduling a mediation.

Please let me know if you have any questions.

Best,
Meredith T. Elguira
Director

PLANNING AND COMMUNITY SERVICES
2 Portuguese Bend Road, Rolling Hills CA 90274
O: 310.377.1521 | F: 310.377.7288
E: Melguira@CityofRH.net

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

This email and any files or attachments transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and immediately delete the email you received.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

AGENDA
Trees and Views Committee Meeting

TREES AND VIEWS COMMITTEE
Tuesday, August 17, 2021

CITY OF ROLLING HILLS
4:00 PM

Executive Order N-29-20

This meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020. All Trees and Views Committee members will participate by teleconference. Public Participation:

A live audio of the Committee on Trees and Views meeting will be available on the City's website (https://www.rolling-hills.org/government/agenda/index.php)

The meeting agenda is also available on the City's website (https://www.rolling-hills.org/government/agenda/index.php).

Join Zoom Meeting via https://us02web.zoom.us/j/99343882035?pwd=MWZXaG9ISWdud3NpajYwY3dF bllFZz09
Meeting ID: 993 4388 2035 Passcode: 647943

Members of the public may submit comments in real time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become a part of the official meeting record. You must provide your full name but do not provide any other personal information (i.e., phone numbers, addresses, etc) that you do not want to be published.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENTS ON MINUTES AND ANY ITEM NOT ON THE AGENDA**

4. **APPROVAL OF MINUTES**

5. **NEW BUSINESS**
   None.

6. **OLD BUSINESS**
   Mediation status update on Juge - Tamayo View Case.

   6.A. JUGE - TAMAYO VIEW CASE MEDIATION STATUS UPDATE.

RECOMMENDATION: Receive and file.

08.09.21.pdf
08.05.21.pdf
07.19.21.pdf
07.15.21.pdf
07.12.21.pdf
07.09.21.pdf

7. ITEMS FROM STAFF

None.

8. ITEMS FROM THE TREES & VIEWS COMMITTEE

9. ADJOURNMENT

Next meeting: DAY, MONTH DATE, YEAR at TIME p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

10. *Notice:*

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 6.A
Mtg. Date: 08/17/2021

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **MEREDITH ELGUIRA, PLANNING DIRECTOR**

THRU: **ELAINE JENG P.E., CITY MANAGER**

SUBJECT: **JUGE - TAMAYO VIEW CASE MEDIATION STATUS UPDATE.**

DATE: **August 17, 2021**

BACKGROUND:
On June 1, 2021, the Committee on Trees and Views advised the complainant, Mr. Juge, and vegetation owners, Dr. Tamayo and Mr. Sierra, to mediate their dispute and continue the hearing for 60 days from June 1, 2021. Staff recommended that the Committee impose the following conditions:
1. City staff will assist the parties, upon joint request, in selecting a mediator – either by suggesting potential mediators or selecting a mediator for them.
2. Neither party may request a CTV hearing before they have had one full day of mediation. If, after the first day of mediation and before the 60 days has expired, one or both of the parties believe that further mediation will be fruitless, one or both parties may submit a request in writing and must, under penalty of perjury, state that they attempted mediation in good faith but that efforts have been and will be fruitless.
3. If only one party requests a hearing, but the other wishes to continue mediation, the party requesting hearing shall so notify the other party. The hearing will move forward on the pre-assigned date or at an earlier date if feasible; however, the non-requesting party may present evidence at the hearing to rebut the requesting party's assertion that mediation was attempted in good faith, and such evidence may go towards determining whether a pre-existing view exists and whether it has been obstructed. See RHMC sec. 17.26.050(A) (evaluation factors are non-exclusive).

DISCUSSION:
Both parties have not settled on a mediator. Mr. Juge sent names of mediators to Dr. Tamayo. Dr. Tamayo did not agree to Mr. Juge's recommendations. Dr. Tamayo reached out to the City for recommendations. The City Attorney's office provided names that were provided to Dr. Tamayo and Mr. Juge. for consideration. As of August 2, 2021, Dr. Tamayo reached out to the mediators and has yet to receive a response from one and the other was out of town for a few days.

FISCAL IMPACT:
None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:
08.09.21.pdf
08.05.21.pdf
07.19.21.pdf
07.15.21.pdf
07.12.21.pdf
07.09.21.pdf

RECEIVED
AUG 0 9 2021
City of Rolling Hills
By _____

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90174
(b.tamayomd@yahoo.com)

August 4, 2021

VIA US MAIL AND VIA EMAIL

Committee on Trees and Views
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear CTV members:

During the upcoming Public Hearing regarding 61 Eastfield view impairment complaint, we may not have enough time to present all our arguments in response that complaint and highlight the importance of our vegetation mentioned there. Due to that, we decided to send this letter and pictures as supporting evidence to be added to the same file and for you to review it in advance.

Eastfield Drive easements are very narrow, and to make things worse, Mr. Juge built his concrete driveway on his easement, bringing our homes closer together; a group of his employees show up to work in his garage and on his driveway Mondays to Fridays 7am to 3-4 pm for a number of years making a lot of noise. Because of the proximity between our homes, all that noise is easily heard from our property, being a long lasting and still ongoing nuisance. They also walk on his driveway on regular bases and drive their trucks on their way in and out of Mr. Juge's property.

Our home is an L-shaped house with all the bedrooms and bathrooms located along that same easement side, our vegetation on that area then fulfills a double function as it helps us preserve our property's privacy, serving also as a sound barrier.

Our master bedroom is located on the south west of our property and receives direct sun light during the afternoon hours, the heat is excessive there each summer. Our trees and vegetation located on that area next to our master bedroom provide us with shade and also help us save energy. They're also helpful with wind screening during winter. The back of our property is a steep terrain and all those same trees also help to stabilize the soil.

Finally, some of the other trees and shrubs located on the same area are fruit trees (avocado and pomegranate).

It's important to remark that not only all that vegetation mentioned by Mr. Juge in his complaint was already there as mature vegetation in 2007, but also during the same time Mr. Juge's home was still under construction as it had been for the previous two decades. Mr. Juge was still living in his barn located on the north west side of his property, where he lived until he completed the construction of his house in 2010. In other words, all that vegetation mentioned in his complaint **PRECEDED** the construction of his new house.

There's not a single piece of evidence proving that Mr. Juge ever participated in maintaining the vegetation he mentions in his complaint, he hasn't shown any pictures of the view he claims he helped "preserve". All he has presented so far are allegations but not any evidence as required by the RHMC chapter 17.26.050.A. "**NONEXCLUSIVE FACTORS**, for which the parties can prove BY A PREPONDERANCE OF THE EVIDENCE, are to be considered in determining whether a pre-existing view has been obstructed"

We have lived in our property for 14 years, for the first 11 years were never contacted by Mr. Juge in regards to our vegetation, only during the last three ones we started receiving his letters with allegations of a view impairment. All the correspondence we exchanged during this time was C.C. to the City of Rolling Hills, in none of his letters, Mr. Juge ever mentioned any kind of agreement with our property's former owner to maintain that vegetation and we, certainly never had any kind of agreement with Mr. Juge to maintain our vegetation.

Thank You.

Sincerely,

Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc: Michael Jenkins, ESq., City Attorney ,at michael.jenkins@bbklaw.com (via email only)

Brian W. Byun, Esq,. Deputy City Attorney, at Brian.byun@bbklaw.com (via email only)

Beatriz Dieringer, City Mayor, at bdieringer@cityofrh.net (via email only)

James Black, M.D., Mayor Pro Tem, at jblack@cityofrh.net (via email only)

Elaine Jeng, City Manager, at ejeng@cityofrh.net (via email only)

Meredith Elguira, Planning and Community Services Director, at melguira@cityofrh.net (via email only)

RECEIVED
AUG 05 2021
City of Rolling Hills
By _____

JULIO C. SIERRA
BEATRIZ E. TAMAYO, M.D.
59 Eastfield Drive
Rolling Hills, CA 90274

Tel/Fax (310) 750 6963

08/04/21

Please add this letter and pictures to the file of 61 Eastfield drive View impairment complaint.

Thank you.

B Tamayo, MD.

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90174
(b.tamayomd@yahoo.com)

RECEIVED
AUG 0 5 2021
City of Rolling Hills
By _____

August 4, 2021

VIA US MAIL AND VIA EMAIL

Committee on Trees and Views
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear CTV members:

During the upcoming Public Hearing regarding 61 Eastfield view impairment complaint, we may not have enough time to present all our arguments in response that complaint and highlight the importance of our vegetation mentioned there. Due to that, we decided to send this letter and pictures as supporting evidence to be added to the same file and for you to review it in advance.

Eastfield Drive easements are very narrow, and to make things worse, Mr. Juge built his concrete driveway on his easement, bringing our homes closer together; a group of his employees show up to work in his garage and on his driveway Mondays to Fridays 7am to 3-4 pm for a number of years making a lot of noise. Because of the proximity between our homes, all that noise is easily heard from our property, being a long lasting and still ongoing nuisance. They also walk on his driveway on regular bases and drive their trucks on their way in and out of Mr. Juge's property.

Our home is an L-shaped house with all the bedrooms and bathrooms located along that same easement side, our vegetation on that area then fulfills a double function as it helps us preserve our property's privacy, serving also as a sound barrier.

Our master bedroom is located on the south west of our property and receives direct sun light during the afternoon hours, the heat is excessive there each summer. Our trees and vegetation located on that area next to our master bedroom provide us with shade and also help us save energy. They're also helpful with wind screening during winter. The back of our property is a steep terrain and all those same trees also help to stabilize the soil.

Finally, some of the other trees and shrubs located on the same area are fruit trees (avocado and pomegranate).

It's important to remark that not only all that vegetation mentioned by Mr. Juge in his complaint was already there as mature vegetation in 2007, but also during the same time Mr. Juge's home was still under construction as it had been for the previous two decades. Mr. Juge was still living in his barn located on the north west side of his property, where he lived until he completed the construction of his house in 2010. In other words, all that vegetation mentioned in his complaint **PRECEDED** the construction of his new house.

There's not a single piece of evidence proving that Mr. Juge ever participated in maintaining the vegetation he mentions in his complaint, he hasn't shown any pictures of the view he claims he helped "preserve". All he has presented so far are allegations but not any evidence as required by the RHMC chapter 17.26.050.A. "**NONEXCLUSIVE FACTORS**, for which the parties can prove BY A PREPONDERANCE OF THE EVIDENCE, are to be considered in determining whether a pre-existing view has been obstructed"

We have lived in our property for 14 years, for the first 11 years were never contacted by Mr. Juge in regards to our vegetation, only during the last three ones we started receiving his letters with allegations of a view impairment. All the correspondence we exchanged during this time was C.C. to the City of Rolling Hills, in none of his letters, Mr. Juge ever mentioned any kind of agreement with our property's former owner to maintain that vegetation and we, certainly never had any kind of agreement with Mr. Juge to maintain our vegetation.

Thank You.

RECEIVED
AUG 05 2021
City of Rolling Hills
By _____

RECEIVED
AUG 05 2021
City of Rolling Hills
By

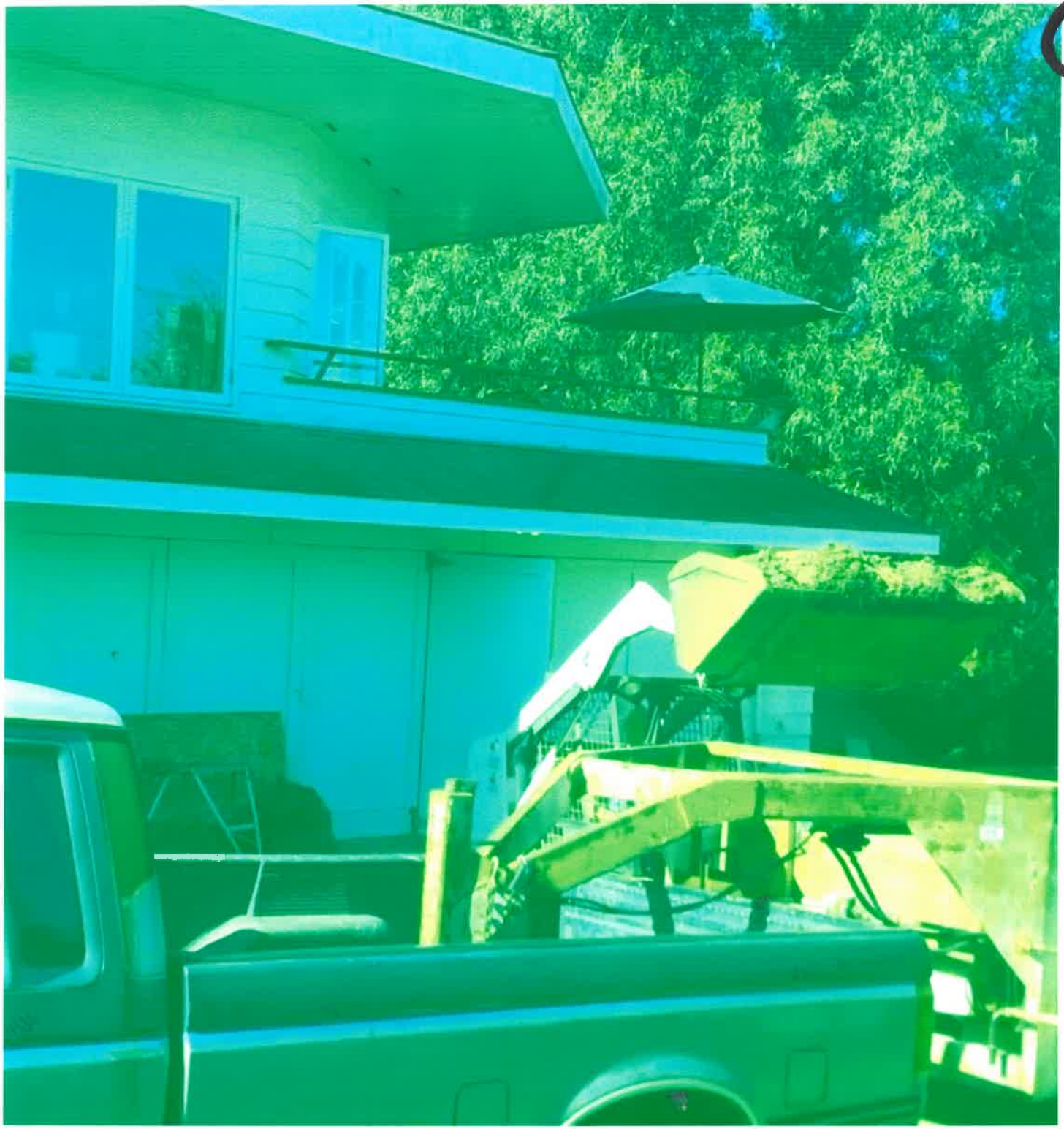
Sincerely,

Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc: Michael Jenkins, ESq., City Attorney ,at michael.jenkins@bbklaw.com (via email only)
Brian W. Byun, Esq,. Deputy City Attorney, at Brian.byun@bbklaw.com (via email only)
Beatriz Dieringer, City Mayor, at bdieringer@cityofrh.net (via email only)
James Black, M.D., Mayor Pro Tem, at jblack@cityofrh.net (via email only)
Elaine Jeng, City Manager, at ejeng@cityofrh.net (via email only)
Meredith Elguira, Planning and Community Services Director, at melguira@cityofrh.net (via email only)











E

RECEIVED
JUL 19 2021
City of Rolling Hills
By

Joe Juge
61 Eastfield Drive
Rolling Hills, CA 90274

Beatriz E. Tamayo, MD
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

RE: July 12, 2021 Letter

July 16th, 2021

Dr. Tamayo & Mr. Sierra,

You have rejected the mediators we suggested.

I believe the time for the mediation process is closing quickly.

Have you selected any mediators you think would be acceptable?

Thank you.

Sincerely,

Joe Juge

Cc: City of Rolling Hills

July 12, 2021

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90274

RECEIVED
JUL 15 2021
City of Rolling Hills
By _____

Mr. Joe Juge
61 Eastfield drive
Rolling Hills, CA 90274

RE: June 2, 2021 Letter

Mr. Juge,

We agree to equally share the mediator's fee, as advised by the Committee on Views and Trees in its Memorandum of June 23, 2021. We, however, did not approve any of your proposed candidates.

In accordance with Chapter 17.26.040 of the RHMC, we request that the City select a different mediator for us.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc. City of Rolling Hills.

RECEIVED
JUL 12 2021
City of Rolling Hills
By _____

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90174
b.tamayomd@yahoo.com

July 8, 2021

VIAS U.S.MAIL and EMAIL

Committee on Trees and Views
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear CTV members:

The Municipal Code chapter 17.26.020 - Definitions , describes "View" as a visually impressive scene or vista, such as the Pacific Ocean, off-shore islands, mountains, lights of Los Angeles basin, the Palos Verdes hills and canyons, the Los Angeles Harbor, and similar, as observed from a viewing point.

Also describes "Viewing point" as any view from the primary living area or active use area of a primary residence, excluding views from minor rooms, such as garages or closets, and also includes views from accessory buildings or structures, including pool decks and gazebos, but excluding animal pens, aviaries, corrals, greenhouses, porte cocheres, riding rings, run-in sheds, sheds, stable/barns, free-standing storage rooms, and tack rooms.

Based on these fundamental descriptions, NONE of the pictures presented by Mr. Juge in his view impairment allegations complies with the definitions. You don't see in any of his pictures The Pacific Ocean, or the city lights, or Los Angeles Harbor, etc. He even claims he could see the Queen's necklace, but again, none of his pictures supports his allegations.

Prior to any view impairment allegation, evidence of a pre-existing view must be fully demonstrated. Mr. Juge is yet to present one.

Moreover, none of his pictures from 1987-1988 were taken from any qualifying living space, none from a bedroom or a living room, etc.

The lack of images in accordance with the RHMC chapter 17.26.020 Definition of View, must render all of Mr. Juge's view complaint allegations legally invalid.

All Mr. Juge has presented so far are a handful of pictures of what appears to be the exterior area of a demolished house, taken, according to him, in 1987-1988. (in some of those pictures our home is also seen, however, it's far from fitting in the RHMC definition of a View). He's also presented plentiful of pictures mostly from 2018-2020 showing what he makes look like a "sudden" view impairment. Certainly, he must explain what happened between 1988 and 2018 since it's clear that the vegetation he complains about, wasn't planted in the year 2018.
Mr. Juge's failure to present any evidence of what happened during those 30 "silent" years suggests only one thing: there isn't any.

Besides all these inconsistencies, Mr. Juge is also not comparing apples to apples : All of his pictures from 1987-1988 were taken from ground level and from different spots of his property as compared with the ones from 2018-2020 which were taken from a living room that did not exist until 2010 when Mr. Juge finished the construction of his new home since it took him over 20 years to build it. His new house extends farther towards the west side of his property, the whole terrain where his new house now sits was considerably elevated prior to it's construction and in addition to that, his new home is a two-story house with the garages on the first floor and the living spaces on the second floor (see attached pictures). Therefore, the angles, view points and hights of the photos taken on 1987-1988 are completely different to the ones from 2018-2020.

In an additional note, Mr. Juge mentions in his allegations our oleanders, but as you can see in his own pictures, their hight barely reach our home's rooftop, because, they started (mysteriously) to wilt ever since Mr. Juge came up with his view impairment allegations.
Mr. Juge also provided a copy of the MLS listing of his property, in which it's clear that his property is not listed as having any view.

We're attaching a photo taken on February 2007, the month and year we purchased our property. The picture was taken the day the escrow papers were signed, both parties met at the property to sign those papers

simultaneously. After finishing, we posed for that picture. The picture was taken by my husband, you can see from left to right: our daughter, and behind her, Mr. John Heater, the former property owner, next to him is our son, then me at the center, then our realtor and Mr. Heater's maid. At the back, is our master bedroom, located on the south west of the property, next to 61 Eastfield driveway. The most important piece of evidence we want you to notice are the trees next to the master bedroom: The pepper tree and the loquat tree, both mentioned in Mr. Juge's allegations. The pepper tree's branches are well above our home's rooftop. It's evident in this picture that those trees were mature trees at the time we purchased our property.

Mr. Heater, also allowed us to take pictures of his home the way it looked when it was listed for sale (see attachments), in those pictures, it's seen, through his windows, some of the vegetation mentioned on Mr. Juge's allegations. Also in 2007, soon after we purchased the property, we took pictures of its surroundings. In those pictures you can see the California Pepper tree, the Oleanders, the Loquat, the Avocado tree, the Toyon Ash, the Schefflera, the Pomegranate and many others. It's clear in those pictures that by then 2007, all that vegetation was already mature vegetation. (see attached pictures).

Attached , there's also a picture taken by the geotechnical engineer on January 26, 2007 during his inspection of our property. In that photo, you also see our master bedroom and next to it the pepper tree and the loquat tree. The hight of the pepper tree in that picture, is quite considerable in reference to our home's rooftop.

Before buying our home, we inquired at the City of RH and at the RHCA regarding any pending or past complaint against the property, but found none. We visited the property in several occasions prior to submitting an offer. Besides the regular home inspection, we requested three additional ones: pool inspection, geotechnical inspection and chimney inspection. We were present during each of those inspections as also was Mr. Heater who lived permanently there. Each time we visited the home, we were able to talk in person with Mr. Heater about different matters related to the property, yet not once, any kind of agreement with any neighbor to trim or maintain the property's vegetation was ever mentioned by Mr. Heater.

Soon after we purchased our home, we started trimming and maintaining all its vegetation at our own expense as we continue to do throughout the 14 years we've lived at the property and without any neighbor's assistance.

Is all this intended to "restoring" a yet to be proven view, or is it more about CREATING a view to a new home?

Thank you.

Respectfully,

B Tamayo, M.D.
Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc: Michael Jenkins, ESq., City Attorney ,at michael.jenkins@bbklaw.com (via email only)
Brian W. Byun, Esq,. Deputy City Attorney, at Brian.byun@bbklaw.com (via email only)
Beatriz Dieringer, City Mayor, at bdieringer@cityofrh.net (via email only)
James Black, M.D., Mayor Pro tem, at jblack@cityofrh.net (via email only)
Elaine Jeng, City Manager, at ejeng@cityofrh.net (via email only)
Meredith Elguira, Planning and Community Services Director, at melguira@cityofrh.net (via email only)

P.S. supporting photos were hand-delivered by me to the city of ROLLING HILLS on 7-9-21.

BTMD.

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90174
b.tamayomd@yahoo.com

RECEIVED
JUL 09 2021
City of Rolling Hills
By _____

07-09-21

Please add this letter to CTV members dated July 8, 2021 and the (18) photos supporting that letter, to the File of 61 ~~Eastfield~~ Drive View impairment Complaint.

Thank you.

B. Tamayo, MD / J. Sierra.

Beatriz E. Tamayo, M.D.
Julio C. Sierra
59 Eastfield Drive
Rolling Hills, CA 90174
b.tamayomd@yahoo.com

July 8, 2021

VIAS U.S.MAIL and EMAIL

Committee on Trees and Views
No. 2 Portuguese Bend Road
Rolling Hills, CA 90274

Dear CTV members:

The Municipal Code chapter 17.26.020 - Definitions , describes "View" as a visually impressive scene or vista, such as the Pacific Ocean, off-shore islands, mountains, lights of Los Angeles basin, the Palos Verdes hills and canyons, the Los Angeles Harbor, and similar, as observed from a viewing point.

Also describes "Viewing point" as any view from the primary living area or active use area of a primary residence, excluding views from minor rooms, such as garages or closets, and also includes views from accessory buildings or structures, including pool decks and gazebos, but excluding animal pens, aviaries, corrals, greenhouses, porte cocheres, riding rings, run-in sheds, sheds, stable/barns, free-standing storage rooms, and tack rooms.

Based on these fundamental descriptions, NONE of the pictures presented by Mr. Juge in his view impairment allegations complies with the definitions. You don't see in any of his pictures The Pacific Ocean, or the city lights, or Los Angeles Harbor, etc. He even claims he could see the Queen's necklace, but again, none of his pictures supports his allegations.

Prior to any view impairment allegation, evidence of a pre-existing view must be fully demonstrated. Mr. Juge is yet to present one.

Moreover, none of his pictures from 1987-1988 were taken from any qualifying living space, none from a bedroom or a living room, etc.

The lack of images in accordance with the RHMC chapter 17.26.020 Definition of View, must render all of Mr. Juge's view complaint allegations legally invalid.

All Mr. Juge has presented so far are a handful of pictures of what appears to be the exterior area of a demolished house, taken, according to him, in 1987-1988. (in some of those pictures our home is also seen, however, it's far from fitting in the RHMC definition of a View). He's also presented plentiful of pictures mostly from 2018-2020 showing what he makes look like a "sudden" view impairment. Certainly, he must explain what happened between 1988 and 2018 since it's clear that the vegetation he complains about, wasn't planted in the year 2018.
Mr. Juge's failure to present any evidence of what happened during those 30 "silent" years suggests only one thing: there isn't any.

Besides all these inconsistencies, Mr. Juge is also not comparing apples to apples : All of his pictures from 1987-1988 were taken from ground level and from different spots of his property as compared with the ones from 2018-2020 which were taken from a living room that did not exist until 2010 when Mr. Juge finished the construction of his new home since it took him over 20 years to build it. His new house extends farther towards the west side of his property, the whole terrain where his new house now sits was considerably elevated prior to it's construction and in addition to that, his new home is a two-story house with the garages on the first floor and the living spaces on the second floor (see attached pictures). Therefore, the angles, view points and hights of the photos taken on 1987-1988 are completely different to the ones from 2018-2020.

In an additional note, Mr. Juge mentions in his allegations our oleanders, but as you can see in his own pictures, their hight barely reach our home's rooftop, because, they started (mysteriously) to wilt ever since Mr. Juge came up with his view impairment allegations.
Mr. Juge also provided a copy of the MLS listing of his property, in which it's clear that his property is not listed as having any view.

We're attaching a photo taken on February 2007, the month and year we purchased our property. The picture was taken the day the escrow papers were signed, both parties met at the property to sign those papers

simultaneously. After finishing, we posed for that picture. The picture was taken by my husband, you can see from left to right: our daughter, and behind her, Mr. John Heater, the former property owner, next to him is our son, then me at the center, then our realtor and Mr. Heater's maid. At the back, is our master bedroom, located on the south west of the property, next to 61 Eastfield driveway. The most important piece of evidence we want you to notice are the trees next to the master bedroom: The pepper tree and the loquat tree, both mentioned in Mr. Juge's allegations. The pepper tree's branches are well above our home's rooftop. It's evident in this picture that those trees were mature trees at the time we purchased our property.

Mr. Heater, also allowed us to take pictures of his home the way it looked when it was listed for sale (see attachments), in those pictures, it's seen, through his windows, some of the vegetation mentioned on Mr. Juge's allegations. Also in 2007, soon after we purchased the property, we took pictures of its surroundings. In those pictures you can see the California Pepper tree, the Oleanders, the Loquat, the Avocado tree, the Toyon Ash, the Schefflera, the Pomegranate and many others. It's clear in those pictures that by then 2007, all that vegetation was already mature vegetation. (see attached pictures).

Attached , there's also a picture taken by the geotechnical engineer on January 26, 2007 during his inspection of our property. In that photo, you also see our master bedroom and next to it the pepper tree and the loquat tree. The hight of the pepper tree in that picture, is quite considerable in reference to our home's rooftop.

Before buying our home, we inquired at the City of RH and at the RHCA regarding any pending or past complaint against the property, but found none. We visited the property in several occasions prior to submitting an offer. Besides the regular home inspection, we requested three additional ones: pool inspection, geotechnical inspection and chimney inspection. We were present during each of those inspections as also was Mr. Heater who lived permanently there. Each time we visited the home, we were able to talk in person with Mr. Heater about different matters related to the property, yet not once, any kind of agreement with any neighbor to trim or maintain the property's vegetation was ever mentioned by Mr. Heater.

Soon after we purchased our home, we started trimming and maintaining all its vegetation at our own expense as we continue to do throughout the 14 years we've lived at the property and without any neighbor's assistance.

Is all this intended to "restoring" a yet to be proven view, or is it more about CREATING a view to a new home?

Thank you.

Respectfully,

Beatriz E. Tamayo, M.D.

Julio C. Sierra

cc: Michael Jenkins, ESq., City Attorney ,at michael.jenkins@bbklaw.com (via email only)
Brian W. Byun, Esq,. Deputy City Attorney, at Brian.byun@bbklaw.com (via email only)
Beatriz Dieringer, City Mayor, at bdieringer@cityofrh.net (via email only)
James Black, M.D., Mayor Pro tem, at jblack@cityofrh.net (via email only)
Elaine Jeng, City Manager, at ejeng@cityofrh.net (via email only)
Meredith Elguira, Planning and Community Services Director, at melguira@cityofrh.net (via email only)



ttps://drive.google.com/drive/folders/1sCJMalzv8TFviA1t7-2muU-A7mbHIaCU

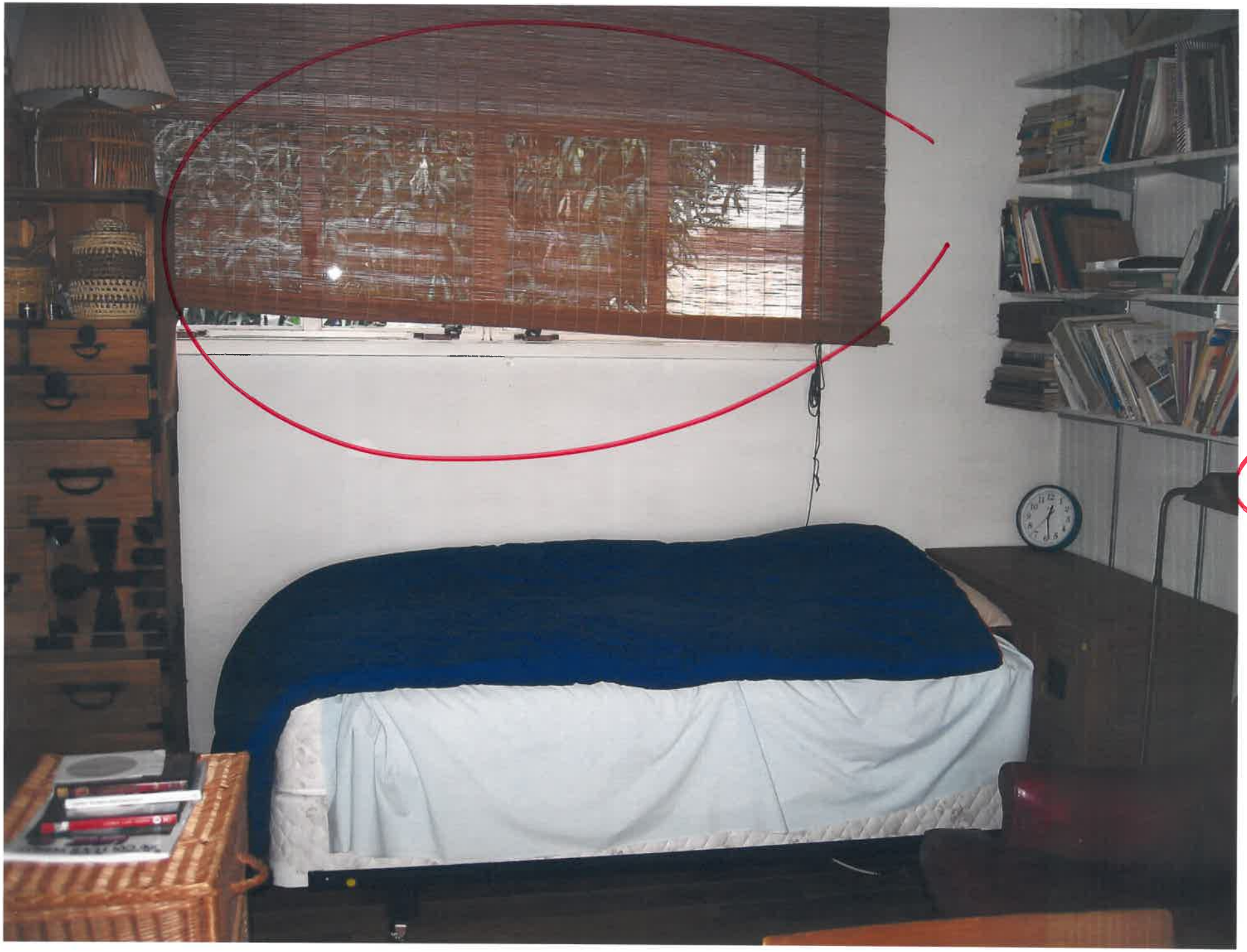


ttps://drive.google.com/drive/folders/1sCJMalzv8TFviA1t7-2muU-A7mbHIaCU

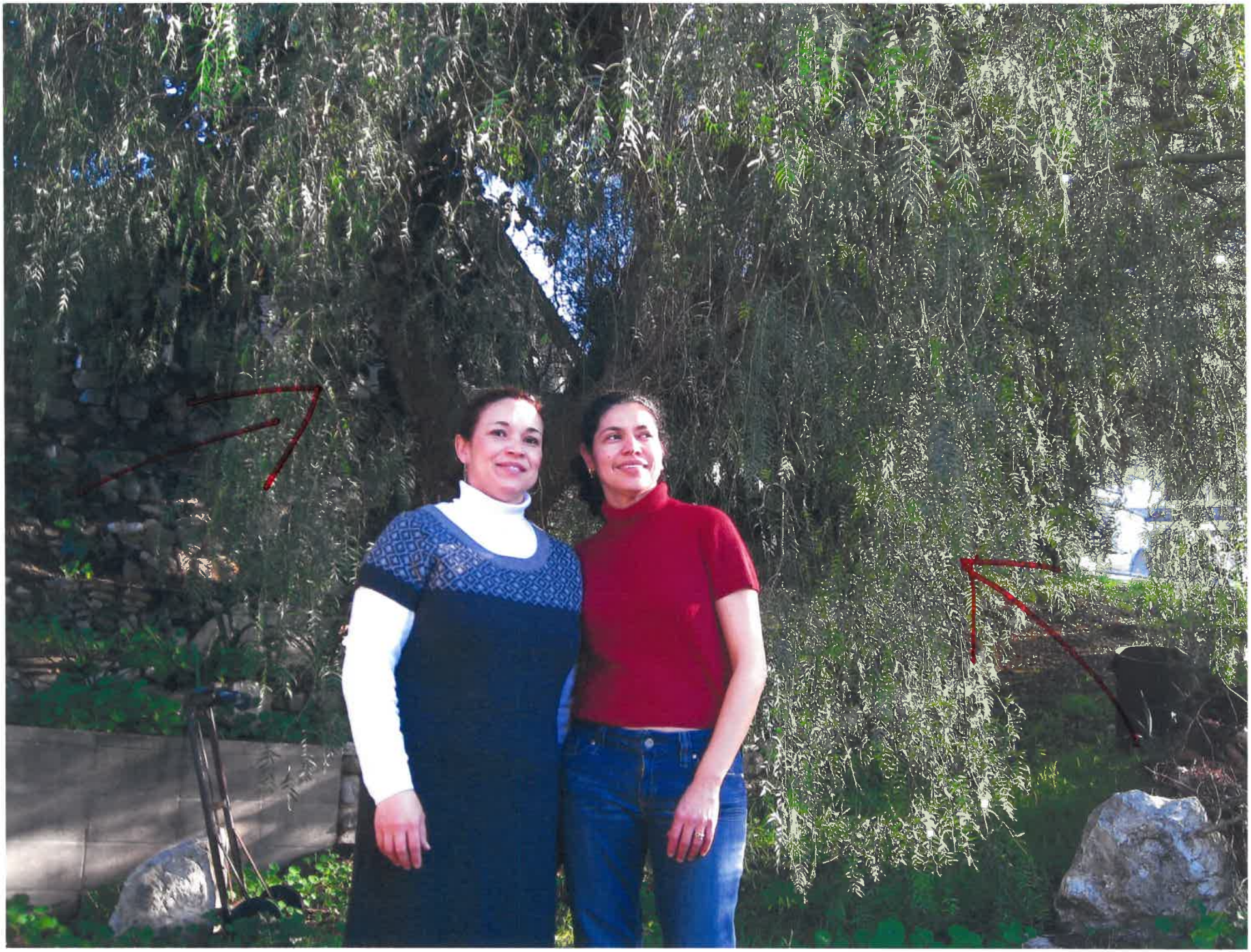


3

ttps://drive.google.com/drive/folders/1sCJMalzv8TFviA1t7-2muU-A7mbHIaCU


4





ttps://drive.google.com/drive/folders/1sCJMalzv8TFviA1t7-2muU-A7mbHIaCU



7


8



9

https://drive.google.com/drive/folders/1sCJMalzv8TFviA1t7-2muU-A7mbHIaCU




11



12


13



14



https://drive.google.com/drive/folders/1sCJMalzv8TFviA1t7-2muU-A7mbHIaCU


16



17


18

From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Elaine Jeng; Michael Jenkins; Brian Byun; Jim Black; Bea Dieringer
Subject:	Re: Committee on Trees and Views Meeting (CTV)
Date:	Saturday, August 14, 2021 10:08:56 AM
Attachments:	NOTICE OF A PUBLIC HEARING 8-17.PDF EMAILS AUGUST 2.PDF JUNE 23,21 MEMORANDUM.PDF EMAILS JULY 20.PDF

Dear Ms. Elguira,

The information in your email is in conflict with previous information provided to us by the City staff and recent discussions we had with you via email:

1- You now say that the August 17 meeting is not a public hearing but the paper we received by mail clearly states NOTICE OF A PUBLIC HEARING (see copy of paper attached).

2- You also say that the purpose of the meeting is to provide an update to the CTV members and to discuss further mediation efforts, however, we had already provided you with an update which you were expected to communicate to the CTV members (see attached August 2 emails). Besides, The City Attorney's office in its June 23 Memorandum clearly set August 4, 2021 as the deadline for mediation and none of the parties requested any additional time for mediation (see attached Memorandum).

3- You say that we won't be able to litigate our dispute with the CTV member on August 17.

4- In accordance with the RHMC chapter 17.26.040.C, the next step after mediation failure is the Public Hearing before the Committee on Threes and views.

5- Besides, we had previously requested no meeting to be held on August 17-18 due to a medical procedure scheduled for Julio months in advance, our request was evidently ignored (see attached July 20 emails)

In summary, the purpose of the August 17 meeting remains unclear and unjustified.

Please clarify.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D./ Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Thursday, August 12, 2021, 06:50:52 PM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Good Evening Dr. Tamayo and Mr. Juge,

I have been advised by our legal counsel to provide both parties with the information below and to inform you that the meeting on Tuesday, August 17, 2021 at 4 PM via Zoom is not a public hearing.

It will only be an update item before the CTV to let them know the status of mediation efforts; and there will be no site visit / field trip prior to the meeting. The public can make public comment as they do for any other open meeting agendized item, and you can provide an update on your mediation efforts, but you should not anticipate that you will have an opportunity to litigate your dispute on August 17 or that the CTV will take action and render a decision in any way.

The expectation is for both parties to mediate before the matter comes back to the CTV, and that time should be devoted to working on selecting a mediator and scheduling a mediation.

Please let me know if you have any questions.

Best,

Meredith T. Elguira

Director

PLANNING AND COMMUNITY SERVICES

2 Portuguese Bend Road, Rolling Hills CA 90274

O: 310.377.1521 | F: 310.377.7288

E: Melguira@CityofRH.net

This is a transmission from the City of Rolling Hills. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

WARNING: Computer viruses can be transmitted by e-mail. The recipient should check this e-mail and any attachments for the presence of viruses. The CITY OF ROLLING HILLS accepts no liability for any damage caused by any virus transmitted by this e-mail.

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Memorandum

To: Mr. Joe Juge
Dr. Beatriz Tamayo
Mr. Julio Serra
From: Rolling Hills City Attorney's Office
Date: June 23, 2021
Re: Juge v. Tamayo

The purpose of this memorandum is to provide you with the guidance and direction of the Committee on Views and Trees ("CTV") regarding the above-referenced dispute (the "Dispute"), which was articulated at the public hearing held on June 1, 2021 (the "Hearing").

I. BACKGROUND

On or about October 25, 2020, Joe Juge at 61 Eastfield Drive ("Juge") filed a "Request for Review by Committee on Trees and Views," pursuant to Chapter 17.26 of the Rolling Hills Municipal Code ("RHMC"), complaining of view impairment by his neighbors at 59 Eastfield Drive, Dr. Beatriz Tamayo and Mr. Julio Sierra (together, "Tamayo"), and seeking a hearing before the CTV to resolve their Dispute (the "View Impairment Complaint").

According to the View Impairment Complaint, the following is the relevant sequence of events leading up to the filing of the View Impairment Complaint:

- December 2016 – May 2020: Juge and Tamayo exchange multiple correspondences in an attempt to informally resolve the Dispute.
- May 26, 2020: Juge requests mediation.
- July 25, 2020: Tamayo agrees to mediation.
- August 13, 2020: Juge suggests two potential mediators.
- October 9, 2020: Tamayo asks how the mediator will be paid.
- October 25, 2020: Juge files the View Impairment Complaint with the City.

II. CTV GUIDANCE & DIRECTION

At the Hearing, the CTV acknowledged receipt of the View Impairment Complaint and the procedural deficiency in the parties' failure to mediate prior to coming before the CTV. *See* Rolling Hills Municipal Code ("RHMC") § 17.26.040(B) and (C). Rather than dismiss the View

Impairment Complaint and return the $2,000 deposit submitted by Juge,[1] in the interests of administrative convenience, the CTV opted to play a more affirmative and constructive role that promotes and facilitates private resolution of the Dispute.

The CTV advised as follows:

1. Based on the sequence of events set forth in the View Impairment Complaint, and pursuant to RHMC section 17.26.040(C), the CTV does not have jurisdiction to hear the Dispute.

2. Rather than dismiss the View Impairment Complaint and refund Juge's $2,000 application fee, for purposes of administrative convenience, the CTV continued the Hearing to on or about **August 4, 2021** (*i.e.*, approximately sixty (60) days), depending on the parties' and the CTV's availability (the "Continued Hearing") to allow the parties time to mediate their Dispute.[2]

3. City staff will assist the parties, upon joint request, in selecting a mediator – either by suggesting potential mediators or selecting a mediator for them. The mediator's fee will be shared equally by the parties, unless the parties agree to a different split.

4. If either party believes the other party is acting in bad faith to delay, hinder or obstruct the mediation, the other party may notify the CTV in writing, and the CTV will decide the appropriate remedy at the Continued Hearing.

5. If the parties require more time to mediate or otherwise privately resolve the Dispute, they may, by no later than five (5) days before the Continued Hearing, jointly request in writing a postponement of the Continued Hearing to a mutually agreeable date not to exceed sixty (60) days from August 4, 2021.

6. If the parties resolve the Dispute at any time prior to 24 hours before the time of the Continued Hearing, they shall so jointly notify the City in writing, and the Continued Hearing shall be taken off-calendar. If they reach agreement within 24 hours of the Continued Hearing, the Continued Hearing shall move forward, and the parties shall orally present their agreement to the CTV.

7. If, after the first day of mediation and before the 60 days has expired, the parties have not come to any agreement, and one or both of the parties believe that further mediation will be fruitless, one or both parties may submit a request in writing to the CTV and must, under penalty of perjury, state that they attempted mediation in good

[1] A copy of Juge's check is on p. 2 of 51 of the View Impairment Complaint.
[2] Continuance of the Hearing was also necessary in order to avoid compromising Tamayo's procedural due process rights.

faith but that efforts have been and will be fruitless. The Continued Hearing date will not change.

8. If only one party requests hearing, but the other wishes to continue mediation, the party requesting hearing shall so notify the other party. The Continued Hearing will move forward on the pre-assigned date; however, the non-requesting party may present evidence at the hearing to rebut the requesting party's assertion that mediation was attempted in good faith, and such evidence may go towards determining whether a pre-existing view exists and whether it has been obstructed. *See* RHMC sec. 17.26.050(A) (evaluation factors are non-exclusive).

In the event that mediation has failed, the parties will appear at the Continued Hearing. The purpose of the Continued Hearing will be to explain the procedure of the Hearing[3] and to allow the parties to make oral argument in support of their respective positions. The CTV may ask questions of each of the parties during the Hearing. If necessary, the CTV may further continue the Hearing to allow one or both of the parties to submit supplemental information and argument. If the Hearing concludes and the CTV needs no further information from the parties, the CTV will adjourn the Hearing, deliberate in closed session, and issue an advisory opinion and resolution within two (2) weeks of the Hearing, pursuant to RHMC § 17.26.040(C)(4)(d) and (e).

MICHAEL JENKINS, City Attorney
BRIAN BYUN, Deputy City Attorney

[3] Detailed procedures will be prepared by the City Attorney's Office and City staff and presented to the CTV and the parties in due course.

Re: Committee on Trees and Views (CTV) Hearing Procedures

From: Beatriz Tamayo (b.tamayomd@yahoo.com)

To: melguira@cityofrh.net

Cc: ejeng@cityofrh.net; michael.jenkins@bbklaw.com

Date: Tuesday, July 20, 2021, 06:10 PM PDT

Ms. Elguira,

Thank you for the Memorandum written by the City Attorney's office on July 16, 2021 regarding The CTV Hearing Procedures.

We received only 3 pages, please let us know if we missed any page(s).

We want to ask you if the hearing was already scheduled for August 9.

In accordance with the chapter 17.26.040 of the RHMC, section 4. a. Notice required. "The City shall provide notice of the hearing a minimum of fifteen days prior to the hearing. The hearing shall not proceed unless proof is shown that the vegetation owner received notice of the hearing as provided herein:

i. Notice shall be given by certified mail, return receipt requested, to the owner of the vegetation and to the complainant"

Because it's summer time, we had activities scheduled months in advance and, we'd kindly ask you to please take them into consideration when choosing the Hearing's date. Activities such as pre-paid reservations for short vacation trips and also for a medical procedure:

August 5-10 trip to Westwood, CA

August 17-18 Medical procedure (Julio)

September 5-9 Trip to Las Vegas. NV.

September 12-14, Trip to San Francisco.

I also need to reschedule my patients shall you choose an office day and Julio needs to request time/day off at his work in order for us to be able to attend the meeting.

We're attaching our lodging confirmations.

We thank you in advance for the consideration you give to our request.

Sincerely,

Beatriz E. Tamayo, M.D./ Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Monday, July 19, 2021, 05:55:13 PM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Good Afternoon Dr. Tamayo,

The City's City Attorney's Office put together the hearing procedures for CTV, per the requirements of the City's Municipal Code. This will be the procedures we will comply with when conducting CTV hearings. Please let me know if you have any questions.

Best regards,
Meredith T. Elguira



scheduled summer activities.pdf
366.8kB

RE: View Case

From: Meredith Elguira (melguira@cityofrh.net)

To: b.tamayomd@yahoo.com

Cc: joe@jugecompany.com

Date: Monday, August 2, 2021, 05:05 PM PDT

Dr Tamayo,

This is to confirm receipt of your email. Thank you.

Meredith T. Elguira

From: Beatriz Tamayo <b.tamayomd@yahoo.com>
Sent: Monday, August 2, 2021 4:41 PM
To: Meredith Elguira <melguira@cityofrh.net>
Subject: Re: View Case

Ms. Elguira,

We're still waiting for Ms. Bonapart from Mill Valley, CA, to reply to to our message left at her office mailbox As per Mr Hildreth from Sonora, CA, he did reply already but he said that he wouldn't be available for the next few days due to a personal trip.

Thank you.

B Tamayo, M.D / Julio C Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Monday, August 2, 2021, 08:55:39 AM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Good Morning,

I hope you both had a good weekend.

The sixty days of mediation period has ended, please provide an update. If no progress was made, we will schedule this case to be heard by the Committee on Trees and Views. The tentative meeting date is August 16, 2021. Please advise on the status.

Thank you,

Meredith T. Elguira

From: Meredith Elguira
Sent: Friday, July 30, 2021 6:05 PM
To: Joseph Juge <joe@jugecompany.com>; Beatriz Tamayo <b.tamayomd@yahoo.com>
Subject: View Case

Hello Dr. Tamayo and Mr. Juge, I wanted to get an update on whether or not the mediation is taking place. Is there anything staff can do to help facilitate the process? Please advise.

Best regards,

Meredith T. Elguira

2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NOTICE OF A PUBLLIC HEARING OF THE CITY OF ROLLING HILLS COMMITTEE ON TREES AND VIEWS

NOTICE IS HEREBY GIVEN that the Committee on Trees and Views of the City of Rolling Hills will conduct a meeting to discuss and deliberate a view case to be held on **Tuesday, August 17, 2021 at 4:00 PM via Zoom teleconference at:**

https://us02web.zoom.us/j/82138611984?pwd=VytYejR3SWd5SklEMnAwNnFrMExBQT09
Meeting ID: 821 3861 1984 **Passcode: 826470** **By phone: (669) 900-9128**

LOCATION OF TREES: **59 EASTFIELD DRIVE**
PROPERTY OWNER: **DR. TAMAYO AND MR. SIERRA**

COMPLAINANT: **MR. JOE JUGE**
61 EASTFIELD DRIVE

The complainant alleges view obstruction of his north-facing views from his primary living areas by trees/vegetation located at 59 Eastfield Drive. Complainant proposes for owners of 59 Eastfield Drive to trim: Toyon Ash, Calif. Pepper Tree, O. Pomegranate, Loquat, Oleander, Schefflera, Avocado and 2 unknown trees.

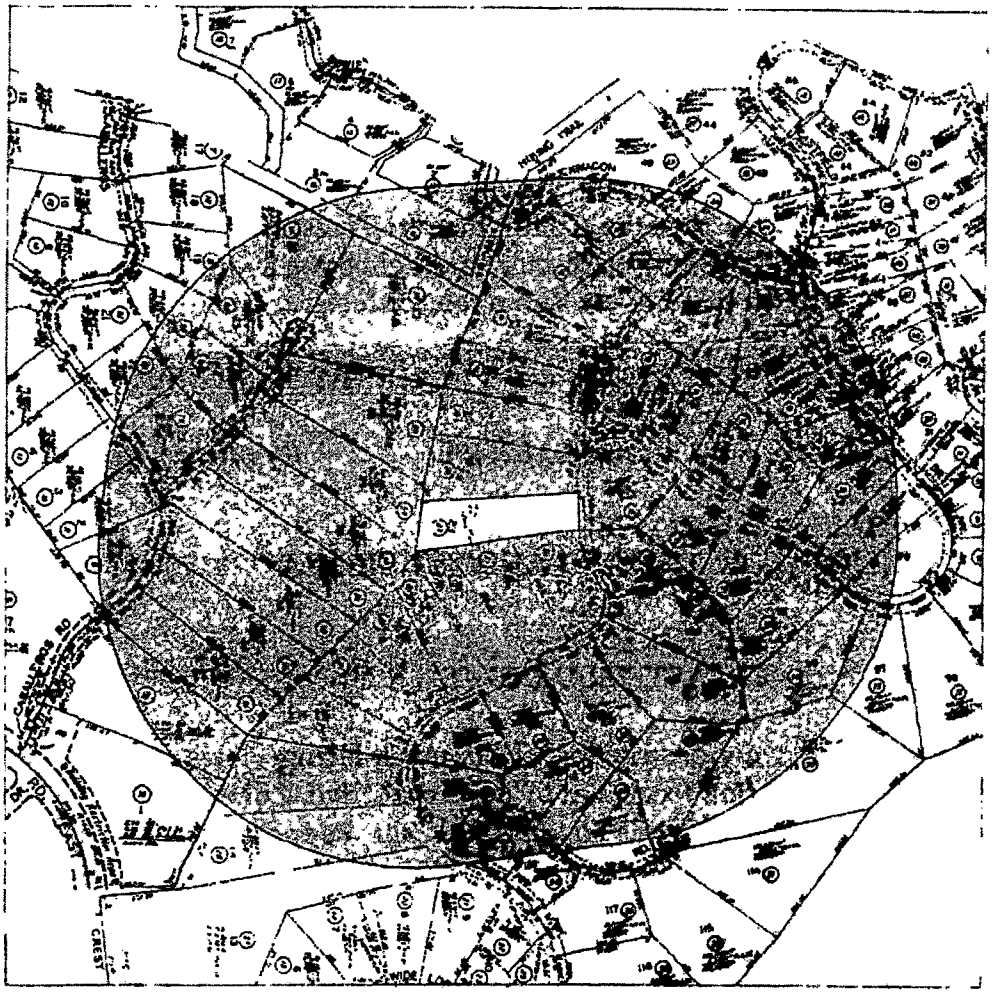
Any person is welcome to attend the hearings and review the complaint prior to the hearings. Pertinent material is available at City Hall, 2 Portuguese Bend Road, Rolling Hills, between the hours of 7:30 a.m. to 5:00 p.m. Monday through Friday. You are invited to provide written comments with regard to this complaint at, or prior to the hearings or provide input at the hearings.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Committee on Trees and Views at, or prior to, the meetings.

Published August 7, 2021.

Scale 1 inch = 335 Feet
0 335 670

N



City of Rolling Hills 2 PORTUGUESE BEND ROAD ROLLING HILLS, CA 90274

TITLE	VICINITY MAP	COMMITTEE ON TREES AND VIEWS
COMPLAINANT	MR. JOE JUGE 61 EASTFIELD DRIVE	
LOCATION OF TREES	59 EASTFIELD DRIVE	
PROPERTY OWNER	DR. TAMAYO AND MR. SIERRA	

From: Beatriz Tamayo
To: Joseph Juge
Cc: Meredith Elguira
Subject: Re: Trees/view
Date: Thursday, August 26, 2021 8:14:01 PM

Mr. Juge,

My husband needs to travel outside the country ASAP for an estimated time of 1-3 months due to an unanticipated personal matter, it's likely that I join him on part of his trip. Since we also need to attend the October 5th Hearing before the CTV, we'll wait until the Hearing takes place before traveling abroad. We'd be very affected by any postponement or delay of that date.

Once a mediation process is started, it's uncertain how long it may last for, particularly, if any specialist is consulted (e.g. arborist, etc.)

Due to all these reasons, we do not want to initiate any mediation at this time.

Thank you.

Beatriz E. Tamayo, M.D./Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Monday, August 23, 2021, 04:37:28 PM PDT, Joseph Juge <joe@jugecompany.com> wrote:

Dr. Tamayo,

I am forwarding to you the information I gathered on the three mediators identified by Brian Byun, from the
city attorneys office.

Please review and provide me with your thoughts on the mediators and how you might like to proceed with this process.

Thank you,
Joe

I have contacted Coleen Berg, Gayle Eskridge and Susan Feder.

Coleen Berg:
She is available for mediation with about a weeks notice. Her fee is $175/hr.

Gayle Eskridge:

No information on her available yet. Her fee is $500/hr.

Susan Feder:
May be available after October for in person mediation. Her fee is $4,900/day.
She may consider actually viewing the condition outside and conducting the mediation outside.

Thank you,
Joe

Sent from my iPhone

From: Beatriz Tamayo
To: Joseph Juge
Cc: Brian Byun; Meredith Elguira
Subject: Mediation.
Date: Wednesday, September 1, 2021 5:05:08 PM

Mr. Juge,

In accordance with the Rolling Hills Municipal Code, mediation is a voluntary process. We have decided to withdraw our intention to mediate.

Thank you.

Beatriz E. Tamayo, M.D.

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

From:	Beatriz Tamayo
To:	Meredith Elguira
Cc:	Elaine Jeng; Michael Jenkins
Subject:	Public Hearing August 17, 2021 4:00 PM
Date:	Thursday, August 12, 2021 11:35:11 AM

Good Morning Ms. Elguira,

We'd like to know if prior to the scheduled Hearing there will be a site visit/ field trip, or if the Hearing will start with a site visit.

Please advise.

Thank you.

Best,

Beatriz E. Tamayo, M.D.
Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

From: Beatriz Tamayo
To: Meredith Elguira
Subject: Re: 61 Eastfied Dr
Date: Tuesday, July 13, 2021 2:57:49 PM

Thank you Ms. Elguira

B.Tamayo,M.D.
J.Sierra

Sent from Yahoo Mail for iPhone

On Tuesday, July 13, 2021, 2:35 PM, Meredith Elguira <melguira@cityofrh.net> wrote:

> Dr. Tamayo,
>
> Per your request, below are two mediators to choose from. Please note that this will be forwarded to Mr. Juge as well.
>
> Barri Kaplan Bonapart
>
> http://www.treelaw.com/about/bio.html
>
> Jim Hildreth
>
> http://www.realestatemediation.org/
>
> He wrote this article: https://www.mediate.com/articles/HildrethJ6.cfm
>
> Please conduct your own due diligence on these proposed mediators, contact them directly (perhaps via a conference call), and retain them directly. The City offers these two as suggested mediators but does not specifically endorse either. If neither are selected, let us know, and we can suggest more. If you do end up retaining one, please let us know.
>
> Best regards,
>
> Meredith T. Elguira

From: Beatriz Tamayo <b.tamayomd@yahoo.com>
Sent: Tuesday, July 13, 2021 1:22 PM
To: Meredith Elguira <melguira@cityofrh.net>
Cc: Elaine Jeng <ejeng@cityofrh.net>
Subject: 61 Eastfied Dr

Dear Ms. Elguira,

Attached please find our letter to Mr. Juge in response to sharing mediation costs.

We're also asking the City to please select a mediator for us.

Thank you.

Sincerely,

Beatriz E. Tamayo, M.D.

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

From: Beatriz Tamayo
To: Meredith Elguira
Subject: Re: Case View - Mediation Phase
Date: Thursday, August 19, 2021 8:20:39 AM

Good morning Ms. Elguira,

At this point, we wouldn't like any additional mediator.

Thank you.

Best,

Beatriz E. Tamayo, M.D. / Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Wednesday, August 18, 2021, 10:37:35 AM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Hello Dr. Tamayo and Mr. Juge,

I'm reaching to check if you would like additional mediators to contact. Please let me know how the City can help expedite the process and facilitate mediation.

Best,

Meredith T. Elguira

From: Beatriz Tamayo
To: Meredith Elguira
Subject: Re: Case View - Mediation Phase
Date: Thursday, August 19, 2021 11:41:28 AM

Thank you Ms.Elguira

B.Tamayo, M.D.
J. Sierra

Sent from Yahoo Mail for iPhone

On Thursday, August 19, 2021, 8:26 AM, Meredith Elguira <melguira@cityofrh.net> wrote:

> Thank you for your response, Dr. Tamayo. City staff is available for additional information.
>
> Meredith T. Elguira
>
> ---
>
> **From:** Beatriz Tamayo <b.tamayomd@yahoo.com>
> **Sent:** Thursday, August 19, 2021 8:21 AM
> **To:** Meredith Elguira <melguira@cityofrh.net>
> **Subject:** Re: Case View - Mediation Phase
>
> Good morning Ms. Elguira,
>
> At this point, we wouldn't like any additional mediator.
>
> Thank you.
>
> Best,
>
> Beatriz E. Tamayo, M.D. / Julio C. Sierra
>
> Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It

contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Wednesday, August 18, 2021, 10:37:35 AM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Hello Dr. Tamayo and Mr. Juge,

I'm reaching to check if you would like additional mediators to contact. Please let me know how the City can help expedite the process and facilitate mediation.

Best,
Meredith T. Elguira

From: Beatriz Tamayo
To: Meredith Elguira
Subject: Re: Committee on Trees and Views
Date: Monday, June 21, 2021 7:29:36 PM

Thank you Meredith

Btmd

Sent from Yahoo Mail for iPhone

On Monday, June 21, 2021, 7:12 PM, Meredith Elguira <melguira@cityofrh.net> wrote:

> Hello Dr. Tamayo,
>
> Per your request:
>
> Jana Cooley jcooley@cityofrh.net
>
> Sean Cardenas scardenas@cityofrh.net
>
> Gregg Kirkpatrick gkirkpatrick@cityofrh.net
>
> Best,
>
> Meredith T. Elguira

From: Beatriz Tamayo <b.tamayomd@yahoo.com>
Sent: Monday, June 21, 2021 1:49 PM
To: Meredith Elguira <melguira@cityofrh.net>
Subject: Committee on Trees and Views

Good afternoon Meredith,

Could you please provide me with the names and email addresses of all current/active CTV members.

Thank you so much.

Sincerely,

Beatriz E. Tamayo, M.D.

Sent from Yahoo Mail for iPhone

From: Beatriz Tamayo
To: Meredith Elguira
Subject: Re: Trees/view
Date: Wednesday, September 15, 2021 2:52:42 PM

Dear Ms. Elguira,

October 5 is fine with us.

Thank you.

Best,

Beatriz E. Tamayo, M.D./ Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Tuesday, September 14, 2021, 06:38:56 PM PDT, Meredith Elguira <melguira@cityofrh.net> wrote:

Dr. Tamayo, I'm just following up on the email below. Please advise on your availability if you would like to have the meeting at an earlier date to accommodate your travel plans. If not, we will keep the Oct. 5, 2021 schedule. Thank you.

Meredith T. Elguira

From: Meredith Elguira
Sent: Monday, September 13, 2021 12:26 PM
To: Beatriz Tamayo <b.tamayomd@yahoo.com>
Subject: RE: Trees/view

Hello Dr. Tamayo,

Based on your email below and your subsequent email sent on Sept. 1, 2021, we would like to go ahead and schedule the hearing prior to your travel abroad. We would like to

schedule it as soon as possible to prevent you from waiting for the hearing in order to travel abroad. Please advise on time and dates you will be available and I will forward to Mr. Juge. Thank you.

Meredith T. Elguira

From: Beatriz Tamayo <b.tamayomd@yahoo.com>
Sent: Thursday, August 26, 2021 8:12 PM
To: Joseph Juge <joe@jugecompany.com>
Cc: Meredith Elguira <melguira@cityofrh.net>
Subject: Re: Trees/view

Mr. Juge,

My husband needs to travel outside the country ASAP for an estimated time of 1-3 months due to an unanticipated personal matter, it's likely that I join him on part of his trip. Since we also need to attend the October 5th Hearing before the CTV, we'll wait until the Hearing takes place before traveling abroad. We'd be very affected by any postponement or delay of that date.

Once a mediation process is started, it's uncertain how long it may last for, particularly, if any specialist is consulted (e.g. arborist, etc.)

Due to all these reasons, we do not want to initiate any mediation at this time.

Thank you.

Beatriz E. Tamayo, M.D./Julio C. Sierra

Confidentiality Notice: This e-mail is intended only for the person(s) identified above. It contains information which may be privileged, confidential and/or exempt from disclosure under law. If you are not the intended recipient of the e-mail, you are hereby notified that you should not review the contents of the e-mail, and that any review, dissemination, distribution or copying of this communication is strictly

prohibited. If you received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments. Thank you.

On Monday, August 23, 2021, 04:37:28 PM PDT, Joseph Juge <joe@jugecompany.com> wrote:

Dr. Tamayo,

I am forwarding to you the information I gathered on the three mediators identified by Brian Byun, from the
city attorneys office.

Please review and provide me with your thoughts on the mediators and how you might like to proceed with this process.

Thank you,
Joe

I have contacted Coleen Berg, Gayle Eskridge and Susan Feder.

Coleen Berg:
She is available for mediation with about a weeks notice. Her fee is $175/hr.

Gayle Eskridge:
No information on her available yet. Her fee is $500/hr.

Susan Feder:
May be available after October for in person mediation. Her fee is $4,900/day.
She may consider actually viewing the condition outside and conducting the mediation outside.

Thank you,
Joe

Sent from my iPhone

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Memorandum

To: Mr. Joe Juge
Dr. Beatriz Tamayo
Mr. Julio Serra
From: Rolling Hills City Attorney's Office
Date: June 23, 2021
Re: Juge v. Tamayo

The purpose of this memorandum is to provide you with the guidance and direction of the Committee on Views and Trees ("CTV") regarding the above-referenced dispute (the "Dispute"), which was articulated at the public hearing held on June 1, 2021 (the "Hearing").

I. BACKGROUND

On or about October 25, 2020, Joe Juge at 61 Eastfield Drive ("Juge") filed a "Request for Review by Committee on Trees and Views," pursuant to Chapter 17.26 of the Rolling Hills Municipal Code ("RHMC"), complaining of view impairment by his neighbors at 59 Eastfield Drive, Dr. Beatriz Tamayo and Mr. Julio Sierra (together, "Tamayo"), and seeking a hearing before the CTV to resolve their Dispute (the "View Impairment Complaint").

According to the View Impairment Complaint, the following is the relevant sequence of events leading up to the filing of the View Impairment Complaint:

- December 2016 – May 2020: Juge and Tamayo exchange multiple correspondences in an attempt to informally resolve the Dispute.
- May 26, 2020: Juge requests mediation.
- July 25, 2020: Tamayo agrees to mediation.
- August 13, 2020: Juge suggests two potential mediators.
- October 9, 2020: Tamayo asks how the mediator will be paid.
- October 25, 2020: Juge files the View Impairment Complaint with the City.

II. CTV GUIDANCE & DIRECTION

At the Hearing, the CTV acknowledged receipt of the View Impairment Complaint and the procedural deficiency in the parties' failure to mediate prior to coming before the CTV. *See* Rolling Hills Municipal Code ("RHMC") § 17.26.040(B) and (C). Rather than dismiss the View

Impairment Complaint and return the $2,000 deposit submitted by Juge,[1] in the interests of administrative convenience, the CTV opted to play a more affirmative and constructive role that promotes and facilitates private resolution of the Dispute.

The CTV advised as follows:

1. Based on the sequence of events set forth in the View Impairment Complaint, and pursuant to RHMC section 17.26.040(C), the CTV does not have jurisdiction to hear the Dispute.

2. Rather than dismiss the View Impairment Complaint and refund Juge's $2,000 application fee, for purposes of administrative convenience, the CTV continued the Hearing to on or about **August 9, 2021** (*i.e.*, approximately sixty (60) days), depending on the parties' and the CTV's availability (the "Continued Hearing") to allow the parties time to mediate their Dispute.[2]

3. City staff will assist the parties, upon joint request, in selecting a mediator – either by suggesting potential mediators or selecting a mediator for them. The mediator's fee will be shared equally by the parties, unless the parties agree to a different split.

4. If either party believes the other party is acting in bad faith to delay, hinder or obstruct the mediation, the other party may notify the CTV in writing, and the CTV will decide the appropriate remedy at the Continued Hearing.

5. If the parties require more time to mediate or otherwise privately resolve the Dispute, they may, by no later than five (5) days before the Continued Hearing, jointly request in writing a postponement of the Continued Hearing to a mutually agreeable date not to exceed sixty (60) days from August 9, 2021.

6. If the parties resolve the Dispute at any time prior to 24 hours before the time of the Continued Hearing, they shall so jointly notify the City in writing, and the Continued Hearing shall be taken off-calendar. If they reach agreement within 24 hours of the Continued Hearing, the Continued Hearing shall move forward, and the parties shall orally present their agreement to the CTV.

7. If, after the first day of mediation and before the 60 days has expired, the parties have not come to any agreement, and one or both of the parties believe that further mediation will be fruitless, one or both parties may submit a request in writing to the CTV and must, under penalty of perjury, state that they attempted mediation in good

[1] A copy of Juge's check is on p. 2 of 51 of the View Impairment Complaint.
[2] Continuance of the Hearing was also necessary in order to avoid compromising Tamayo's procedural due process rights.

faith but that efforts have been and will be fruitless. The Continued Hearing date will not change.

8. If only one party requests hearing, but the other wishes to continue mediation, the party requesting hearing shall so notify the other party. The Continued Hearing will move forward on the pre-assigned date; however, the non-requesting party may present evidence at the hearing to rebut the requesting party's assertion that mediation was attempted in good faith, and such evidence may go towards determining whether a pre-existing view exists and whether it has been obstructed. *See* RHMC sec. 17.26.050(A) (evaluation factors are non-exclusive).

In the event that mediation has failed, the parties will appear at the Continued Hearing. The purpose of the Continued Hearing will be to explain the procedure of the Hearing[3] and to allow the parties to make oral argument in support of their respective positions. The CTV may ask questions of each of the parties during the Hearing. If necessary, the CTV may further continue the Hearing to allow one or both of the parties to submit supplemental information and argument. If the Hearing concludes and the CTV needs no further information from the parties, the CTV will adjourn the Hearing, deliberate in closed session, and issue an advisory opinion and resolution within two (2) weeks of the Hearing, pursuant to RHMC § 17.26.040(C)(4)(d) and (e).

MICHAEL JENKINS, City Attorney
BRIAN BYUN, Deputy City Attorney

[3] Detailed procedures will be prepared by the City Attorney's Office and City staff and presented to the CTV and the parties in due course.

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Memorandum

To: Committee on Trees and Views for the City of Rolling Hills
From: Rolling Hills City Attorney's Office
Date: July 16, 2021
Re: Hearing Procedures for August 9, 2021 (RHMC section 17.26.040(C)(4)(c)

Matters which are required to be heard by the Committee on Trees and Views ("Committee") in a noticed hearing according to Rolling Hills Municipal Code Section 17.26.040(C) shall be conducted in the following manner:

1.1 Time for consideration. Matters noticed as hearings shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

1.2 Committee Authority. The Chair of the Committee shall have the authority to impose fair and equitable time constraints on any speaker at any time, to call for recesses at any time during the hearing, and to adjourn the hearing to a later date.

1.3 Committee Directed Amendments or Supplements. Pursuant to Rolling Hills Municipal Code Section 17.26.040(C)(4)(c), the Committee may direct the Complainant to amend the complaint or submit supplemental information if during the course of the proceedings it is discovered that information submitted in a complaint is inaccurate or incomplete such that it could be misleading, or a significant change has occurred impacting either the alleged pre-existing view or the obstruction.

1.4 Expert Advice. If the Committee determines expert advice is needed pursuant to Rolling Hills Municipal Code Section 17.26.040(C)(4)(c), the cost of obtaining expert advice shall be borne by the Complainant, pursuant to written agreement with the City of Rolling Hills. The City shall select such expert and enter into an agreement only upon receipt of a payment for the selected service from the Complainant. If the City determines that an arborist's testimony is required, said arborist shall either be a consulting or certified arborist.

1.5 Conduct of Hearings. When a matter for hearing comes before the Committee,

a. The Presiding Officer of the Committee shall call for a report from staff on noticing and on any written communications received by the City pertaining to the item being heard; and

b. Each Committee member shall report on any ex parte communications, as defined in Section 1.9.

c. Staff shall present the staff report and any other relevant evidence. Presentation of the staff report prior to the formal opening of the Public Hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.

d. The Presiding Officer shall then recognize the Complainant in the case, who shall be permitted 10 minutes to present evidence related to the matter under consideration.

e. The Presiding Officer shall then recognize the Respondents in the case, who shall be permitted 10 minutes to present evidence related to the matter under consideration.

f. The Presiding Officer shall then recognize members of the public. No person may speak without first being recognized by the Presiding Officer. Members of the City Council who wish to ask questions of the speakers or each other during the public hearing may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public testimony portion of the public hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. Comments from the public shall be limited to three (3) minutes per speaker for public hearings, unless the Committee affirmatively decides otherwise.

g. Following public comments, the Complainant may present a wrap-up or rebuttal statement, not to exceed five (5) minutes in length. Thereafter, the Respondents may present a wrap-up or rebuttal statement, not to exceed five (5) minutes in length.

h. Once both Complainant and Respondent have given their wrap-up or rebuttal arguments, the Presiding Officer shall then close the public testimony portion of the public hearing. Committee members may still, however, ask questions of staff or members of the public. Upon conclusion of Committee deliberations and immediately prior to a motion, the Presiding Officer shall formally close the public hearing. Upon formally closing the public hearing, no additional public testimony shall be solicited or received without reopening the hearing. The hearing may not be reopened unless it is determined that no one in the audience has left the room since closure of the hearing. In the event the Presiding Officer is unable to make that finding, the hearing may not be reopened unless it is re-noticed for a future meeting.

i. The City Council shall then take action and determine (1) whether a pre-existing view exists and, if so, whether such view has been impaired, based on the non-exclusive criteria set forth in Rolling Hills Municipal Code Section 17.26.050(a) or on any other factor not listed therein that the Committee deems appropriate; (2) appropriate restorative actions (as applicable), based on the non-exclusive criteria set forth in Rolling Hills Municipal Code Section 17.26.050(b) or on any other factor not listed therein that the Committee deems appropriate; and (3) the hierarchy of restorative actions (as applicable), pursuant to Rolling Hills Municipal Code

Section 17.26.060. The Committee may recommend conditions as are necessary to prevent future view impairments.

j. The Committee may make any of the following findings in its advisory resolution: (1) that no view exists within the meaning of this chapter; (2) that a view exists within the meaning of this chapter, but that the view is not significantly impaired; or (3) that a view exists within the meaning of this chapter and that it is significantly impaired. The Committee shall make specific written findings, as articulated orally at the Adjourned Hearing, in support of the foregoing determinations.

k. The Complainant may bear the cost of the initial restorative action, if any, unless the Parties agree to share the costs in some other manner. The City shall not be responsible for enforcement of the Committee's advisory resolution.

l. Within sixty (60) days of the date of the Committee's issuance of its advisory resolution, if either or both Parties disagree with the advisory resolution and wish to pursue a review hearing before the City Council, the disagreeing party must notify the City in writing that they wish to proceed with a review hearing before the City Council..

1.6 Written Evidence. All written evidence of any kind submitted by Complainant or Respondent shall be retained by the Committee, as part of the Committee's record.

1.7 Definition of "Ex Parte" Communication. "Ex parte communication" shall mean any oral or written communication between a member of the Committee and any person, which meets all of the following requirements: (i) it is directed toward the merits or outcome of a quasi-judicial matter within the Committee's jurisdiction; (ii) an application, recommendation or appeal on the matter has been submitted to the Committee; (iii) the communication imparts substantive factual information which informs the basis of or otherwise influences the Committee member's deliberation or decision on the matter; (iv) the information is not included in the staff report or other written materials contained in the agenda of the meeting at which the matter is to be heard or otherwise on the official record of the proceeding on the matter; and (v) the communication does not occur in a public meeting as defined in the Ralph M. Brown Act (California Government Code Section 54950, *et seq*.).

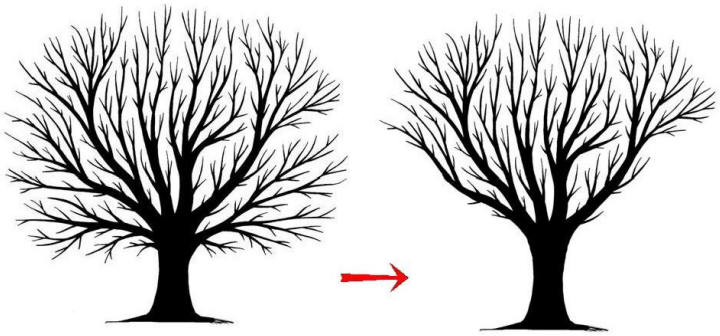
1.8 Committee Authority to Change Procedures. The Committee may alter or adjust these hearing procedures at any time to promote fairness, the interests of justice, and the due process rights of the Parties. However, procedures may not be altered or adjusted if they conflict with the provisions of Chapter 17.26 of the Rolling Hills Municipal Code. In the case of any conflict, the provisions of the Municipal Code shall control over the provisions herein.

17.26.020 Definitions.

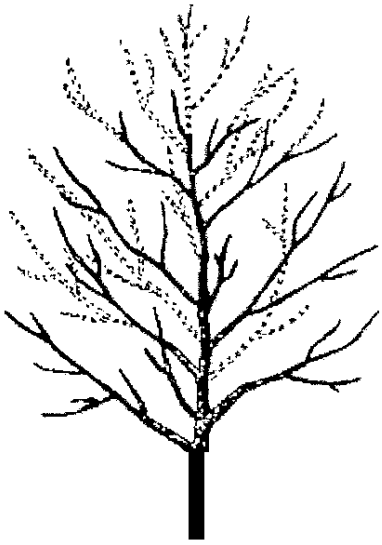
[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Crown" means the upper part of a tree, measured from the lowest branch, including all the branches and foliage.

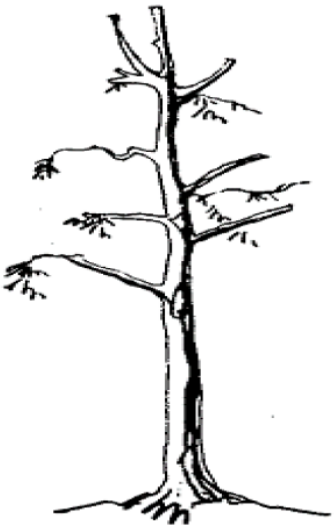
"Crown raising" means the selective removal of lower limbs from a tree crown to provide clearance.



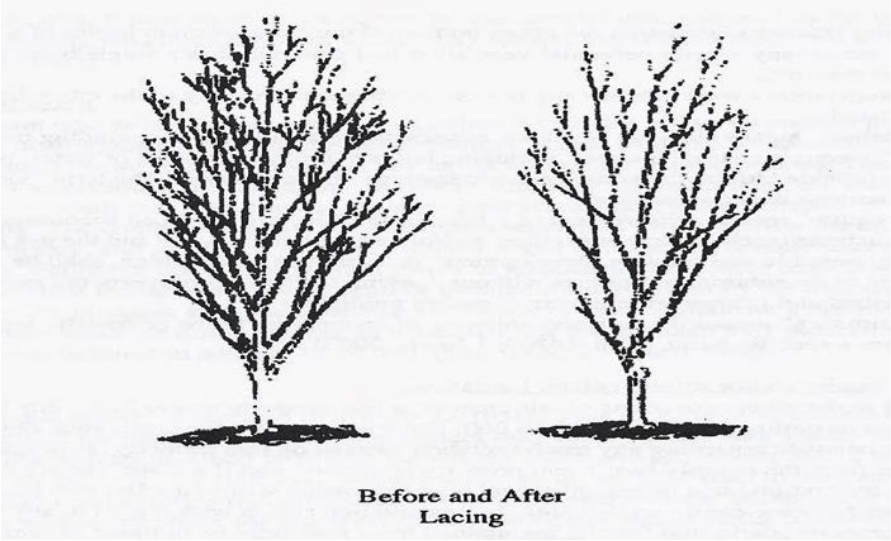
"Crown reduction" means the method of reducing the height and/or spread of a tree crown by making appropriate pruning cuts. This definition also includes reducing the top, sides or individual limbs of a tree by means of removal of the longest portion of limbs to a lateral limb large enough to assume the tree's growth.



"Heading back" means cutting a shoot back to a bud or cutting branches back to buds, stubs, or lateral branches not large enough to assume apical dominance.



"Lacing" means the selective removal of live branches to provide light or air penetration through the tree or to lighten the weight of the remaining branches.



"Maintenance" means pruning a tree with the primary objective of preserving or improving tree health and structure and enhancing aesthetics.

"Pruning" removing branches (or occasionally roots) from a tree or other plant using approved practices, to achieve a specified objective.

"Topping" means cutting back a tree to a predetermined crown by cutting back large diameter branches to stubs and/or truncating the main stem/trunk in order to limit or reduce tree size.

